

DOCKETED	
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Organization:	California Energy Commission
Submitter Role:	Energy Commission
Submission Date:	1/26/2026 10:40:37 PM
Docketed Date:	1/26/2026

POTENTIA-VIRIDI

24-OPT-04

ADMINISTRATIVE RECORD

3 OF 4

Pg. 1743 – 2330

Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion

Wednesday November 20, 2024

Participants: Applicant: Kelly Strain, Michelle Tovar, Laura Burris, Jared Elia, Joel Moore, Mark Gouveia, Scott Meyers, Cameron Johnson, Paul Miller, Ronelle Candia, Lauren McLeod, Dana Palmer. CDFW: Crystal Sinclair, Marcia Grefsrud, Brenda Blinn, Gabriele Quillman, Lena Germinario. CEC: Eric Knight, Ann Crisp, Julie Myrah (Energy Veterans), Chris Huntley (Aspen), Matt Pinkerton, Erika Giorgi, Crystal Cabrera, Anthony Cusato.

Subject: Special status species surveys and ITP Updates

Not Included in the ITP

Swainson's Hawk (SWHA):

- Period I (wintering) surveys will be completed in January following protocol. Applicant will provide survey results in response to data requests.
- Pre-construction surveys would be conducted during the two survey periods (e.g., Period II and Period III) prior to construction.
- Julie recommended expanding the survey buffer to a 1-mile radius and extending the breeding season survey window through September 30.
- CDFW recommends a comprehensive habitat assessment for the project site and surrounding areas, requiring:
 - Identification of survey locations with detailed figures.
 - Documentation of raptor stick nest absence.
 - Details on the timing and scope of completed surveys and proposed pre-construction surveys.

Golden Eagle (GOEA):

- Pre-construction survey requirements are similar to SWHA, with the following additions:
 - Surveys would be conducted within a 2-mile buffer.
 - Earlier-season surveys would be included. Golden eagle surveys can start as early as December per the survey protocols.
- To avoid the need for a take permit, adequate surveys and buffers would be implemented to avoid impacts.
- The applicant must provide:
 - explicit details and figures showing survey locations,
 - documentation of no raptor stick nests, and
 - detailed descriptions of the timing and scope of completed surveys and proposed pre-construction surveys.

Tricolored Blackbird (TRBL):

- Wintering-only surveys were completed. The nearest wetland is located over ½ mile from the project site.
- The applicant must clearly describe the pond and its potential for breeding. The applicant stated no nesting substrate was present and no nesting TRBL were observed onsite. This discussion will need to be expanded upon for clarity in the data request responses.

To Be Added to the ITP

Burrowing Owl (BUOW):

- Complete wintering surveys following protocol and submit results to the CEC. The CEC will share with CDFW as part of MOU coordination.
- Mitigation options will be discussed during the next meeting with applicant.

Crotch's Bumble Bee (CBB):

- Habitat assessments conducted to date are deemed adequate, and no further surveys are needed since the applicant will assume presence.
- The applicant will:
 - Document CBB during pre-construction surveys.
 - Monitor adequately during construction.
 - Ensure 3:1 in-kind mitigation, with the mitigation site having 3x the floral resources of the project site. This requires clearly defined acreage and composition details for the project site.
- CEC and CDFW will schedule an internal discussion regarding compensatory mitigation options prior to next meeting with applicant.

Early-Season Floral Surveys (DR BIO-75):

- Based on discussions, it appears early-season surveys conducted in April were likely adequate for identifying diamond-petaled California poppy. The reference site was inaccessible due to its location on Lawrence Livermore Laboratory property.
- The applicant will provide a rationale for survey timing based on a review of museum specimens and other relevant data. Note – this information should also be provided for caper-fruited tropidocarpum.

Next Steps:

- The applicant will provide survey results, additional details, and revised mitigation measures in response to CEC data requests (TN 259038).
- The ITP application must be revised to include western burrowing owl and remove golden eagle and tricolored blackbird, with revisions submitted as part of the data request response.

Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 12/2/2024 4:19:49 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Rocio Perez [rpe@eurowindenergy.com]; Palmer, Dana [dpalmer@allenmatkins.com]
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Good morning Kelly,

Hi Kelly -

The CEC and RWQCB would accept a draft compensatory mitigation plan at this time in response to WATER-7c. The review of the final compensatory mitigation plan would occur during Section 401 Certification after CEQA review by the CEC and upon certification by the Commission.

If the permittee is proposing to purchase credits from a mitigation bank or the in-lieu fee program, at a minimum, they will require the following information:

- A watershed profile for the project evaluation area for both the proposed dredged or fill project and the proposed compensatory mitigation project.
- An assessment of the overall condition of aquatic resources proposed to be impacted by the project and their likely stressors, using an assessment method approved by the permitting authority.
- A description of how the project impacts and compensatory mitigation would not cause a net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. If the compensatory mitigation is located in the same watershed as the project, no net loss will be determined on a watershed basis. If the compensatory mitigation and project impacts are located in multiple watersheds, no net loss will be determined considering all affected watersheds collectively. The level of detail in the plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to a project.

CEC and RWQCB will also need the name and contact information for the mitigation bank or in-lieu fee program you intend to use.

Hope this helps, let me know if you need any other clarifications.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Friday, November 15, 2024 2:04 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Ann

We appreciate the opportunity to clarify our question as it relates to WATER-7 part c. We understand that the RWQCB retains authority to issue CWA Section 401 Water Quality Certification for the project, and that their full certification review would come after the CEC's CEQA review and Notice of Determination. This puts permit review for CEC and the RWQCB on different timelines. WATER-7 identifies applicant information needed to issue Section 401 Certification (following CEC's Notice of Determination). Although the project intends to address WATER-7 in its response, we anticipate that because Section 401 Certification is not tied to CEC certification under the AB 205 process (as CESA take permitting is) the RWQCB will not require a detailed mitigation package for review prior to CEC's initiation of CEQA. To respond to WATER-7 part c, the project intends to provide information identifying the proposed compensatory mitigation for impacts to waters of the state of California but does not expect a detailed mitigation package will be required. Will you clarify with RWQCB that this response is adequate?

Thank you,

Kelena Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: November 15, 2024 10:15 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Could you please clarify if you have questions on WATER-7 part c? Or is your question related only CESA-listed species for which take coverage will be requested?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, November 15, 2024 9:58 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

We have been discussing this internally however before I provide a response we would like to check in with the MOU agencies. I hope to provide a response early next week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, November 12, 2024 9:57 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Good morning, Ann~

We have the following question for the CEC: The Project understands that the applicant is expected to provide a compensatory mitigation plan for both CESA-listed species for which take coverage will be requested and for impacts to RWQCB-jurisdictional waters. We have internally identified a preferred strategy, which we intend to share with you (and presumably with CDFW through CEC coordination) in the coming weeks, but would like to better understand CEC's and CDFW's expectations related to compensatory mitigation proposal content and coordination/approval at this stage. Will CEC please clarify the mitigation information you require for the application to be deemed complete? For reference, we anticipate that the following would potentially be required in the formal Draft Mitigation Package (at some point during the Opt-In permitting timeline): documentation of property eligibility, biological resources report including resource mapping, habitat management land title information, preliminary title report, KMZ file of assessor parcels, Phase I Environmental Site Assessment, and mineral risk assessment. We look forward to your response as we continue to address CEC's application requests.

We would greatly value a response to this question within the next day or two.

Sincerely,

Kelene Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: November 7, 2024 4:34 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly, I am still looking into responses to your list of data request you'd like to discuss but for now wondered if you could confirm this was one of your questions?

-For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC separately or will CEC distribute to the state and federal agencies?

This should be distributed to the federal agencies by the applicant and copy the CEC and Water Board. But ultimately this would also need to be included in your data request responses in the docket.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 1:26 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Also, I am looking into your 2 questions from the last PM meeting - please confirm these were your questions:

- For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC or will CEC distribute?
- For the species surveys - which surveys are needed prior to a determination of data completeness and which would be considered pre-construction surveys?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 12:41 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Julie Myrah, contract biologist, would like to schedule a site visit. Is there a Dudek biologist or other person that could escort her on the site?

I will check here at CEC and see if any other staff would like a site visit at this time.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 24, 2024 9:22 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

That option works well.

Best,

Kelena Strain
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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 24, 2024 6:48 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod

<LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Yes, that would be good. I will include Eric Knight as optional for these meetings also. Does a recurring meeting every other week work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 23, 2024 3:44 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Yes, let's plan on meeting next Tuesday at 10 am PDT. Who do you suggest attend the meeting other than myself? Perhaps we should include Ronelle.

Thank you,

Kelene Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 23, 2024 2:44 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, great.

Also, we have not picked a day/time for the biweekly PM meetings. Would starting next Tuesday at either 9:30, 10 or 1030 for 30 minutes work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 23, 2024 2:34 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Kelly Strain <KStrain@capstoneinfra.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good afternoon, Ann~

Our teams are meeting tomorrow to address biological issues and the CEC's related DRs. We will likely have the list of questions for you this week. We will keep you posted.

Thank you,

Kelene Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 23, 2024 1:29 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Do you have a list BIO DRs you would like to discuss. I would like to work on scheduling the meeting with CDFW for next week if schedules line up.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 9:54 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

For the meeting in re: FIRE (Worker Safety, Wildfire, Hazards) - here are some potential dates:

10/29 - 9 AM or 1130 AM or 2 PM

10/30 - 9 AM or 1 or 2 PM

Please let me know if any of these work.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 7:50 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Based on our meeting on 10/8, I have the following Action Items.

- BIO meeting with CDFW - possibly week of 21st (date TBD may be week of 28th)
- FIRE (Worker Safety, Wildfire, Hazards) - in process of coordination with staff for week of 28th.
- Transportation - meeting scheduled for 10/18
- TSD/PD - date TBD, soon? Sent an email response for TSD-6 on 10/14, please let me know if you still have questions.
- Visual - do you need a separate meeting or can this be a PD meeting?
- TSSN-1 (EMF) - sent an email response on 10/14, please let me know if you still have questions.

For each meeting, please provide the specific data requests at least 2 days prior to the meetings so we can be prepared to discuss. If you have the DRs for each topic now, please send.

If you have the contact info for USFWS that would be helpful to send so we can start our coordination and then set up a follow up meeting with that agency if needed.

Our next biweekly PM meeting would be on Oct 22 if that date works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 9:35 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,
We may have legal counsel join us for some of the meetings, but not all. I will let you know as we schedule the various meetings.

Thank you!
Kelly

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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, October 9, 2024 6:30:42 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will look into your question. Also, for the upcoming technical meetings do you plan to have your legal counsel in attendance? We will not include our legal staff unless you were planning for them to attend? If there are certain tech discussion that your legal will attend just let me know so I can schedule who needs to be there.

Thanks!
Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 5:57 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Can you provide clarification on DR TSD-6: This DR is related to downstream network upgrades? Can you clarify what the CEC's expectations are for identifying downstream network upgrades? We may need to move up the TSD topic meeting to address this DR.

Also, would you mind copying Scott, Ronelle, and Lauren going forward? I will be out of the office until next Wednesday and we don't want to miss any important emails from you while I am away.

Thank you,

Kelena Strain
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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 11:24 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

This would just be an informal meeting as PMs to discuss ongoing coordination as we go through the data completeness process.

We can address any topics we need to discuss related to our coordination and find out what specific technical meetings need to be scheduled. We can add technical staff into these recurring meetings as appropriate with prior notice. We find these beneficial to the applicant and staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 11:12 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for clarifying the meeting timing. I am currently trying to move a couple meetings around, and hoping to include Ronelle (CEQA PM, Dudek) in the meeting, if she can also move a meeting. Can you tell us what we would, or should address during this PM meeting?

Sincerely,

Kelena Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 8:11 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Just clarifying, I was suggesting meeting today at 1 PM and then again and then we could schedule the next PM meeting for 11/22? Would like to establish a regular time as meeting times fill up fast during the week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 7:46 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

I return from vacation next Tuesday evening at 8 pm, so that day will not work. Can we meet on Friday (10/18) if Wednesday and Thursday do not work for you?

Best,

Kelena Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct +1 (310) 899-5340
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 8, 2024 7:25 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will be out of the office on Wednesday, this week and next, as well as next Thursday. If Tuesday works we could meet today, at 1 PM? Would a biweekly meeting work for you? Then we could schedule the next PM meeting for 11/22?

Please let me know if that works for you.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, October 7, 2024 4:50 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for offering up these opportunities to meet. We can work with Tuesday and Thursday mornings, but I will be on vacation from this Wednesday afternoon until the following Tuesday evening. I prefer not to put the meeting off until my return though. Is there any chance we could meet this Wednesday and then then resume weekly Thursday meetings the following week? Conversely, I can request someone from the Capstone team to meet with you this Thursday in the morning hours.

Sincerely,

Kelene Strain
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Facsimile +1 (310) 375-1330
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 1:04 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Thanks for the great questions today at the meeting. For the PM specific meeting, what day of the week is best for you?

Tuesday and Thursday AM are generally best for me but please let me know some optional times?

Looking forward to further coordination as your team reviews the data requests.

Thanks,

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 3, 2024 8:21 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann~

Yes, a meeting with CDFW and CEC would be greatly valued, as would weekly PM meetings to discuss the process and updates.

Thank you!

Kelena Strain
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Direct +1 (310) 899-5310
Facsimile +1 (416) 619-1335
Email KStrain@capstoneinfra.com
Website www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 8:18 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, thanks. In looking over some of your questions, some may be best covered in a CDFW and CEC meeting. Are you ready for me to start looking at date for that?

Also, for other opt-in projects, we have weekly PM meetings just to discuss the process and updates and get an idea of what technical staff meetings we need to schedule. Is that something that would be helpful?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 3, 2024 8:13 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Yes, Dana Palmer will be attending. He is our legal counsel for the Potentia Viridi project.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct +1 (310) 499-5740
Facsimile +1 (310) 645-1337
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 7:22 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Thanks for providing these questions. I will pass on to staff. We did not include our legal staff but if you plan to include your legal staff please let me know prior to the meeting today?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 2, 2024 4:29 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Below is a list of some of the questions we will have for the CEC and RWQCB:

1. There is some confusion regarding the permit processing protocol re- RWQCB. We understand that the RWQCB will make the final permit decision regarding whether to issue a 401 certification, but the CEC needs to be the clearinghouse for all State permitting actions regardless. Is it OK to continue to work with BOTH agencies concurrently (i.e. Both agencies cc'd on all correspondence) ? We do not want to mess up the protocols on this (this is the first time for Cameron, and for or PM at the Water Board). BTW - Jenna Yang at the Water Board has been very responsive.
2. Regarding the request for provision of mitigation plans for the RWQCB; we are in the process of identifying appropriate mitigation for the RWQCB and are working with several mitigation providers. This mitigation package is ultimately expected to provide mitigation to several agencies including species mitigation for US Fish & Wildlife Service, and California Department of Fish & Game, as well as the RWQCB. Currently it appears as though there are several options for mitigation purchase that can meet the needs of all of these agencies concurrently. However, a mitigation proposal will need to be submitted to each agency separately with specific mitigation strategy identified by agency, and by statute. Our plan is to provide CEC with a DRAFT copies of mitigation plans for each State agency, and that CEC will forward each to the State agencies.
On the Federal side we expect that the USACE will not require any mitigation, but the Section 7 consultation with the USFWS will be conducted through the USACE as the lead federal agency (and USFWS will require mitigation). We expect that the Federal negotiation with USFWS will not be handled by your office, however there is significant overlap expected between the agencies, and we will keep you apprised of this process as well. Please let us know if there are any concerns with this approach.
3. We will bring you up to date on the processing of the USACE permit to date. We will also provide you with copies of USACE correspondence for you file, if you are interested in tracking these processes as well.

We may provide additional questions in the morning, or during the meeting.

Sincerely,

Kelena Strain
Environmental & Permitting Manager
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Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

.....
From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 1, 2024 11:22 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Just checking in on the question below so I can let RWQCB know? Also, do you if you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss on Thursday.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, September 30, 2024 7:30 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

For the call this week, do you have any questions related to the stormwater Construction General Permit requirements...Water Board staff would like to know so they can have the appropriate staff on the call.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, September 27, 2024 7:08 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Thank you, I just sent an invite. Please let me know if I need to include any others from the applicants team or you can also forward the meeting. We did not include our legal staff but if you plan to include your legal staff please let me know.

If you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Friday, September 27, 2024 12:36 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann

We are available to meet with you and RWQCB staff next Thursday, October 3, between 10:00 am and 1:00 pm PDT.

Sincerely,

Kelene Strain

Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 25, 2024 10:02 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene -

Here are some times that work for CEC staff and RWQCB staff for next week to talk about the 401 questions:

- Tues Oct 1 - 3 to 4 PM
- Weds Oct 2 - 3 to 4 PM
- Thursday Oct 3 - between 10 to 2 PM
- Monday Sept 30 - 1 to 2 PM (alternate time if the above do not work)

Please let us know and I will send out an invitation. Please let us know who will attend prior to the meeting and any specific questions you have so we can be prepared. Look forward to talking soon.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, September 24, 2024 2:37 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Yes, that is a good idea, lets have separate meetings. We would also like to discuss the topic of fire, which is throughout many sections, such as worker safety, wildfire, and Hazards. We will want a separate meeting to address this topic.

We are looking forward to meeting with you, Ann, and of course your team members - and CDFW, et al.

Sincerely,

Kelene Strain
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Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 24, 2024 1:08 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

I will invite the Bio staff to the 401 meeting, but I suggest a separate meeting to cover BIO questions and I will invite CDFW to that meeting.

It will make it easier to get a consensus on time if we keep the meetings separate.

Does that work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, September 24, 2024 11:07 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Our list of questions for the CEC is evolving as we work through our approach to our responses. For now, we have questions regarding Traffic, Biological Resources, and Transmission / EMFs. This list will likely grow as the day progresses though. Do you feel it best to combine our biological resources question with the 401 application discussion/meeting?

Sincerely,

Kelene Strain
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Facsimile +1 (415) 343-1301
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 23, 2024 2:41 PM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Sounds great, what technical areas would you like to discuss so far? I can then find out schedules for our technical staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, September 23, 2024 2:32 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Yes, that works perfectly well, Ann!

Thank you for the quick response.

Sincerely,

Kelene Strain
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 2:29 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

That is great to hear. Due to schedule this week, next week would be better for me, and I am off this Friday. I will send dates for early next week if that works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Monday, September 23, 2024 2:16 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello again, Ann

Yes, we would indeed like to meet with the CEC regarding our questions. We have been working through the CEC's RFI and compiling questions so we can best use your time wisely. Can you please provide us with a few days and times that work for you and the others at the CEC working on this project?

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 1:08 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc -

I am just checking in to see if you find that meetings would be helpful to discuss staff's data requests? We can arrange to have relevant MOU agencies at the meetings, as necessary.

Thanks!

Ann

From: Crisp, Ann@Energy
Sent: Monday, September 9, 2024 9:01 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Good morning Kelene,

We hope you have had a chance to start review of the data completeness review letter filed on Friday (September 6). Once your team has had an opportunity to review the data requests, it is a good idea to set up regular meetings (30 minutes) between us PMs - either weekly or biweekly. If your team has questions or needs clarification on any of our data requests, we can bring in technical staff to discuss. We have found this regular check in very helpful for both the applicant and CEC staff. Also, if we need to bring in other agency staff like the Regional Water Quality Control Board or California Dept. of Fish and Wildlife staff, we can arrange any additional meetings.

Please confirm the team members you would like in the regular emails and any PM meetings. I noticed Naomi Schowalter and Cameron Johnson were on the emails to the Water Board.

We look forward to working with you on the review of this project.

Thanks!

Ann

Ann Crisp
Senior Environmental Planner
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
1-916-352-0543

California Energy Commission
Website: www.energy.ca.gov



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 12/5/2024 3:55:20 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Ronelle Candia [rcandia@dudek.com]
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Good morning, Ann~

Yes, it was indeed a productive site visit. Those dates are correct, and I've copied Ronelle so she is aware we addressed the submittal date changes.

Best,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: December 5, 2024 7:05 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Just checking in, thank you again for a very productive site visit. I will check in with staff about any specific details they want included in the DRR package. I let Lisa know that it is targeted to be submitted on Jan 24, with batches possibly coming in earlier.

Lisa is out the next couple days so she can check in next week.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Wednesday, December 4, 2024 6:40 AM

To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Thanks very much, it has been great working with you and your team so far. As for a PM meeting, we go do Thursday at 9 or 11 or Friday at 11 or 2?

Please let me know a good time,

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, December 3, 2024 8:09 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Good morning, Ann~

First off, while I wish you the best on your new role, we will miss working with you on our Project. We do look forward to meeting Lisa Worrall though. As for the PM meeting, yes, let's schedule it for this week, either Thursday or Friday. Can you send me a few times that work for you?

See you tomorrow!

Kelene Strain
Environmental & Permitting Manager

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Facsimile +1 (415) 640-1355
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

POVI 0001753

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: December 2, 2024 11:48 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Thank you for this, I can send out to the team. I wanted to share that I will be transitioning to a new role at the CEC and will now be the Bio Unit Supervisor. I will still be involved in the Potentia- Viridi project just in a different way...I have included your new PM, Lisa Worrall. I will be assisting during the transition and will still be attending the site visit.

Do you have time for a PM meeting later this week so I can loop in Lisa? She can work out with you if the 10 AM bi-weekly meeting will work or if she needs to request a different time.

Also - do you have a cell number if we need to reach you during travel for the site visit? I can be reached on the number below.

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Monday, December 2, 2024 11:36 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Ann,

Attached is the site visit gate map. Please let me know if you have any questions.

Best,

Kelone Strain
Environmental & Permitting Manager

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POVI 0001755

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: December 2, 2024 8:20 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Good morning Kelly,

Hi Kelly -

The CEC and RWQCB would accept a draft compensatory mitigation plan at this time in response to WATER-7c. The review of the final compensatory mitigation plan would occur during Section 401 Certification after CEQA review by the CEC and upon certification by the Commission.

If the permittee is proposing to purchase credits from a mitigation bank or the in-lieu fee program, at a minimum, they will require the following information:

- A watershed profile for the project evaluation area for both the proposed dredged or fill project and the proposed compensatory mitigation project.
- An assessment of the overall condition of aquatic resources proposed to be impacted by the project and their likely stressors, using an assessment method approved by the permitting authority.
- A description of how the project impacts and compensatory mitigation would not cause a net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. If the compensatory mitigation is located in the same watershed as the project, no net loss will be determined on a watershed basis. If the compensatory mitigation and project impacts are located in multiple watersheds, no net loss will be determined considering all affected watersheds collectively. The level of detail in the plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to a project.

CEC and RWQCB will also need the name and contact information for the mitigation bank or in-lieu fee program you intend to use.

Hope this helps, let me know if you need any other clarifications.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Friday, November 15, 2024 2:04 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Hello, Ann

We appreciate the opportunity to clarify our question as it relates to WATER-7 part c. We understand that the RWQCB retains authority to issue CWA Section 401 Water Quality Certification for the project, and that their full certification review would come after the CEC's CEQA review and Notice of Determination. This puts permit review for CEC and the RWQCB on different timelines. WATER-7 identifies applicant information needed to issue Section 401 Certification (following CEC's Notice of Determination). Although the project intends to address WATER-7 in its response, we anticipate that because Section 401 Certification is not tied to CEC certification under the AB 205 process (as CESA take permitting is) the RWQCB will not require a detailed mitigation package for review prior to CEC's initiation of CEQA. To respond to WATER-7 part c, the project intends to provide information identifying the proposed compensatory mitigation for impacts to waters of the state of California but does not expect a detailed mitigation package will be required. Will you clarify with RWQCB that this response is adequate?

Thank you,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: November 15, 2024 10:15 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Could you please clarify if you have questions on WATER-7 part c? Or is your question related only CESA-listed species for which take coverage will be requested?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, November 15, 2024 9:58 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod

<LMcleod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

We have been discussing this internally however before I provide a response we would like to check in with the MOU agencies. I hope to provide a response early next week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Tuesday, November 12, 2024 9:57 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcleod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Good morning, Ann~

We have the following question for the CEC: The Project understands that the applicant is expected to provide a compensatory mitigation plan for both CESA-listed species for which take coverage will be requested and for impacts to RWQCB-jurisdictional waters. We have internally identified a preferred strategy, which we intend to share with you (and presumably with CDFW through CEC coordination) in the coming weeks, but would like to better understand CEC's and CDFW's expectations related to compensatory mitigation proposal content and coordination/approval at this stage. Will CEC please clarify the mitigation

information you require for the application to be deemed complete? For reference, we anticipate that the following would potentially be required in the formal Draft Mitigation Package (at some point during the Opt-In permitting timeline): documentation of property eligibility, biological resources report including resource mapping, habitat management land title information, preliminary title report, KMZ file of assessor parcels, Phase I Environmental Site Assessment, and mineral risk assessment. We look forward to your response as we continue to address CEC's application requests.

We would greatly value a response to this question within the next day or two.

Sincerely,

Kelone Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: November 7, 2024 4:34 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly, I am still looking into responses to your list of data request you'd like to discuss but for now wondered if you could confirm this was one of your questions?

-For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC separately or will CEC distribute to the state and federal agencies?

This should be distributed to the federal agencies by the applicant and copy the CEC and Water Board. But ultimately this would also need to be included in your data request responses in the docket.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 1:26 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Also, I am looking into your 2 questions from the last PM meeting - please confirm these were your questions:

- For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC or will CEC distribute?
- For the species surveys - which surveys are needed prior to a determination of data completeness and which would be considered pre-construction surveys?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 12:41 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Julie Myrah, contract biologist, would like to schedule a site visit. Is there a Dudek biologist or other person that could escort her on the site?

I will check here at CEC and see if any other staff would like a site visit at this time.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 24, 2024 9:22 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

That option works well.

Best,

Kelona Strain
Environmental & Permitting Manager

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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 24, 2024 6:48 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Yes, that would be good. I will include Eric Knight as optional for these meetings also. Does a recurring meeting every other week work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 23, 2024 3:44 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Yes, let's plan on meeting next Tuesday at 10 am PDT. Who do you suggest attend the meeting other than myself? Perhaps we should include Ronelle.

Thank you,

Kelona Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 23, 2024 2:44 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, great.

Also, we have not picked a day/time for the biweekly PM meetings. Would starting next Tuesday at either 9:30, 10 or 1030 for 30 minutes work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Wednesday, October 23, 2024 2:34 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Kelly Strain <KStrain@capstoneinfra.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good afternoon, Ann~

Our teams are meeting tomorrow to address biological issues and the CEC's related DRs. We will likely have the list of questions for you this week. We will keep you posted.

Thank you,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 23, 2024 1:29 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Do you have a list BIO DRs you would like to discuss. I would like to work on scheduling the meeting with CDFW for next week if schedules line up.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 9:54 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

For the meeting in re: FIRE (Worker Safety, Wildfire, Hazards) - here are some potential dates:

10/29 - 9 AM or 1130 AM or 2 PM

10/30 - 9 AM or 1 or 2 PM

Please let me know if any of these work.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 7:50 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Based on our meeting on 10/8, I have the following Action Items.

- BIO meeting with CDFW - possibly week of 21st (date TBD may be week of 28th)

- FIRE (Worker Safety, Wildfire, Hazards) - in process of coordination with staff for week of 28th.
- Transportation - meeting scheduled for 10/18
- TSD/PD - date TBD, soon? Sent an email response for TSD-6 on 10/14, please let me know if you still have questions.
- Visual - do you need a separate meeting or can this be a PD meeting?
- TSSN-1 (EMF) - sent an email response on 10/14, please let me know if you still have questions.

For each meeting, please provide the specific data requests at least 2 days prior to the meetings so we can be prepared to discuss. If you have the DRs for each topic now, please send.

If you have the contact info for USFWS that would be helpful to send so we can start our coordination and then set up a follow up meeting with that agency if needed.

Our next biweekly PM meeting would be on Oct 22 if that date works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 9:35 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

We may have legal counsel join us for some of the meetings, but not all. I will let you know as we schedule the various meetings.

Thank you!

Kelly

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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, October 9, 2024 6:30:42 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will look into your question. Also, for the upcoming technical meetings do you plan to have your legal counsel in attendance? We will not include our legal staff unless you were planning for them to attend? If there are certain tech discussion that your legal will attend just let me know so I can schedule who needs to be there.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 5:57 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Can you provide clarification on DR TSD-6: This DR is related to downstream network upgrades? Can you clarify what the CEC's expectations are for identifying downstream network upgrades? We may need to move up the TSD topic meeting to address this DR.

Also, would you mind copying Scott, Ronelle, and Lauren going forward? I will be out of the office until next Wednesday and we don't want to miss any important emails from you while I am away.

Thank you,

Kelona Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 11:24 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

This would just be an informal meeting as PMs to discuss ongoing coordination as we go through the data completeness process.

We can address any topics we need to discuss related to our coordination and find out what specific technical meetings need to be scheduled. We can add technical staff into these recurring meeting as appropriate with prior notice. We find these beneficial to the applicant and staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 11:12 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for clarifying the meeting timing. I am currently trying to move a couple meetings around, and hoping to include Ronelle (CEQA PM, Dudek) in the meeting, if she can also move a meeting. Can you tell us what we would, or should address during this PM meeting?

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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POVI 0001771

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 8:11 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Just clarifying, I was suggesting meeting today at 1 PM and then again and then we could schedule the next PM meeting for 11/22? Would like to establish a regular time as meeting times fill up fast during the week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 7:46 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

I return from vacation next Tuesday evening at 8 pm, so that day will not work. Can we meet on Friday (10/18) if Wednesday and Thursday do not work for you?

Best,

Kelone Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 7:25 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will be out of the office on Wednesday, this week and next, as well as next Thursday. If Tuesday works we could meet today, at 1 PM? Would a biweekly meeting work for you? Then we could schedule the next PM meeting for 11/22?

Please let me know if that works for you.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, October 7, 2024 4:50 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for offering up these opportunities to meet. We can work with Tuesday and Thursday mornings, but I will be on vacation from this Wednesday afternoon until the following Tuesday evening. I prefer not to put the meeting off until my return though. Is there any chance we could meet this Wednesday and then then resume weekly Thursday meetings the following week? Conversely, I can request someone from the Capstone team to meet with you this Thursday in the morning hours.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

POVI 0001774

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 1:04 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Thanks for the great questions today at the meeting. For the PM specific meeting, what day of the week is best for you?

Tuesday and Thursday AM are generally best for me but please let me know some optional times?

Looking forward to further coordination as your team reviews the data requests.

Thanks,

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 3, 2024 8:21 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann~

Yes, a meeting with CDFW and CEC would be greatly valued, as would weekly PM meetings to discuss the process and updates.

Thank you!

Kelona Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 8:18 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, thanks. In looking over some of your questions, some may be best covered in a CDFW and CEC meeting. Are you ready for me to start looking at date for that?

Also, for other opt-in projects, we have weekly PM meetings just to discuss the process and updates and get an idea of what technical staff meetings we need to schedule. Is that something that would be helpful?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Thursday, October 3, 2024 8:13 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Yes, Dana Palmer will be attending. He is our legal counsel for the Potentia Viridi project.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 3, 2024 7:22 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana

<dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Thanks for providing these questions. I will pass on to staff. We did not include our legal staff but if you plan to include your legal staff please let me know prior to the meeting today?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 2, 2024 4:29 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Below is a list of some of the questions we will have for the CEC and RWQCB:

1. There is some confusion regarding the permit processing protocol re- RWQCB. We understand that the RWQCB will make the final permit decision regarding whether to issue a 401 certification, but the CEC needs to be the clearinghouse for all State permitting actions regardless. Is it OK to continue to work with BOTH agencies concurrently (i.e. Both agencies cc'd on all correspondence) ? We do not want to mess up the protocols on this (this is the first time for Cameron, and for or PM at the Water Board). BTW - Jenna Yang at the Water Board has been very responsive.

2. Regarding the request for provision of mitigation plans for the RWQCB; we are in the process of identifying appropriate mitigation for the RWQCB and are working with several mitigation providers. This mitigation package is ultimately expected to provide mitigation to several agencies including species mitigation for US Fish & Wildlife Service, and California Department of Fish & Game, as well as the RWQCB. Currently it appears as though there are several options for mitigation purchase that can meet the needs of all of these agencies concurrently. However, a mitigation proposal will need to be submitted to each agency separately with specific mitigation strategy identified by agency, and by statute. Our plan is to provide CEC with a DRAFT copies of mitigation plans for each State agency, and that CEC will forward each to the State agencies.

On the Federal side we expect that the USACE will not require any mitigation, but the Section 7 consultation with the USFWS will be conducted through the USACE as the lead federal agency (and USFWS will require mitigation). We expect that the Federal negotiation with USFWS will not be handled by your office, however there is significant overlap expected between the agencies, and we will keep you apprised of this process as well. Please let us know if there are any concerns with this approach.

3. We will bring you up to date on the processing of the USACE permit to date. We will also provide you with copies of USACE correspondence for you file, if you are interested in tracking these processes as well.

We may provide additional questions in the morning, or during the meeting.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 1, 2024 11:22 AM
To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Just checking in on the question below so I can let RWQCB know? Also, do you if you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss on Thursday.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, September 30, 2024 7:30 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

For the call this week, do you have any questions related to the stormwater Construction General Permit requirements...Water Board staff would like to know so they can have the appropriate staff on the call.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Friday, September 27, 2024 7:08 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Thank you, I just sent an invite. Please let me know if I need to include any others from the applicants team or you can also forward the meeting. We did not include our legal staff but if you plan to include your legal staff please let me know.

If you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Friday, September 27, 2024 12:36 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann

We are available to meet with you and RWQCB staff next Thursday, October 3, between 10:00 am and 1:00 pm PDT.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 25, 2024 10:02 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene -

Here are some times that work for CEC staff and RWQCB staff for next week to talk about the 401 questions:

- Tues Oct 1 - 3 to 4 PM
- Weds Oct 2 - 3 to 4 PM
- Thursday Oct 3 - between 10 to 2 PM
- Monday Sept 30 - 1 to 2 PM (alternate time if the above do not work)

Please let us know and I will send out an invitation. Please let us know who will attend prior to the meeting and any specific questions you have so we can be prepared. Look forward to talking soon.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Tuesday, September 24, 2024 2:37 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Yes, that is a good idea, lets have separate meetings. We would also like to discuss the topic of fire, which is throughout many sections, such as worker safety, wildfire, and Hazards. We will want a separate meeting to address this topic.

We are looking forward to meeting with you, Ann, and of course your team members - and CDFW, et al.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 24, 2024 1:08 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

I will invite the Bio staff to the 401 meeting, but I suggest a separate meeting to cover BIO questions and I will invite CDFW to that meeting.

It will make it easier to get a consensus on time if we keep the meetings separate.

Does that work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, September 24, 2024 11:07 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Our list of questions for the CEC is evolving as we work through our approach to our responses. For now, we have questions regarding Traffic, Biological Resources, and Transmission / EMFs. This list will likely grow as the day progresses though. Do you feel it best to combine our biological resources question with the 401 application discussion/meeting?

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 2:41 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Sounds great, what technical areas would you like to discuss so far? I can then find out schedules for our technical staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, September 23, 2024 2:32 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Yes, that works perfectly well, Ann!

Thank you for the quick response.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

POVI 0001786

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 23, 2024 2:29 PM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

That is great to hear. Due to schedule this week, next week would be better for me, and I am off this Friday. I will send dates for early next week if that works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, September 23, 2024 2:16 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello again, Ann

Yes, we would indeed like to meet with the CEC regarding our questions. We have been working through the CEC's RFI and compiling questions so we can best use your time wisely. Can you please provide us with a few days and times that work for you and the others at the CEC working on this project?

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 1:08 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene -

I am just checking in to see if you find that meetings would be helpful to discuss staff's data requests? We can arrange to have relevant MOU agencies at the meetings, as necessary.

Thanks!

Ann

From: Crisp, Ann@Energy
Sent: Monday, September 9, 2024 9:01 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Good morning Kelenc,

We hope you have had a chance to start review of the data completeness review letter filed on Friday (September 6). Once your team has had an opportunity to review the data requests, it is a good idea to set up regular meetings (30 minutes) between us PMs - either weekly or biweekly. If your team has questions or needs clarification on any of our data requests, we can bring in technical staff to discuss. We have found this regular check in very helpful for both the applicant and CEC staff. Also, if we need to bring in other agency staff like the Regional Water Quality Control Board or California Dept. of Fish and Wildlife staff, we can arrange any additional meetings.

Please confirm the team members you would like in the regular emails and any PM meetings. I noticed Naomi Schowalter and Cameron Johnson were on the emails to the Water Board.

We look forward to working with you on the review of this project.

Thanks!

Ann

Ann Crisp

Senior Environmental Planner

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

1-916-352-0543

California Energy Commission

Website: www.energy.ca.gov



Message

From: Crisp, Ann@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B89C4DE7ECE742679D19E1E3EE713DC2-CRISP, ANN@]
Sent: 12/2/2024 4:19:49 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Rocio Perez [rpe@eurowindenergy.com]; Palmer, Dana [dpalmer@allenmatkins.com]
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Good morning Kelly,

Hi Kelly -

The CEC and RWQCB would accept a draft compensatory mitigation plan at this time in response to WATER-7c. The review of the final compensatory mitigation plan would occur during Section 401 Certification after CEQA review by the CEC and upon certification by the Commission.

If the permittee is proposing to purchase credits from a mitigation bank or the in-lieu fee program, at a minimum, they will require the following information:

- A watershed profile for the project evaluation area for both the proposed dredged or fill project and the proposed compensatory mitigation project.
- An assessment of the overall condition of aquatic resources proposed to be impacted by the project and their likely stressors, using an assessment method approved by the permitting authority.
- A description of how the project impacts and compensatory mitigation would not cause a net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. If the compensatory mitigation is located in the same watershed as the project, no net loss will be determined on a watershed basis. If the compensatory mitigation and project impacts are located in multiple watersheds, no net loss will be determined considering all affected watersheds collectively. The level of detail in the plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to a project.

CEC and RWQCB will also need the name and contact information for the mitigation bank or in-lieu fee program you intend to use.

Hope this helps, let me know if you need any other clarifications.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Friday, November 15, 2024 2:04 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Hello, Ann

We appreciate the opportunity to clarify our question as it relates to WATER-7 part c. We understand that the RWQCB retains authority to issue CWA Section 401 Water Quality Certification for the project, and that their full certification review would come after the CEC's CEQA review and Notice of Determination. This puts permit review for CEC and the RWQCB on different timelines. WATER-7 identifies applicant information needed to issue Section 401 Certification (following CEC's Notice of Determination). Although the project intends to address WATER-7 in its response, we anticipate that because Section 401 Certification is not tied to CEC certification under the AB 205 process (as CESA take permitting is) the RWQCB will not require a detailed mitigation package for review prior to CEC's initiation of CEQA. To respond to WATER-7 part c, the project intends to provide information identifying the proposed compensatory mitigation for impacts to waters of the state of California but does not expect a detailed mitigation package will be required. Will you clarify with RWQCB that this response is adequate?

Thank you,

Kelena Strain
Environmental & Permitting Manager
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: November 15, 2024 10:15 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

Could you please clarify if you have questions on WATER-7 part c? Or is your question related only CESA-listed species for which take coverage will be requested?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, November 15, 2024 9:58 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

Hi Kelly,

We have been discussing this internally however before I provide a response we would like to check in with the MOU agencies. I hope to provide a response early next week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, November 12, 2024 9:57 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Data Request Mitigation Package - Biological Resources

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Good morning, Ann~

We have the following question for the CEC: The Project understands that the applicant is expected to provide a compensatory mitigation plan for both CESA-listed species for which take coverage will be requested and for impacts to RWQCB-jurisdictional waters. We have internally identified a preferred strategy, which we intend to share with you (and presumably with CDFW through CEC coordination) in the coming weeks, but would like to better understand CEC's and CDFW's expectations related to compensatory mitigation proposal content and coordination/approval at this stage. Will CEC please clarify the mitigation information you require for the application to be deemed complete? For reference, we anticipate that the following would potentially be required in the formal Draft Mitigation Package (at some point during the Opt-In permitting timeline): documentation of property eligibility, biological resources report including resource mapping, habitat management land title information, preliminary title report, KMZ file of assessor parcels, Phase I Environmental Site Assessment, and mineral risk assessment. We look forward to your response as we continue to address CEC's application requests.

We would greatly value a response to this question within the next day or two.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: November 7, 2024 4:34 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly, I am still looking into responses to your list of data request you'd like to discuss but for now wondered if you could confirm this was one of your questions?

-For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC separately or will CEC distribute to the state and federal agencies?

This should be distributed to the federal agencies by the applicant and copy the CEC and Water Board. But ultimately this would also need to be included in your data request responses in the docket.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 1:26 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Also, I am looking into your 2 questions from the last PM meeting - please confirm these were your questions:

- For the submittal of the compensatory mitigation plan for WATER-7c- should it be submitted to USACE, USFWS, Water Board, and CEC or will CEC distribute?
- For the species surveys - which surveys are needed prior to a determination of data completeness and which would be considered pre-construction surveys?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Thursday, October 31, 2024 12:41 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Julie Myrah, contract biologist, would like to schedule a site visit. Is there a Dudek biologist or other person that could escort her on the site?

I will check here at CEC and see if any other staff would like a site visit at this time.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 24, 2024 9:22 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

That option works well.

Best,

Kelena Strain
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Email KStrain@capstoneinfra.com
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 24, 2024 6:48 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod

<LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Yes, that would be good. I will include Eric Knight as optional for these meetings also. Does a recurring meeting every other week work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 23, 2024 3:44 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Yes, let's plan on meeting next Tuesday at 10 am PDT. Who do you suggest attend the meeting other than myself? Perhaps we should include Ronelle.

Thank you,

Kelene Strain
Environmental & Permitting Manager
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Direct: (310) 399-6370
Facsimile: (310) 349-1330
Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 23, 2024 2:44 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, great.

Also, we have not picked a day/time for the biweekly PM meetings. Would starting next Tuesday at either 9:30, 10 or 1030 for 30 minutes work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 23, 2024 2:34 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Kelly Strain <KStrain@capstoneinfra.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good afternoon, Ann~

Our teams are meeting tomorrow to address biological issues and the CEC's related DRs. We will likely have the list of questions for you this week. We will keep you posted.

Thank you,

Kelene Strain
Environmental & Permitting Manager
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Facsimile +1 (310) 349-1330
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 23, 2024 1:29 PM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Do you have a list BIO DRs you would like to discuss. I would like to work on scheduling the meeting with CDFW for next week if schedules line up.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 9:54 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

For the meeting in re: FIRE (Worker Safety, Wildfire, Hazards) - here are some potential dates:

10/29 - 9 AM or 1130 AM or 2 PM

10/30 - 9 AM or 1 or 2 PM

Please let me know if any of these work.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Tuesday, October 15, 2024 7:50 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Based on our meeting on 10/8, I have the following Action Items.

- BIO meeting with CDFW - possibly week of 21st (date TBD may be week of 28th)
- FIRE (Worker Safety, Wildfire, Hazards) - in process of coordination with staff for week of 28th.
- Transportation - meeting scheduled for 10/18
- TSD/PD - date TBD, soon? Sent an email response for TSD-6 on 10/14, please let me know if you still have questions.
- Visual - do you need a separate meeting or can this be a PD meeting?
- TSSN-1 (EMF) - sent an email response on 10/14, please let me know if you still have questions.

For each meeting, please provide the specific data requests at least 2 days prior to the meetings so we can be prepared to discuss. If you have the DRs for each topic now, please send.

If you have the contact info for USFWS that would be helpful to send so we can start our coordination and then set up a follow up meeting with that agency if needed.

Our next biweekly PM meeting would be on Oct 22 if that date works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 9:35 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

We may have legal counsel join us for some of the meetings, but not all. I will let you know as we schedule the various meetings.

Thank you!

Kelly

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From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, October 9, 2024 6:30:42 AM

To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will look into your question. Also, for the upcoming technical meetings do you plan to have your legal counsel in attendance? We will not include our legal staff unless you were planning for them to attend? If there are certain tech discussion that your legal will attend just let me know so I can schedule who needs to be there.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 9, 2024 5:57 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Can you provide clarification on DR TSD-6: This DR is related to downstream network upgrades? Can you clarify what the CEC's expectations are for identifying downstream network upgrades? We may need to move up the TSD topic meeting to address this DR.

Also, would you mind copying Scott, Ronelle, and Lauren going forward? I will be out of the office until next Wednesday and we don't want to miss any important emails from you while I am away.

Thank you,

Kelena Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 11:24 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

This would just be an informal meeting as PMs to discuss ongoing coordination as we go through the data completeness process.

We can address any topics we need to discuss related to our coordination and find out what specific technical meetings need to be scheduled. We can add technical staff into these recurring meetings as appropriate with prior notice. We find these beneficial to the applicant and staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 11:12 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for clarifying the meeting timing. I am currently trying to move a couple meetings around, and hoping to include Ronelle (CEQA PM, Dudek) in the meeting, if she can also move a meeting. Can you tell us what we would, or should address during this PM meeting?

Sincerely,

Kelena Strain
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 8, 2024 8:11 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Just clarifying, I was suggesting meeting today at 1 PM and then again and then we could schedule the next PM meeting for 11/22? Would like to establish a regular time as meeting times fill up fast during the week.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Tuesday, October 8, 2024 7:46 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

I return from vacation next Tuesday evening at 8 pm, so that day will not work. Can we meet on Friday (10/18) if Wednesday and Thursday do not work for you?

Best,

Kelena Strain
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: October 8, 2024 7:25 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

I will be out of the office on Wednesday, this week and next, as well as next Thursday. If Tuesday works we could meet today, at 1 PM? Would a biweekly meeting work for you? Then we could schedule the next PM meeting for 11/22?

Please let me know if that works for you.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, October 7, 2024 4:50 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Thank you for offering up these opportunities to meet. We can work with Tuesday and Thursday mornings, but I will be on vacation from this Wednesday afternoon until the following Tuesday evening. I prefer not to put the meeting off until my return though. Is there any chance we could meet this Wednesday and then then resume weekly Thursday meetings the following week? Conversely, I can request someone from the Capstone team to meet with you this Thursday in the morning hours.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 1:04 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

Thanks for the great questions today at the meeting. For the PM specific meeting, what day of the week is best for you?

Tuesday and Thursday AM are generally best for me but please let me know some optional times?

Looking forward to further coordination as your team reviews the data requests.

Thanks,

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 3, 2024 8:21 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann~

Yes, a meeting with CDFW and CEC would be greatly valued, as would weekly PM meetings to discuss the process and updates.

Thank you!

Kelena Strain
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Email KStrain@capstoneinfra.com
Website www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 8:18 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Ok, thanks. In looking over some of your questions, some may be best covered in a CDFW and CEC meeting. Are you ready for me to start looking at date for that?

Also, for other opt-in projects, we have weekly PM meetings just to discuss the process and updates and get an idea of what technical staff meetings we need to schedule. Is that something that would be helpful?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, October 3, 2024 8:13 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Yes, Dana Palmer will be attending. He is our legal counsel for the Potentia Viridi project.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 3, 2024 7:22 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

Thanks for providing these questions. I will pass on to staff. We did not include our legal staff but if you plan to include your legal staff please let me know prior to the meeting today?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, October 2, 2024 4:29 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Hello, Ann~

Below is a list of some of the questions we will have for the CEC and RWQCB:

1. There is some confusion regarding the permit processing protocol re- RWQCB. We understand that the RWQCB will make the final permit decision regarding whether to issue a 401 certification, but the CEC needs to be the clearinghouse for all State permitting actions regardless. Is it OK to continue to work with BOTH agencies concurrently (i.e. Both agencies cc'd on all correspondence) ? We do not want to mess up the protocols on this (this is the first time for Cameron, and for or PM at the Water Board). BTW - Jenna Yang at the Water Board has been very responsive.
2. Regarding the request for provision of mitigation plans for the RWQCB; we are in the process of identifying appropriate mitigation for the RWQCB and are working with several mitigation providers. This mitigation package is ultimately expected to provide mitigation to several agencies including species mitigation for US Fish & Wildlife Service, and California Department of Fish & Game, as well as the RWQCB. Currently it appears as though there are several options for mitigation purchase that can meet the needs of all of these agencies concurrently. However, a mitigation proposal will need to be submitted to each agency separately with specific mitigation strategy identified by agency, and by statute. Our plan is to provide CEC with a DRAFT copies of mitigation plans for each State agency, and that CEC will forward each to the State agencies.
On the Federal side we expect that the USACE will not require any mitigation, but the Section 7 consultation with the USFWS will be conducted through the USACE as the lead federal agency (and USFWS will require mitigation). We expect that the Federal negotiation with USFWS will not be handled by your office, however there is significant overlap expected between the agencies, and we will keep you apprised of this process as well. Please let us know if there are any concerns with this approach.
3. We will bring you up to date on the processing of the USACE permit to date. We will also provide you with copies of USACE correspondence for you file, if you are interested in tracking these processes as well.

We may provide additional questions in the morning, or during the meeting.

Sincerely,

Kelena Strain
Environmental & Permitting Manager
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Facsimile +1 (415) 348-1301
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: October 1, 2024 11:22 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Just checking in on the question below so I can let RWQCB know? Also, do you if you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss on Thursday.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, September 30, 2024 7:30 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene,

For the call this week, do you have any questions related to the stormwater Construction General Permit requirements...Water Board staff would like to know so they can have the appropriate staff on the call.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, September 27, 2024 7:08 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Thank you, I just sent an invite. Please let me know if I need to include any others from the applicants team or you can also forward the meeting. We did not include our legal staff but if you plan to include your legal staff please let me know.

If you have specific questions or specific data requests you would like to discuss then please send to us prior to the meeting so staff can be prepared to discuss.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Friday, September 27, 2024 12:36 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Ann

We are available to meet with you and RWQCB staff next Thursday, October 3, between 10:00 am and 1:00 pm PDT.

Sincerely,

Kelene Strain

Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 399-8340

Facsimile +1 (410) 245-1335

Email KStrain@capstoneinfra.com

Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 25, 2024 10:02 AM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelene -

Here are some times that work for CEC staff and RWQCB staff for next week to talk about the 401 questions:

- Tues Oct 1 - 3 to 4 PM
- Weds Oct 2 - 3 to 4 PM
- Thursday Oct 3 - between 10 to 2 PM
- Monday Sept 30 - 1 to 2 PM (alternate time if the above do not work)

Please let us know and I will send out an invitation. Please let us know who will attend prior to the meeting and any specific questions you have so we can be prepared. Look forward to talking soon.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Tuesday, September 24, 2024 2:37 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Ann,

Yes, that is a good idea, lets have separate meetings. We would also like to discuss the topic of fire, which is throughout many sections, such as worker safety, wildfire, and Hazards. We will want a separate meeting to address this topic.

We are looking forward to meeting with you, Ann, and of course your team members - and CDFW, et al.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct: +1 (310) 399-8340
Facsimile: +1 (410) 249-1335
Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 24, 2024 1:08 PM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

I will invite the Bio staff to the 401 meeting, but I suggest a separate meeting to cover BIO questions and I will invite CDFW to that meeting.

It will make it easier to get a consensus on time if we keep the meetings separate.

Does that work for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Tuesday, September 24, 2024 11:07 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

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Good morning, Ann~

Our list of questions for the CEC is evolving as we work through our approach to our responses. For now, we have questions regarding Traffic, Biological Resources, and Transmission / EMFs. This list will likely grow as the day progresses though. Do you feel it best to combine our biological resources question with the 401 application discussion/meeting?

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Facsimile +1 (415) 343-1301
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: September 23, 2024 2:41 PM

To: Kelly Strain <KStrain@capstoneinfra.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc,

Sounds great, what technical areas would you like to discuss so far? I can then find out schedules for our technical staff.

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Monday, September 23, 2024 2:32 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>

Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, that works perfectly well, Ann!

Thank you for the quick response.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 2:29 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelly,

That is great to hear. Due to schedule this week, next week would be better for me, and I am off this Friday. I will send dates for early next week if that works for you?

Thanks!

Ann

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Monday, September 23, 2024 2:16 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello again, Ann

Yes, we would indeed like to meet with the CEC regarding our questions. We have been working through the CEC's RFI and compiling questions so we can best use your time wisely. Can you please provide us with a few days and times that work for you and the others at the CEC working on this project?

Sincerely,

Kelene Strain
Environmental & Permitting Manager
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: September 23, 2024 1:08 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Hi Kelenc -

I am just checking in to see if you find that meetings would be helpful to discuss staff's data requests? We can arrange to have relevant MOU agencies at the meetings, as necessary.

Thanks!

Ann

From: Crisp, Ann@Energy
Sent: Monday, September 9, 2024 9:01 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>
Subject: Potentia Viridi BESS (24-OPT-04) - PM coordination and Data Request Review

Good morning Kelene,

We hope you have had a chance to start review of the data completeness review letter filed on Friday (September 6). Once your team has had an opportunity to review the data requests, it is a good idea to set up regular meetings (30 minutes) between us PMs - either weekly or biweekly. If your team has questions or needs clarification on any of our data requests, we can bring in technical staff to discuss. We have found this regular check in very helpful for both the applicant and CEC staff. Also, if we need to bring in other agency staff like the Regional Water Quality Control Board or California Dept. of Fish and Wildlife staff, we can arrange any additional meetings.

Please confirm the team members you would like in the regular emails and any PM meetings. I noticed Naomi Schowalter and Cameron Johnson were on the emails to the Water Board.

We look forward to working with you on the review of this project.

Thanks!

Ann

Ann Crisp
Senior Environmental Planner
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
1-916-352-0543

California Energy Commission
Website: www.energy.ca.gov



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 12/19/2024 6:05:15 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
CC: Cameron Johnson [cjohnson@integral-corp.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Laura Burris [lburris@dudek.com]; Joel Moore [Jmoore@moore-devservices.com]; Tovar, Michelle [Michelle.Tovar@stantec.com]
Subject: RE: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion
Attachments: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion_112024.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ann,

Our team reviewed the biological resources DR meeting notes, and we have one area where we suggest revisions, which were made and highlighted in yellow in the attached meeting notes Word document. We also added a comment below the text to clarify things. Please let me know if you have any questions.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct: +1 (310) 899-5340
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Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

Los Angeles, California

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: December 18, 2024 8:00 AM
To: Grefsrud, Marcia@Wildlife <Marcia.Grefsrud@wildlife.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Germinario, Lena@Wildlife <Lena.Germinario@Wildlife.ca.gov>; Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>; Sinclair, Crystal@Wildlife <Crystal.Sinclair@wildlife.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; dan <dan@energyveterans.org>; deno <deno@energyveterans.org>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>
Cc: Chris Huntley <chuntley@aspeneg.com>; Pinkerton, Matthew@Energy <Matthew.Pinkerton@energy.ca.gov>; Laura Burris <lburris@dudek.com>; Joel Moore <Jmoore@moore-devservices.com>; Elia, Jared <Jared.Elia@stantec.com>;

Tovar, Michelle <Michelle.Tovar@stantec.com>; Paul Miller <pam@eurowindenergy.com>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>

Subject: Re: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion

Hi Kelly,

Just checking in on if your team had any questions or clarifications on the meeting notes? I am including Lisa Worrall, the new PM and Kaycee Chang, the supervisor for the PM Unit, please include them on any response.

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, November 27, 2024 12:24 PM

To: Grefsrud, Marcia@Wildlife <Marcia.Grefsrud@wildlife.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Germinario, Lena@Wildlife <Lena.Germinario@Wildlife.ca.gov>; Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>; Sinclair, Crystal@Wildlife <Crystal.Sinclair@wildlife.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; dan <dan@energyveterans.org>; deno <deno@energyveterans.org>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>;

Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Chris Huntley <chuntley@aspenerg.com>; Pinkerton, Matthew@Energy <Matthew.Pinkerton@energy.ca.gov>; Laura Burris <lburris@dudek.com>; Joel Moore <jmoore@moore-devservices.com>; Elia, Jared <Jared.Elia@stantec.com>; Tovar, Michelle <Michelle.Tovar@stantec.com>; Paul Miller <pam@eurowindenergy.com>

Subject: Re: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion

Hi Kelly,

Please find attached the meeting notes from the BIO discussion regarding the ITP and species survey protocols. If you have any clarifications please send back in track changes and we will discuss with CDFW.

Have a great holiday weekend!

Thanks!

Ann

From: Crisp, Ann@Energy

Sent: Wednesday, November 13, 2024 10:42 AM

To: Grefsrud, Marcia@Wildlife <Marcia.Grefsrud@wildlife.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Germinario, Lena@Wildlife <Lena.Germinario@Wildlife.ca.gov>; Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>; Sinclair, Crystal@Wildlife <Crystal.Sinclair@wildlife.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; dan <dan@energyveterans.org>; deno <deno@energyveterans.org>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>; Rocio Perez <rpe@eurowindenergy.com>; Palmer, Dana <dpalmer@allenmatkins.com>; Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>;

Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>

Cc: Chris Huntley <chuntley@aspenerg.com>; Pinkerton, Matthew@Energy <Matthew.Pinkerton@energy.ca.gov>; Laura Burris <lburris@dudek.com>; Joel Moore <jmoore@moore-devservices.com>; Elia, Jared <Jared.Elia@stantec.com>;

Tovar, Michelle <Michelle.Tovar@stantec.com>; Paul Miller <pam@eurowindenergy.com>

Subject: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion

When: Wednesday, November 20, 2024 1:00 PM-2:00 PM.

Where: Microsoft Teams Meeting

CDFW/CEC/applicant meeting to discuss applicant's BIO DR questions.

Agenda will be sent the day prior to the meeting.

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 229 114 611 465

Passcode: 27kwGc

Dial in by phone

[+1 916-562-1816, 190876937#](#) United States, Sacramento

[Find a local number](#)

Phone conference ID: 190 876 937#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion

Wednesday November 20, 2024

Participants: Applicant: Kelly Strain, Michelle Tovar, Laura Burris, Jared Elia, Joel Moore, Mark Gouveia, Scott Meyers, Cameron Johnson, Paul Miller, Ronelle Candia, Lauren McLeod, Dana Palmer. CDFW: Crystal Sinclair, Marcia Grefsrud, Brenda Blinn, Gabriele Quillman, Lena Germinario. CEC: Eric Knight, Ann Crisp, Julie Myrah (Energy Veterans), Chris Huntley (Aspen), Matt Pinkerton, Erika Giorgi, Crystal Cabrera, Anthony Cusato.

Subject: Special status species surveys and ITP Updates

Not Included in the ITP

Swainson's Hawk (SWHA):

- Period I (wintering) surveys will be completed in January following protocol. Applicant will provide survey results in response to data requests.
- Pre-construction surveys would be conducted during the two survey periods (e.g., Period II and Period III) prior to construction.
- Julie recommended expanding the survey buffer to a 1-mile radius and extending the breeding season survey window through September 30.
- CDFW recommends a comprehensive habitat assessment for the project site and surrounding areas, requiring:
 - Identification of survey locations with detailed figures.
 - Documentation of raptor stick nest absence.
 - Details on the timing and scope of completed surveys and proposed pre-construction surveys.

Golden Eagle (GOEA):

- Pre-construction survey requirements are similar to SWHA, with the following additions:
 - Surveys would be conducted within a 2-mile buffer.
 - Earlier-season surveys would be included. Golden eagle surveys can start as early as December per the survey protocols.
- To avoid the need for a take permit, adequate surveys and buffers would be implemented to avoid impacts.
- The applicant must provide:
 - explicit details and figures showing survey locations,
 - documentation of no raptor stick nests, and
 - detailed descriptions of the timing and scope of completed surveys and proposed pre-construction surveys.

Tricolored Blackbird (TRBL):

- Wintering-only surveys were completed. The nearest wetland is located over ½ mile from the project site.
- The applicant must clearly describe the pond and its potential for breeding. The applicant stated no nesting substrate was present and no nesting TRBL were observed onsite. This discussion will need to be expanded upon for clarity in the data request responses.

To Be Added to the ITP

Burrowing Owl (BUOW):

- Complete wintering surveys following protocol and submit results to the CEC. The CEC will share with CDFW as part of MOU coordination.
- Mitigation options will be discussed during the next meeting with applicant.

Crotch's Bumble Bee (CBB):

- Habitat assessments conducted to date are deemed adequate, and no further surveys are needed since the applicant will assume presence.
- The applicant will:
 - Document CBB during pre-construction surveys.
 - Monitor adequately during construction.
 - 3:1 in-kind mitigation suggested as target for the mitigation site based on floral resources. The mitigation package will clearly define acreage and composition details (floral resources) for the project site and mitigation site.
- CEC and CDFW will schedule an internal discussion regarding compensatory mitigation options prior to next meeting with applicant.

[NOTE: The mitigation site was selected for its proximity and suitability/similarity to habitat on the project site (in-kind), with acreage achieving 3:1 compensatory targets consistent with the EACCS. We understand that the mitigation proposal will be evaluated on the suitability of habitat for covered species, including floral resources, and will provide information to facilitate that evaluation.]

Early-Season Floral Surveys (DR BIO-75):

- Based on discussions, it appears early-season surveys conducted in April were likely adequate for identifying diamond-petaled California poppy. The reference site was inaccessible due to its location on Lawrence Livermore Laboratory property.
- The applicant will provide a rationale for survey timing based on a review of museum specimens and other relevant data. Note – this information should also be provided for caper-fruited tropidocarpum.

Next Steps:

- The applicant will provide survey results, additional details, and revised mitigation measures in response to CEC data requests (TN 259038).
- The ITP application must be revised to include western burrowing owl and remove golden eagle and tricolored blackbird, with revisions submitted as part of the data request response.

Alameda Times-Star

1101 Marina Village Pkwy., Ste. 201
Alameda, CA 94501
510-723-2850

3267949

CALIFORNIA ENERGY COMMISSION
ACCTS PAYABLE
715 P ST.
SACRAMENTO, CA 95814

PROOF OF PUBLICATION

FILE NO. Potentia-Viridi NOR Sep 2024

Alameda Times-Star

The Alameda Times-Star

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Alameda Times-Star, a newspaper published in the English language in the City of Alameda, County of Alameda, State of California.

I declare that The Alameda Times-Star is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated September, 17, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Alameda Times-Star as a Newspaper of General Circulation, Case Number 236092. Said order states that "The Alameda Times-Star is a newspaper of general circulation within the City of Alameda, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.] of the Government Code of the State of California." Said order has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/11/2024

RECEIVED

DEC 17 2024

ACCOUNTING

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Rio Vista, California.
On this 11th day of October, 2024.


Public Notice Advertising Clerk

Legal No. 0006857034

NOTICE OF RECEIPT OF AN OPT-IN CERTIFICATION APPLICATION FOR POTENTIA-VIRIDI BATTERY ENERGY STORAGE SYSTEM

On August 7, 2024, California Energy Commission (CEC) staff confirmed receipt of an application from Levy Alameda, LLC (Applicant), for certification from the CEC through the Opt-In process for the Potentia-Viridi Battery Energy Storage System (project) (24-OPT-04). The 400-megawatt (MW) battery energy storage system (BESS) project is proposed on approximately 85 acres in unincorporated eastern Alameda County at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205. This notice of receipt of the application is published pursuant to Public Resources Code, sections 25519, subdivision (g) and 25548.8.

Project Description

The primary components of the proposed project include an up to 3,250-megawatt-hour (MWh) BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead inverte transmission (over-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. Electric energy would be transferred from the existing power grid to charge project batteries and store electrical energy and discharge back to the power grid when the stored energy is needed. The project would be interconnected to the regional electrical transmission grid via an approximately 2,800-foot-long new single-circuit 500-kV over-tie line within a 200-foot-wide corridor between the project substation and the existing PG&E Tesla Substation. The over-tie line would extend southeast from the project substation, crossing Patterson Pass Rd, and then proceed east to the Tesla Substation. The Applicant entered into a Large Generator Interconnection Agreement with the California Independent System Operator and PG&E on October 31, 2022. The Project Description (TN 255015) section of the application can be accessed directly at the following link: <https://efiling.energy.ca.gov/#/getDocument.asp?in=255015&documentContentId=93949>

CEC Jurisdiction and Opt-In Certification Program

Pursuant to state law, the CEC has established a certification program for eligible non-fossil fueled power plants, energy storage facilities, and related facilities to optionally seek certification from the CEC. (See Pub. Resources Code, §§ 25549-25545.13; Cal. Code Regs., tit. 20, §§ 1675-1692.) Under the Opt-In Certification Program, among the types of facilities the CEC can certify are energy storage facilities of 200 MWh or more and the electric transmission lines from those facilities to the first point of interconnection with any electrical transmission system. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report (EIR) for any facility that elects to opt-in to the CEC's jurisdiction.

With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency or federal agency to the extent permitted by federal law. The CEC is required to make its decision on whether to certify the project within 270 days of receiving a complete application except as provided in Public Resources Code section 25545.4. The CEC is required to consult with all responsible and trustee agencies on the scope and content of the EIR. The CEC staff has begun its review of the application and transmitted the application to responsible and trustee agencies.

The application has not been deemed complete at this time. Once the application is deemed complete, the CEC staff will evaluate the proposed project, consult with California Native American tribes, and host public meetings in the project area. This will include an informational and public scoping meeting during the development of the EIR, as well as a public meeting during the 60-day comment period on the Draft EIR, which will be included as part of the CEC's Staff Assessment of the application. After the conclusion of the public comment period, the CEC staff will publish an updated Staff Assessment (which will include a Final EIR) and the CEC Executive Director's recommendation on whether the CEC should certify the EIR and issue a certificate for construction and operation of the proposed project. The updated Staff Assessment and Executive Director's recommendation will be published at least 30 days before the CEC's consideration at a public meeting.

At the final public meeting, the CEC will formally decide whether to certify the EIR and grant a certification for construction and operation of the proposed project. Should the certification be granted, other agencies that retain their permitting authorities must take final action on any additional permits within 90 days of the CEC issuing a certificate. General information about the Opt-In Certification Program can be found on the CEC website at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program>.

Public Participation

The CEC welcomes public participation in the Opt-In review process. A copy of the Opt-In application as well as other project information, can be found on the CEC website at <https://www.energy.ca.gov/power-plants/battery-storage-systems/potentia-viridi-battery-energy-storage-system>. To stay informed about this project and receive notice of upcoming meetings and workshops, sign up to the project's email subscription, which can be accessed on the same project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage. This notice will be the only general public notification of this project that will appear in this publication. If you want to participate in the project review and decision-making process, please visit the web page linked above to subscribe for free email notifications from the CEC or contact the Public Advisor's Office (see contact info below).

For questions about the project, please contact Ann Crisp, project manager, by email at ann.crisp@energy.ca.gov

The CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs is available to provide information on, and assistance with, public participation in CEC proceedings. The Public Advisor's Office can be reached by phone at (916) 857-7916 and by email at publicadvisor@energy.ca.gov.

Media questions should be directed to the CEC's Media Office by phone at (916) 854-4559 or by email at mediaoffice@energy.ca.gov.
ATS 6857034; Dec. 11, 2024

Alameda Times-Star

1101 Marina Village Pkwy., Ste. 201
Alameda, CA 94501
510-723-2850

3867949

CALIFORNIA ENERGY COMMISSION
ACCTS PAYABLE
715 P ST.
SACRAMENTO, CA 95814

PROOF OF PUBLICATION

FILE NO. Potentia-Virdi NOR Sep 2024

Alameda Times-Star

The Alameda Times-Star

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Alameda Times-Star, a newspaper published in the English language in the City of Alameda, County of Alameda, State of California.

I declare that The Alameda Times-Star is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated September, 17, 1951, in the action entitled in the Matter of the Ascertainment and Establishment of the Standing of The Alameda Times-Star as a Newspaper of General Circulation, Case Number 236092. Said order states that "The Alameda Times-Star is a newspaper of general circulation within the City of Alameda, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.] of the Government Code of the State of California." Said order has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/11/2024

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Rio Vista, California,
On this 11th day of October, 2024.



Public Notice Advertising Clerk

Legal No. 0006857034

NOTICE OF RECEIPT OF AN OPT-IN CERTIFICATION APPLICATION FOR POTENTIA-VIRIDI BATTERY ENERGY STORAGE SYSTEM

On August 7, 2024, California Energy Commission (CEC) staff confirmed receipt of an application from Kovy Alameda, LLC (Applicant), for certification from the CEC through the Opt-in process for the Potentia Virdi Battery Energy Storage System (project) (24-0PT-04). The 400-megawatt (MW) battery energy storage system (BESS) project is proposed on approximately 22 acres in unincorporated eastern Alameda County at 1257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205. This notice of receipt of the application is published pursuant to Public Resources Code, sections 25213, subdivision (g) and 25245.4.

Project Description

The primary components of the proposed project include an up to 2,250-megawatt-hour (MWh) BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-ion phosphate batteries or similar technology batteries, with proven safety and performance records available at the time of procurement. Electric energy would be transferred from the existing power grid to charge project batteries and store electrical energy and discharge back to the power grid when the stored energy is needed. The project would be interconnected to the regional electrical transmission grid via an approximately 2,024-foot-long, low-voltage 500-kV gen-tie line within a 220-foot-wide corridor between the project substation and the existing PG&E Tesla Substation. The gen-tie line would extend southeast from the project substation, crossing Patterson Pass Rd, and then proceed east to the Tesla Substation. The Applicant entered into a Large Generator Interconnection Agreement with the California Independent System Operator and PG&E on October 31, 2022. The Project Description (TN 259010) section of the application can be accessed directly at the following link: <https://efiling.energy.ca.gov/getDocument.action?eFile=259010&DocumentContentId=932949>.

CEC Jurisdiction and Opt-in Certification Program

Pursuant to state law, the CEC has established a certification program for eligible non-fossil fueled power plants, energy storage facilities, and related facilities to voluntarily seek certification from the CEC. (See Public Resources Code, §§ 25245.25-25245.13; Cal. Code Regs., tit. 20, §§ 1875-1882.) Under the Opt-in Certification Program, among the types of facilities the CEC can certify are energy storage facilities of 200 MWh or more and the electric transmission lines from these facilities to the first point of interconnection with any electrical transmission system. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report (EIR) for any facility that elects to opt-in to the CEC's jurisdiction.

With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency or federal agency to the extent permitted by federal law. The CEC is required to make its decision on whether to certify the project within 270 days of receiving a complete application, except as provided in Public Resources Code Section 25245.4. The CEC is required to consult with all responsible and trustee agencies on the scope and content of the EIR. The CEC staff has begun its review of the application and transmitted the application to responsible and trustee agencies.

The application has not been deemed complete at this time. Once the application is deemed complete, the CEC staff will evaluate the proposed project, consult with California Native American tribes, and host public meetings in the project area. This will include an informational and public scoping meeting during the development of the EIR, as well as a public meeting during the 60-day comment period on the Draft EIR, which will be included as part of the CEC Staff Assessment of the application. After the conclusion of the public comment period, the CEC staff will publish an updated Staff Assessment (recommendation on whether the CEC should certify the EIR) and issue a certificate for construction and operation of the proposed project. The updated Staff Assessment and Executive Director's recommendation will be published at least 90 days before the CEC's consideration at a public meeting.

At the final public meeting, the CEC will formally decide whether to certify the EIR and grant a certification for construction and operation of the proposed project. Should the certification be granted, other agencies that retain their permitting jurisdiction, must take final action on any additional permits within 90 days of the CEC issuing a certificate. General information about the Opt-in Certification Program can be found on the CEC website at <https://efiling.energy.ca.gov/programs-and-tools/topics/power-plants/opt-in-certification-program>.

Public Participation

The CEC welcomes public participation in the Opt-in review process. A copy of the Opt-in application as well as other project information, can be found on the CEC website at <https://www.energy.ca.gov/power-plant/battery-storage-systems/certification/opt-in-certification-storage-system>. To stay informed about this project and receive notice of upcoming meetings and workshops, sign up to the project's email subscription, which can be accessed on the same project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage. This notice will be the only general public notification of this project that will appear in this publication. If you want to participate in the project review and decision-making process, please visit the web page linked above to subscribe for free email notifications from the CEC or contact the Public Advisor's Office (see contact info below).

For questions about the project, please contact Ann Crisp, project manager, by email at ann.crisp@energy.ca.gov.

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Media questions should be directed to the CEC's Media Office by phone at (916) 654-4989 or by email at mediaoffice@energy.ca.gov.
AT 24 0997034; Oct. 11, 2024

Message

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 1/9/2025 11:59:24 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]
CC: Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Grefsrud, Marcia@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=76704dafcdd74abd91fec354bda4c0ee-WildlifeMar]; Quillman, Gabriele@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=925c6fc2f40348f4b488347752471ba3-WildlifeGab]; Sinclair, Crystal@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=209edf346f1c429eb714c8c824e6da65-WildlifeCry]
Subject: FW: Potentia-Viridi (24-OPT-04)

Hi Kelly and Ronelle,

See the response below. CEC staff consulted with CDFW about the acceptability of mitigation land versus credits from a mitigation bank.

Hopefully this helps you.

Lisa

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Thursday, January 9, 2025 11:39 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: FW: Potentia-Viridi (24-OPT-04)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

So, it sounds like the adjacent lands could potentially be acceptable if they meet the CDFW criteria. I think the only way we will know is if we get the proposal from the applicant.

Hope this helps – let me know if you have any other questions, Julie

From: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Sent: Wednesday, January 8, 2025 4:26 PM
To: Field @EnergyVeterans.org <field@energyveterans.org>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Grefsrud, Marcia@Wildlife <Marcia.Grefsrud@wildlife.ca.gov>; Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>; Sinclair, Crystal@Wildlife <Crystal.Sinclair@wildlife.ca.gov>
Subject: RE: Potentia-Viridi (24-OPT-04)

Hi Ann. As you state, it depends on the suitability and amount of the habitat for special-status species that require mitigation. In general, mitigation lands should be buffered from adjacent development to prevent impacts to species and maintain the conservation values of the conservation easement. Mitigation lands should also ensure connectivity to other

protected lands as much as possible to allow movement and dispersal. An appropriate buffer from the project could be a minimum of 500 ft but ideally should be approximately 0.25 mile.

Thanks,

Brenda

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Tuesday, January 7, 2025 1:48 PM
To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: Potentia-Viridi (24-OPT-04)

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Brenda,

The applicant is asking if it would be acceptable to use adjacent lands that they acquired and of which they are in discussions with Westervelt to utilize for compensatory mitigation purposes. I have asked them to provide a proposal so we can evaluate the merits; however, they would like to know if it is even a consideration before they go through the work of preparing the proposal. I know we need to have an inventory of what is currently on the adjacent lands (quality/quantity of the habitat types – are species present) but, for purposes of getting started – if the adjacent lands have the appropriate habitat types and acreage amounts could this be an acceptable form of mitigation for CDFW? Is there any other criteria I can share with them?

Thanks, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 1/10/2025 12:11:56 AM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Ronelle Candia [rcandia@dudek.com]
CC: Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Grefsrud, Marcia@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=76704dafcdd74abd91fec354bda4c0ee-WildlifeMar]; Quillman, Gabriele@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=925c6fc2f40348f4b488347752471ba3-WildlifeGab]; Sinclair, Crystal@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=209edf346f1c429eb714c8c824e6da65-WildlifeCry]
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Thank you, Lisa.

This response is much appreciated.

Sincerely,

Kelone Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (510) 393-5040
Facsimile +1 (415) 649-1335
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: January 9, 2025 3:59 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Grefsrud, Marcia@Wildlife <Marcia.Grefsrud@wildlife.ca.gov>; Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>; Sinclair, Crystal@Wildlife <Crystal.Sinclair@wildlife.ca.gov>
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Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

Sent: 1/9/2025 11:56:48 PM
Subject: FW: Potentia-Viridi (24-OPT-04)

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To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
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Thanks, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 1/30/2025 7:32:59 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Palmer, Dana [DPalmer@allenmatkins.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]
Subject: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

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Good Morning, Lisa, and Ann

As we previously discussed, this email is to notify you that all responses to the CEC's September 6, 2024, Determination of Incomplete Application and Request for Information letter have been submitted to the Docket for the Potentia-Viridi Battery Energy Storage System Project. In addition, a share site has been set up to provide the working and modeling files. An email with the link will be sent immediately after you receive this email.

We are also copying Ann on this email as we would like to know if we should send the applicable biological applications directly to CDFW or if the CEC will handle distribution of those documents as part of their review.

Please let us know if you have any questions.

Sincerely,

Kelona Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 648-5340
Facsimile +1 (416) 649-1885
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

Message

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 1/30/2025 11:40:25 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Palmer, Dana [DPalmer@allenmatkins.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

Hi Kelly,

Thanks for your email. I have been seeing the docket updating. I misspoke about the review time for data responses. There is noting in the statute that points to a 30-day review. The mention of a 30-day review is for the completeness review once the application has been submitted.

We will do our very best to review your responses as soon as possible.

Kindly,

Lisa

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, January 30, 2025 3:32 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Palmer, Dana <DPalmer@allenmatkins.com>; Paul Miller <pam@eurowindenergy.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

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Please let us know if you have any questions.

Sincerely,

Kelene Strain

Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (916) 899-5143

Facsimile +1 (415) 619-1335

Email KStrain@capstoneinfra.com

Web www.capstoneinfrastructure.com

Los Angeles, California

Message

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 1/31/2025 12:20:09 AM
To: Kelly Strain [KStrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Field@EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: Seeking take authorization for BUOW for Potentia-Viridi

Hi all,

Our biologist was quickly scanning the ITP, but didn't see the burrowing owl. Were you planning on seeking a take authorization for this species?

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 2/7/2025 7:09:32 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Palmer, Dana [DPalmer@allenmatkins.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]; Scott Meyers [SMeyers@capstoneinfra.com]
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Lisa

We are just checking in to see how our project DR response review is going. In our last meeting, just a few days ago, you mentioned you were uncertain about how we would address the Williamson Act Contract land issue, yet we provided what we believe to be clear responses weeks ago. Please let us know if you still have questions regarding this matter, or any other response we provided or project details. You may recall we also requested weekly meetings with you and the CEC team going forward. Would you mind sending out an updated meeting invitation and please include Rocio Perez, Lauren McLeod, Paul Miller, and Scott Meyers on the invitation?

We look forward to hearing back from you,

Sincerely,

Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 839-6540
Facsimile +1 (310) 619-1135
Email kstrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: January 30, 2025 3:40 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Palmer, Dana <DPalmer@allenmatkins.com>; Paul Miller <pam@eurowindenergy.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Subject: Re: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

Hi Kelly,

Thanks for your email. I have been seeing the docket updating. I misspoke about the review time for data responses. There is nothing in the statute that points to a 30-day review. The mention of a 30-day review is for the completeness review once the application has been submitted.

We will do our very best to review your responses as soon as possible.

Kindly,

Lisa

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, January 30, 2025 3:32 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Palmer, Dana <DPalmer@allenmatkins.com>; Paul Miller <pam@eurowindenergy.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Subject: RE: Potentia Viridi BESS (24-OPT-04) - Docket Upload DR Responses

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning, Lisa, and Ann

As we previously discussed, this email is to notify you that all responses to the CEC's September 6, 2024, Determination of Incomplete Application and Request for Information letter have been submitted to the Docket for the Potentia-Viridi Battery Energy Storage System Project. In addition, a share site has been set up to provide the working and modeling files. An email with the link will be sent immediately after you receive this email.

We are also copying Ann on this email as we would like to know if we should send the applicable biological applications directly to CDFW or if the CEC will handle distribution of those documents as part of their review.

Please let us know if you have any questions.

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct +1 (714) 399-5510
Facsimile +1 (714) 618-1315
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 2/3/2025 10:56:53 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Ronelle Candia [rcandia@dudek.com]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: RE: Seeking take authorization for BUOW for Potentia-Viridi

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa,

Thank you for catching that. We inadvertently uploaded the wrong version of the ITP. We are quickly making some additional revisions and will upload it to the docket tomorrow or Wednesday.

Thank you,

Kelone Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 649-6340
Facsimile +1 (415) 649-6355
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: January 30, 2025 4:20 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: Seeking take authorization for BUOW for Potentia-Viridi

Hi all,

Our biologist was quickly scanning the ITP, but didn't see the burrowing owl. Were you planning on seeking a take authorization for this species?

Thanks,

Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 2/18/2025 5:27:06 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Palmer, Dana [DPalmer@allenmatkins.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Pierre Permingeat [ppermingeat@capstoneinfra.com]
Subject: Potentia Viridi BESS (24-OPT-04) - Today's Meeting Agenda

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lisa,

Below is a brief agenda for today's bi-weekly Potentia Virid PM meeting. Please add any points below you would like to address during the meeting.

RFI Strategy meeting agenda (February 18, 2025)

- Status of CEC's review of our Project DR Responses and documents
- CEC to provide anticipated timeframe for their review
- Status of Incidental Take Permit Review
- CEC Questions / clarification regarding Williamson Act and Project Conformance

Forum – Questions / Comments

Sincerely,

Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

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Web www.capstoneinfrastructure.com

Los Angeles, California

Message

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 2/27/2025 12:20:13 AM
To: Kelly Strain [KStrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]
CC: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Ding, Yifan@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49ee78637b0648578196965a7385b6f2-6d1c78d5-11]; Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]
Subject: Potentia-Viridi- Request from AQ staff re AERMOD files

Hi Kelly and Ronelle,

I received this request from our AQ staff:

For the Potentia Viridi AERMOD files, the applicant updated their results in Table 10 through Table 16 of the "DR Response 2 - Attachment 3 - Air Quality and GHG Technical Report". However, the Excel worksheet that details the calculation of C/Q by multiplying the different species' emission rates for both construction and operation is missing. Could you please forward this email to the applicant to request the missing files? Thank you.

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



Message

From: Qian, Wenjun@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4421BE8DF5F40EC851D73AFFCBFF913-QIAN, WENJU]
Sent: 2/27/2025 3:50:21 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Ronelle Candia [rcandia@dudek.com]
CC: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Ding, Yifan@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49ee78637b0648578196965a7385b6f2-6d1c78d5-11]
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

Hi Kelly,

Can we have a copy of the Excel spreadsheet with the calculations intact so that staff can check the calculations? If you cannot docket the spreadsheet directly, maybe an email is the best way to send.

Thanks.

Wenjun Qian, Ph.D., P.E.
Program and Project Supervisor
California Energy Commission
715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, February 27, 2025 6:41 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Lisa.

We will work on this and promptly upload it to the docket, unless an email is best.

Best,

Kelcee Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

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Facsimile +1 (415) 343-1331
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: February 26, 2025 4:20 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>;
Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: Potentia-Viridi- Request from AQ staff re AERMOD files

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Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 2/27/2025 2:41:24 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Ronelle Candia [rcandia@dudek.com]
CC: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Ding, Yifan@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49ee78637b0648578196965a7385b6f2-6d1c78d5-11]; Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Lisa.

We will work on this and promptly upload it to the docket, unless an email is best.

Best,

Kelena Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (916) 618 5340
Facsimile +1 (916) 618 1335
Email kstrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: February 26, 2025 4:20 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: Potentia-Viridi- Request from AQ staff re AERMOD files

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Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



Message

From: Ronelle Candia [rcandia@dudek.com]
Sent: 2/27/2025 12:49:34 AM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Kelly Strain [KStrain@capstoneinfra.com]
CC: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Ding, Yifan@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49ee78637b0648578196965a7385b6f2-6d1c78d5-11]; Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

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Hello Lisa,

Would you like me to attach the spreadsheets to this email chain or send them a different way (share site or docket)?

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Wednesday, February 26, 2025 4:20 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: Potentia-Viridi- Request from AQ staff re AERMOD files

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Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



Message

From: Ronelle Candia [rcandia@dudek.com]
Sent: 2/27/2025 3:51:58 PM
To: Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]; Kelly Strain [KStrain@capstoneinfra.com]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Ding, Yifan@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49ee78637b0648578196965a7385b6f2-6d1c78d5-11]
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files
Attachments: PV-CON-AAQA.xlsx; PV-OP-AAQA.xlsx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please see attached per your request. Let us know if you need anything else.

Thank you!

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Sent: Thursday, February 27, 2025 7:50 AM
To: Kelly Strain <KStrain@capstoneinfra.com>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

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Thanks.

Wenjun Qian, Ph.D., P.E.
Program and Project Supervisor
California Energy Commission
715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, February 27, 2025 6:41 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>;
Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: RE: Potentia-Viridi- Request from AQ staff re AERMOD files

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Thank you, Lisa.

We will work on this and promptly upload it to the docket, unless an email is best.

Best,

Kelena Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

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Facsimile +1 (310) 846-1337
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: February 26, 2025 4:20 PM
To: Kelly Strain <KStrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>;
Ding, Yifan@Energy <Yifan.Ding@Energy.ca.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Subject: Potentia-Viridi- Request from AQ staff re AERMOD files

Hi Kelly and Ronelle,

I received this request from our AQ staff:

For the Potentia Viridi AERMOD files, the applicant updated their results in Table 10 through Table 16 of the "DR Response 2 - Attachment 3 - Air Quality and GHG Technical Report". However, the Excel worksheet that details the calculation of C/Q by multiplying the different species' emission rates for both construction and operation is missing. Could you please forward this email to the applicant to request the missing files? Thank you.

Lisa Worrall

Senior Environmental Planner

California Energy Commission

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Attainment Status - San Francisco Bay Area Air Basin

Criteria Pollutants	Averaging Time	State Designation	Federal Designation
Ozone (O ₃)	1-hour	Nonattainment	—
	8-hour	Nonattainment	Nonattainment/marginal
Nitrogen Dioxide (NO ₂)	1-hour	Attainment	Attainment/Unclassified ²
	Annual	Attainment	Attainment/Unclassified ²
Sulfur Dioxide (SO ₂)	All	Attainment	Attainment/Unclassified ²
Carbon Monoxide (CO)	All	Attainment/maintenanc	Attainment
Particulates (as PM ₁₀)	24-hour	Nonattainment	Attainment
	Annual	Nonattainment	—
Particulates (as PM _{2.5})	24-hour	—	Nonattainment
	Annual	Nonattainment	Nonattainment/moderate
Lead (Pb)	All	Attainment	Attainment/Unclassified ²
Sulfates (as SO ₄)	24-hour	Attainment	—
Hydrogen Sulfide (H ₂ S)	1-hour	Unclassified ²	—
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	Attainment	—
Visibility	8-hour	Unclassified ²	—

Sources: SJVAPCD 2014a, CARB 2014, EPA 2015a

Notes:

¹ The 0.08 ppmv federal 8-hour ozone standard applied until 2008; 0.075 ppmv thereafter

² At the time of designation, if the available data does not support a designation or attainment or nonattainment, the area is designated as unclassified

Ambient Air Quality Standards

Criteria Pollutants	MW	Averaging Time	California Standards		Federal Standards	
			ppmv	µg/m ³	ppmv	µg/m ³
Ozone (O ₃)	47.997	1-hour	0.09	180	—	—
	47.997	8-hour	0.07	137	0.07	137
Nitrogen Dioxide (NO ₂)	46.005	1-hour	0.18	339	0.100	188
	46.005	Annual	0.07	57	0.053	100
Sulfur Dioxide (SO ₂)	64.062	1-hour	0.25	655	0.075	196
	64.062	3-hour Secondary	—	—	0.50	1,300
	64.062	24-hour	0.07	105	0.14	367
	64.062	Annual	—	—	0.03	79
Carbon Monoxide (CO)	28.010	1-hour	20	22,900	35	40,100
	28.010	8-hour	9	10,300	9	10,300
	28.010	Lake Tahoe (8-hr)	6	6,900	—	—
Particulates (as PM ₁₀)		24-hour	—	50	—	150
		Annual	—	20	—	—
Particulates (as PM _{2.5})		24-hour	—	—	—	35
		Annual Primary	—	12	—	12
		Annual Secondary	—	—	—	15
Lead (Pb)		30-day	—	1.5	—	—
		3-month (rolling)	—	—	—	0.15
Sulfates (as SO ₄)		24-hour	—	25	—	—
Hydrogen Sulfide (H ₂ S)	34.080	1-hour	0.07	42	—	—
Vinyl Chloride (C ₂ H ₃ Cl)	62.499	24-hour	0.07	20	—	—
Visibility Reducing Particles		8-hour	Extinction coefficient of 0.23 per km; visibility of 10 miles or more (0.07 to 30 miles or more for Lake Tahoe) due to particles when relative humidity is		—	—

Source: CARB 2015c

Notes:

ppmv = parts per million by volume

µg/m³ = micrograms per cubic meter

The 1.5 µg/m³ federal quarterly lead standard applied until 2008; 0.15 µg/m³ rolling 3-month average thereafter

For gases, µg/m³ calculated from ppmv based on molecular weight and standard conditions:

Standard Temperature 25 °C for ambient air monitoring

Standard Molar Volume 24.465 liter/g-mole for ambient air monitoring

The thresholds of significance for Ambient Air Quality are based on the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standard (NAAQS). A project would be considered to have a significant impact if its

Conversion Chart - Based on State/Federal AAQS

Criteria Pollutants	Averaging Time	California Standards			Federal Standards		
		ppmv	µg/m ³	Factor	ppmv	µg/m ³	Factor
Ozone (O ₃)	1-hour	0.09	180	2000	—	—	—
	8-hour	0.07	137	1957.142857	0.07	137	1957.142857
Nitrogen Dioxide (NO ₂)	1-hour	0.18	339	1883.333333	0.1	188	1880
	Annual	0.03	57	1900	0.053	100	1886.792453
Sulfur Dioxide (SO ₂)	1-hour	0.25	655	2620	0.075	196	2613.333333
	3-hour Secondary	—	—	—	0.5	1300	2600
	24-hour	0.04	105	2625	0.14	367	2621.428571
Carbon Monoxide (CO)	Annual	—	—	—	0.03	78.64287	2621.429
	1-hour	20	22900	1145.6	35	40100	1145.6
	8-hour	9	10300	1145.6	9	10300	1145.6
Particulates (as PM ₁₀)	Lake Tahoe (8-hr)	6	6900	1145.6	—	—	—
	24-hour	—	50	1	—	150	1
Particulates (as PM _{2.5})	Annual	—	20	1	—	—	—
	24-hour	—	—	—	—	35	1
Particulates (as PM _{2.5})	Annual Primary	—	12	1	—	12	1
	Annual Secondary	—	—	—	—	15	1
	30-day	—	1.5	1	—	—	—
Lead (Pb)	3-month (rolling)	—	—	—	—	0.15	1
	24-hour	—	25	1	—	—	—
Sulfates (as SO ₄)	24-hour	—	25	1	—	—	—
Hydrogen Sulfide (H ₂ S)	1-hour	0.03	41.78969462	1392.989821	—	—	—
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	0.01	25.54591279	2554.591279	—	—	—

BAAQMD Significant Impact Levels

Pollutant	Averaging Period	SILs ($\mu\text{g}/\text{m}^3$)
CO	8-hour	500
	1-hour	2,000
CO	1-hour	—
	Annual	1
PM ₁₀	Annual	1
	24-hour	5
SO ₂	1-hour	—
	1-hour	25
	24-hour	5
	Annual	1

Source: BAAQMD Complex Permitting Handbook for New Source Review

Construction Ambient Air Quality Analysis - Potentia Viridi

Table 1. Max Emission Rates (lbs/day) for Project - Unmitigated

Max. Rates	ROG	NO _x	CO	SO _x	PM ₁₀	PM ₁₀ Fugitive	PM _{2.5}	PM _{2.5} Fugitive
	8.77	60.65	77.54	0.13	2.21	0.00	1.97	0.00
Total OnSite, lbs/day	8.77	60.65	77.54	0.13	2.21	0.00	1.97	0.00
Daily Max, g/s	0.14	0.96	1.22	0.00	0.03	0.00	0.03	0.00
Hourly Max lbs/hr	1.10	7.58	9.69	0.02	0.03	0.00	0.25	0.00

Table 2. AERMOD Maximum Impact X/Q, (ug/m³)/(g/s)

Max 1-Hour	Max 3-Hour	Max 8-Hour	Max 24-Hour	Max Annual
325.70	214.57	186.44	119.27	56.01

Note: These concentrations are based on the AERMOD Results Summary Report

Table 3. Project Contribution Concentrations (ug/m³)

Pollutant	CAS No.	HR Max (g/s)	X/Q (ug/m ³)/(g/s)	NO _x to NO ₂ Conversion	Project Concentration (ug/m ³)	Scaled Rate (lbs/hr)
		(from Table 1)	(from Table 2)			
1-hour CO	630080	1.22	325.70	—	397.76	9.693
8-hour CO	630080	1.22	186.44	—	227.69	8.723
1-hour NO ₂	10102440	0.96	325.70	80%	248.89	7.581
Annual NO ₂	10102440	0.96	56.01	100%	53.50	0.758
24-hour PM ₁₀	85101	0.06	119.27	—	4.15	0.166
Annual PM ₁₀	85101	0.06	56.01	—	1.95	0.028
24-hour PM _{2.5}	85101	0.06	119.27	—	3.70	0.166
Annual PM _{2.5}	85101	0.031	56.01	—	3.70	0.028
1-hour SO ₂	7449095	0.06	325.70	—	0.67	0.028
24-hour SO ₂	7449095	0.06	119.27	—	0.67	0.028
Annual SO ₂	7449095	0.06	56.01	—	0.15	0.002

Table 4. Level 1 AAQA for Potentia Viridi - Unmitigated

Impact Parameter	Applicable Standard	Project Area Maximum Background Concentration (Years 2020-2022)		Project Contribution (ug/m ³)	Cumulative Concentration (ug/m ³)	AAQS Threshold (ug/m ³)	Step 1 Significance	SIL (ug/m ³)	Step 2 Significance
		PM ₁₀	PM _{2.5}						
1-hour CO	State	16.5	18,902	397.76	19,300	22,900	PASS	2000	Step 1
	Federal	16.5	18,902	397.76	19,300	40,100	PASS	2000	Step 1
1-hour CO	State	3.7	4,239	227.69	4,466	10,300	PASS	500	Step 1
	Federal	3.7	4,239	227.69	4,466	10,300	PASS	500	Step 1
1-hour NO ₂	State	0.045	85	248.89	334	339	PASS	-	Step 1
	Federal	0.045	79	248.89	334	188	Fail	-	Step 1
Annual NO ₂	State	0.008	15	53.50	69	57	Step 2	1	Fail
	Federal	0.008	85	53.50	69	100	PASS	-	Step 1
1-hour SO ₂	State	0.045	40	0.67	69	655	PASS	-	Step 1
	Federal	0.045	79	0.67	60	188	PASS	-	Step 1
24-Hour SO ₂	State	0.005	7	0.24	7	105	PASS	-	Step 1
	Federal	0.003	7	0.24	7	367	PASS	-	Step 1
Annual SO ₂	Federal	0.000	1	0.11	1	79	PASS	1	Step 1
24-hour PM ₁₀	State	-	40	4.15	69	50	PASS	-	Step 1
	Federal	-	38	4.15	69	188	PASS	-	Step 1
Annual PM ₁₀	State	-	10	1.95	1	70	PASS	1	Step 1
24-hour PM _{2.5}	Federal	-	44	3.70	1	35	Step 2	1.2	Fail
Annual PM _{2.5}	State	-	8	1.74	60	12	PASS	0.2	Step 1
	Federal	-	8	1.74	60	12	PASS	0.2	Step 1

Sources:

CARB. 2016. "Ambient Air Quality Standards." May 5, 2016. Available: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>. Accessed October 2023.

BAAQMD 2016. BAAQMD New Source Review Permitting. September 2016. https://www.baaqmd.gov/~media/files/permits/permitting-manuals/nsr-guidance/complex-nsr-permitting-handbook_sept-2016-pdf.pdf?rev=ebc

Construction Ambient Air Quality Analysis - Potentia Viridi

Table 1. Max Emission Rates (lbs/day) for Project - Mitigated

Max Rates	ROG	NO _x	CO	SO _x	PM ₁₀	PM ₁₀ - Fugitive	PM _{2.5}	PM _{2.5} - Fugitive
	4.83	22.13	89.24	0.13	0.61	0.00	0.45	0.00
Total OnSite, lbs/day	4.83	22.13	89.24	0.13	0.61	0.00	0.45	0.00
Daily Max, g/s	0.08	0.35	1.41	0.00	0.01	0.00	0.01	0.00
Hourly Max lbs/hr	0.00	2.77	11.16	0.02	0.08	0.00	0.06	0.00

Table 2. AERMOD Maximum Impact X/Q, (ug/m³)/(g/s)

Max 1-Hour	Max 8-Hour	Max 8-Hour	Max 24-Hour	Max Annual
325.70	214.57	186.44	119.27	56.01

Note: These concentrations are based on the AERMOD Results Summary Report

Table 3. Project Contribution Concentrations (ug/m³)

Pollutant	CAS No	Hr. Max (g/s)	X/Q (ug/m ³)/(g/s)	NO _x to NO ₂ Conversion	Project Concentration (ug/m ³)	Scaled Rate (lbs/hr)
		(from Table 1)	(from Table 2)			
1-hour CO	630080	1.41	325.70	—	457.77	11.155
8-hour CO	630080	1.41	186.44	—	262.04	10.040
1-hour NO ₂	10102440	0.35	325.70	80%	90.82	2.766
Annual NO ₂	10102440	0.35	56.01	100%	19.52	0.277
24-hour PM ₁₀	85101	0.01	119.27	—	1.15	0.046
Annual PM ₁₀	85101	0.01	56.01	—	0.54	0.008
24-hour PM _{2.5}	88101	0.01	119.27	—	0.85	0.034
Annual PM _{2.5}	85101	0.007	56.01	—	0.54	0.008
1-hour SO ₂	7449095	0.01	325.70	—	0.54	0.008
24-hour SO ₂	7449095	0.01	119.27	—	0.54	0.008
Annual SO ₂	7449095	0.01	56.01	—	0.54	0.008

Table 4. Level 1 AAQA for Potentia Viridi - Mitigated

Impact Parameter	Applicable Standard	Project Area Maximum Background Concentration (Years 2020-2022)		Project Contribution (ug/m ³)	Cumulative Concentration (ug/m ³)	AAQS Threshold (ug/m ³)	Step 1 Significance	SIL (ug/m ³)	Step 2 Significance
		ppmv							
1-hour CO	State	16.5	18,902	457.77	19,360	22,900	PASS	2000	Step 1
	Federal	16.5	18,902	457.77	19,360	40,100	PASS	2000	Step 1
1-hour CO	State	3.7	4,239	262.04	4,501	10,300	PASS	500	Step 1
	Federal	3.7	4,239	262.04	4,501	10,300	PASS	500	Step 1
1-hour NO ₂	State	0.045	85	90.82	176	339	PASS	-	Step 1
	Federal	0.045	79	90.82	170	188	PASS	-	Step 1
Annual NO ₂	State	0.008	85	19.52	35	57	PASS	-	Step 1
	Federal	0.008	85	19.52	35	100	PASS	-	Step 1
1-hour NO ₂	State	0.045	40	0.67	41	655	PASS	-	Step 1
	Federal	0.045	79	0.67	41	100	PASS	-	Step 1
24-Hour SO ₂	State	0.075	7	0.24	35	105	PASS	-	Step 1
	Federal	0.075	7	0.24	35	367	PASS	-	Step 1
Annual SO ₂	Federal	0.000	1	0.11	1	79	PASS	1	Step 1
24-hour PM ₁₀	State	--	40	1.15	41	50	PASS	5	Step 1
	Federal	--	38	1.15	35	100	PASS	-	Step 1
Annual PM ₁₀	State	--	10	0.54	10	70	PASS	1	Step 1
24-hour PM _{2.5}	Federal	--	44	0.85	10	35	Step 2	1.2	PASS
Annual PM _{2.5}	State	--	8	0.40	8	12	PASS	0.2	Step 1
	Federal	--	8	0.40	8	12	PASS	0.2	Step 1

Sources:

CARB. 2016. "Ambient Air Quality Standards." May 5, 2016. Available: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>. Accessed October 2023.

BAAQMD 2016. BAAQMD New Source Review Permitting. September 2016. https://www.baaqmd.gov/~media/files/permits/permitting-manuals/nsr-guidance/complex-nsr-permitting-handbook_sept-2016-pdf.pdf?rev=ebc

Attainment Status - San Francisco Bay Area Air Basin

Criteria Pollutants	Averaging Time	State Designation	Federal Designation
Ozone (O ₃)	1-hour	Nonattainment	—
	8-hour	Nonattainment	Nonattainment/marginal
Nitrogen Dioxide (NO ₂)	1-hour	Attainment	Attainment/Unclassified ²
	Annual	Attainment	Attainment/Unclassified ²
Sulfur Dioxide (SO ₂)	All	Attainment	Attainment/Unclassified ²
Carbon Monoxide (CO)	All	Attainment/maintenanc	Attainment
Particulates (as PM ₁₀)	24-hour	Nonattainment	Attainment
	Annual	Nonattainment	—
Particulates (as PM _{2.5})	24-hour	—	Nonattainment
	Annual	Nonattainment	Nonattainment/moderate
Lead (Pb)	All	Attainment	Attainment/Unclassified ²
Sulfates (as SO ₄)	24-hour	Attainment	—
Hydrogen Sulfide (H ₂ S)	1-hour	Unclassified ²	—
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	Attainment	—
Visibility	8-hour	Unclassified ²	—

Sources: CARB 2014, EPA 2015a

Notes:

¹ The 0.08 ppmv federal 8-hour ozone standard applied until 2008; 0.075 ppmv thereafter

² At the time of designation, if the available data does not support a designation or attainment or nonattainment, the area is designated as unclassified

Ambient Air Quality Standards

Criteria Pollutants	MW	Averaging Time	California Standards		Federal Standards	
			ppmv	µg/m ³	ppmv	µg/m ³
Ozone (O ₃)	47.997	1-hour	0.09	180	—	—
	47.997	8-hour	0.07	137	0.07	137
Nitrogen Dioxide (NO ₂)	46.005	1-hour	0.18	339	0.100	188
	46.005	Annual	0.07	57	0.053	100
Sulfur Dioxide (SO ₂)	64.062	1-hour	0.25	655	0.075	196
	64.062	3-hour Secondary	—	—	0.50	1,300
	64.062	24-hour	0.07	105	0.14	367
	64.062	Annual	—	—	0.03	79
Carbon Monoxide (CO)	28.010	1-hour	20	22,900	35	40,100
	28.010	8-hour	9	10,300	9	10,300
	28.010	Lake Tahoe (8-hr)	6	6,900	—	—
Particulates (as PM ₁₀)		24-hour	—	50	—	150
		Annual	—	20	—	—
Particulates (as PM _{2.5})		24-hour	—	—	—	35
		Annual Primary	—	12	—	12
		Annual Secondary	—	—	—	15
Lead (Pb)		30-day	—	1.5	—	—
		3-month (rolling)	—	—	—	0.15
Sulfates (as SO ₄)		24-hour	—	25	—	—
Hydrogen Sulfide (H ₂ S)	34.080	1-hour	0.07	42	—	—
Vinyl Chloride (C ₂ H ₃ Cl)	62.499	24-hour	0.07	20	—	—
Visibility Reducing Particles		8-hour	Extinction coefficient of 0.23 per km; visibility of 10 miles or more (0.07 to 30 miles or more for Lake Tahoe) due to particles when relative humidity is		—	—

Source: CARB 2015c

Notes:

ppmv = parts per million by volume

µg/m³ = micrograms per cubic meter

The 1.5 µg/m³ federal quarterly lead standard applied until 2008; 0.15 µg/m³ rolling 3-month average thereafter

For gases, µg/m³ calculated from ppmv based on molecular weight and standard conditions:

Standard Temperature 25 °C for ambient air monitoring

Standard Molar Volume 24.465 liter/g-mole for ambient air monitoring

The thresholds of significance for Ambient Air Quality are based on the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standard (NAAQS). A project would be considered to have a significant impact if its

Conversion Chart - Based on State/Federal AAQS

Criteria Pollutants	Averaging Time	California Standards			Federal Standards		
		ppmv	µg/m ³	Factor	ppmv	µg/m ³	Factor
Ozone (O ₃)	1-hour	0.09	180	2000	—	—	—
	8-hour	0.07	137	1957.142857	0.07	137	1957.142857
Nitrogen Dioxide (NO ₂)	1-hour	0.18	339	1883.333333	0.1	188	1880
	Annual	0.03	57	1900	0.053	100	1886.792453
Sulfur Dioxide (SO ₂)	1-hour	0.25	655	2620	0.075	196	2613.333333
	3-hour Secondary	—	—	—	0.5	1300	2600
	24-hour	0.04	105	2625	0.14	367	2621.428571
Carbon Monoxide (CO)	Annual	—	—	—	0.03	78.64287	2621.429
	1-hour	20	22900	1145.6	35	40100	1145.6
	8-hour	9	10300	1145.6	9	10300	1145.6
Particulates (as PM ₁₀)	Lake Tahoe (8-hr)	6	6900	1145.6	—	—	—
	24-hour	—	50	1	—	150	1
	Annual	—	20	1	—	—	—
Particulates (as PM _{2.5})	24-hour	—	—	—	—	35	1
	Annual Primary	—	12	1	—	12	1
	Annual Secondary	—	—	—	—	15	1
Lead (Pb)	30-day	—	1.5	1	—	—	—
	3-month (rolling)	—	—	—	—	0.15	1
Sulfates (as SO ₄)	24-hour	—	25	1	—	—	—
Hydrogen Sulfide (H ₂ S)	1-hour	0.03	41.78969462	1392.989821	—	—	—
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	0.01	25.54591279	2554.591279	—	—	—

BAAQMD Significant Impact Levels

Pollutant	Averaging Period	SILs ($\mu\text{g}/\text{m}^3$)
CO	8-hour	500
	1-hour	2,000
CO	1-hour	—
	Annual	1
PM ₁₀	Annual	1
	24-hour	5
SO ₂	1-hour	—
	1-hour	25
	24-hour	5
	Annual	1

Source: BAAQMD Complex Permitting Handbook for New Source Review

Operational Ambient Air Quality Analysis - Potentia Viridi

Table 1. Max Emission Rates (lbs/day) for Project

Max Rates	ROG	NO _x	CO	SO _x	PM ₁₀	PM ₁₀ - Fugitive	PM _{2.5}	PM _{2.5} - Fugitive
	20.55	5.89	57.64	0.11	0.55	0.00	0.53	0.00
Total OnSite, lbs/day	20.55	5.89	57.64	0.11	0.55	0.00	0.53	0.00
Daily Max, g/s	0.32	0.09	0.91	0.00	0.01	0.00	0.01	0.00
Hourly Max lbs/hr	2.57	0.74	7.21	0.01	0.01	0.00	0.01	0.00

Note: Conversion assumes 8 hr workday

Table 2. AERMOD Maximum Impact X/Q, (ug/m³)/(g/s)

Max 1-Hour	Max 8-Hour	Max 8-Hour	Max 24-Hour	Max Annual
63.26	50.91	31.01	12.15	1.33

Note: These concentrations are based on the AERMOD Results Summary Report

Table 3. Project Contribution Concentrations (ug/m³)

Pollutant	CAS No	Hr. Max (g/s)	X/Q (ug/m ³)/(g/s)	NO _x to NO ₂ Conversion	Project Concentration (ug/m ³)	Scaled Rate (lbs/hr)
		(from Table 1)	(from Table 2)			
1-hour CO	630080	0.91	63.26	—	57.42	7.205
8-hour CO	630080	0.91	31.01	—	28.15	6.485
1-hour NO ₂	10102440	0.09	63.26	80%	4.69	0.736
Annual NO ₂	10102440	0.09	1.33	100%	0.12	0.074
24-hour PM ₁₀	85101	0.01	12.15	—	0.11	0.041
Annual PM ₁₀	85101	0.01	1.33	—	0.01	0.007
24-hour PM _{2.5}	88101	0.01	12.15	—	0.12	0.074
Annual PM _{2.5}	85101	0.01	1.33	—	0.01	0.007
1-hour SO ₂	7449095	0.00	63.26	—	0.12	0.074
24-hour SO ₂	7449095	0.00	12.15	—	0.01	0.008
Annual SO ₂	7449095	0.00	1.33	—	0.00	0.007

Table 4. Level 1 AAQA for Potentia Viridi

Impact Parameter	Applicable Standard	Project Area Maximum Background Concentration (Years 2020-2022)		Project Contribution (ug/m ³)	Cumulative Concentration (ug/m ³)	AAQS Threshold (ug/m ³)	Step 1 Significance	SIL (ug/m ³)	Step 2 Significance
		pphm	ug/m ³						
1-hour CO	State	16.5	18,902	57.42	18,960	22,900	PASS	2000	Step 1
	Federal	16.5	18,902	57.42	18,960	40,100	PASS	2000	Step 1
1-hour CO	State	3.7	4,239	28.15	4,267	10,300	PASS	500	Step 1
	Federal	3.7	4,239	28.15	4,267	10,300	PASS	500	Step 1
1-hour NO ₂	State	0.045	85	4.69	89	339	PASS	-	Step 1
	Federal	0.045	79	4.69	89	188	PASS	-	Step 1
Annual NO ₂	State	0.008	85	0.12	89	57	PASS	-	Step 1
	Federal	0.008	15	0.12	15	100	PASS	1	Step 1
1-hour SO ₂	State	0.015	40	0.12	40	655	PASS	1	Step 1
	Federal	0.015	39	0.12	15	100	PASS	1	Step 1
24-Hour SO ₂	State	0.003	7	0.12	15	100	PASS	5	Step 1
	Federal	0.003	7	0.02	15	367	PASS	5	Step 1
Annual SO ₂	Federal	0.000	1	0.00	1	79	PASS	1	Step 1
24-hour PM ₁₀	State	--	40	0.12	89	50	PASS	5	Step 1
	Federal	--	38	0.12	89	180	PASS	5	Step 1
Annual PM ₁₀	State	--	10	0.01	10	70	PASS	1	Step 1
24-hour PM _{2.5}	Federal	--	44	0.01	10	35	Step 2	1.2	PASS
Annual PM _{2.5}	State	--	8	0.02	8	12	PASS	0.2	Step 1
	Federal	--	8	0.02	8	12	PASS	0.2	Step 1

Sources:

CARB. 2016. "Ambient Air Quality Standards." May 5, 2016. Available: <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>. Accessed October 2023.

BAAQMD 2016. BAAQMD New Source Review Permitting. September 2016. https://www.baaqmd.gov/~media/files/permits/permitting-manuals/nsr-guidance/complex-nsr-permitting-handbook_sept-2016-pdf.pdf?rev=ebc

Ambient Air Quality Analysis - Potentia Viridi

Table 1. Max Emission Rates (lbs/day) for Project - Mitigated

Max Rates	ROG	NO _x	CO	SO _x	PM ₁₀ - Exhaust	PM ₁₀ - Fugitive	PM _{2.5} - Exhaust	PM _{2.5} - Fugitive
	10.56	78.47	102.78	0.18	2.69	1.33	2.48	4.02
Total OnSite, lbs/day	10.56	78.47	102.78	0.18	2.69	1.33	2.48	4.02
Daily Max, g/s	0.17	1.24	1.62	0.00	0.04	0.02	0.04	0.06
Hourly Max lbs/hr	1.32	9.81	12.85	0.02	0.34	0.17	0.31	0.50

Note: Conversion assumes 8 hr workday

Table 2. AERMOD Maximum Impact X/Q, (ug/m³)/(g/s)

Max 1-Hour	Max 3-Hour	Max 8-Hour	Max 24-Hour	Max Annual
325.70	214.57	186.44	119.27	56.01

Note: These concentrations are based on the AERMOD Results Summary Report

Table 3. Project Contribution Concentrations (ug/m³)

Pollutant	CAS No.	Hr. Max (g/s)	X/Q (ug/m ³)/(g/s)	NO _x to NO ₂ Conversion	Project Concentration (ug/m ³)	Scaled Rate (lbs/hr)
		(from Table 1)	(from Table 2)			
1-hour CO	630080	1.62	325.70	—	527.23	12.848
8-hour CO	630080	1.62	186.44	—	301.80	11.563
1-hour NO ₂	10102440	1.24	325.70	80%	322.00	9.808
Annual NO ₂	10102440	1.24	56.01	100%	69.22	0.981
24-hour PM ₁₀ - Exhaust	85101	0.04	119.27	—	5.05	0.202
24-hour PM ₁₀ - Fugitive	85101	0.04	119.27	—	5.05	0.202
Annual PM ₁₀ - Exhaust	85101	0.04	56.01	—	2.37	0.034
Annual PM ₁₀ - Fugitive	85101	0.04	56.01	—	2.37	0.034
24-hour PM _{2.5} - Exhaust	85101	0.04	119.27	—	5.05	0.186
24-hour PM _{2.5} - Fugitive	85101	0.04	119.27	—	5.05	0.186
Annual PM _{2.5} - Exhaust	85101	0.04	56.01	—	2.37	0.081
Annual PM _{2.5} - Fugitive	85101	0.04	56.01	—	2.37	0.081
1-hour SO ₂	7449095	0.02	325.70	—	0.90	0.034
24-hour SO ₂	7449095	0.02	119.27	—	2.37	0.013
Annual SO ₂	7449095	0.02	56.01	—	0.90	0.031

Table 4. Level 1 AAQA for Buttonbush Solar and Hydrogen Project

Impact Parameter	Applicable Standard	Project Area Maximum Background Concentration (Years 2019-2021)		Project Contribution (ug/m3)	Cumulative Concentration (ug/m3)	AAQS Threshold (ug/m3)	Step 1 Significance	SfL (ug/m3)	Step 2 Significance
		ppmv	ug/m3						
1-hour CO	State	3.6	4,124	527.23	4,651	22,900	PASS	2000	Step 1
	Federal	3.6	4,124	527.23	4,651	40,100	PASS	2000	Step 1
8-hour CO	State	2.1	2,406	301.80	2,708	10,300	PASS	500	Step 1
	Federal	2.1	2,406	301.80	2,708	10,300	PASS	500	Step 1
1-hour NO ₂	State	0.045	85	322.00	407	339	PASS	7.5	Step 1
	Federal	0.045	85	322.00	407	188	PASS	7.5	Step 1
Annual NO ₂	State	0.008	85	69.22	84	57	PASS	1	Step 1
	Federal	0.008	85	69.22	84	100	PASS	1	Step 1
1-hour SO ₂	State		0	0.90	1	655	PASS	7.5	Step 1
	Federal		0	0.90	1	125	PASS	#REF!	Step 1
24-Hour SO ₂	State		0	0.33	407	100	PASS	#REF!	Step 1
	Federal		0	0.33	407	367	PASS	#REF!	Step 1
Annual SO ₂	Federal		0	0.15	0	79	PASS	#REF!	Step 1
24-hour PM ₁₀ - Exhaust	State		165	5.05	170	50	Step 2	1	PASS
	Federal		165	5.05	170	150	Step 2	5	PASS
24-hour PM ₁₀ - Fugitive	State		165	2.49	407	50	Step 2	10.4	PASS
	Federal		165	2.49	407	150	Step 2	10.4	PASS
Annual PM ₁₀ - Exhaust	State		40	2.37	42	70	Step 2	1	PASS
Annual PM ₁₀ - Fugitive	State		40	2.37	42	70	Step 2	2.08	PASS
24-hour PM _{2.5} - Exhaust	Federal		122	4.65	127	70	Step 2	1.2	PASS
24-hour PM _{2.5} - Fugitive	Federal		122	4.65	127	70	Step 2	2.5	PASS
Annual PM _{2.5} - Exhaust	State		11	2.18	1	12	PASS	0.2	Step 1
	Federal*		11	2.18	13	12	PASS	0.2	Step 1
Annual PM _{2.5} - Fugitive	State		11	3.54	84	12	PASS	0.63	Step 1
	Federal*		11	3.54	84	12	PASS	0.63	Step 1

Sources:

CARB. 2016. "Ambient Air Quality Standards." May 4, 2016. Accessed August 2017. <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>.

CARB. 2017. "iADAM: Air Quality Data Statistics." Accessed August 2017. <http://www.arb.ca.gov/adam/topfour/topfour1.php>.

SJVAPCD. 2014. APR 1925 (Policy for District Rule 2201 AAQA Modeling). April 2014.

Notes:

Annual PM2.5 federal monitoring data not available, therefore used state monitoring data. State SO2 data not available so federal data used

Message

From: Veerkamp, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A16598E8714E422FB3216B7B05602C48-VEERKAMP, E]
Sent: 3/14/2025 6:24:47 PM
To: Kelly Strain [KStrain@capstoneinfra.com]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Ronelle Candia [rcandia@dudek.com]
Subject: RE: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion Redline Reports

Hi Kelly,

Thank you for the notification. Yes, please proceed to file these items to the docket. I needed to verify an aspect of our internal process for docketing these supplemental items, so thank you for your patience.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
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From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Monday, March 10, 2025 2:40 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Lauren McLeod <LMcLeod@capstoneinfra.com>; Scott Meyers <SMeyers@capstoneinfra.com>; Paul Miller <pam@eurowindenergy.com>; Rocio Perez <rpe@eurowindenergy.com>; Ronelle Candia <rcandia@dudek.com>
Subject: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion Redline Reports

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Eric,

Attached you will find the Compared and/or Redline versions of the Potential Viridi BESS Project Revegetation Plan, the LSAA, the Biological Resources Technical Report, the ITP, and the Nesting Bird Management Plan. Please let us know if we also need to upload these to the docket. Please let me know if you have any questions. We look forward to meeting with you tomorrow afternoon.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 3/10/2025 9:40:24 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Lauren McLeod [LMcLeod@capstoneinfra.com]; Scott Meyers [SMeyers@capstoneinfra.com]; Paul Miller [pam@eurowindenergy.com]; Rocio Perez [rpe@eurowindenergy.com]; Ronelle Candia [rcandia@dudek.com]
Subject: Potentia-Viridi BESS (24-OPT-04) - BIO DR discussion Redline Reports
Attachments: Att 4_Temporary Impact Revegetation and Habitat Restoration Plan_acc.pdf; PVBESS_CDFW_LSAA_application_form_03102025.pdf; PVBESS_ITP_fnl_03102025_v2_redline.docx; PVBESS_LSAA_supplemental_info_03102025_redline.docx; 2025_0305_Compared_BTR.pdf; 2025_0306_Compared_Nesting_Bird_Mgmt_Plan.pdf

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Eric,

Attached you will find the Compared and/or Redline versions of the Potential Viridi BESS Project Revegetation Plan, the LSAA, the Biological Resources Technical Report, the ITP, and the Nesting Bird Management Plan. Please let us know if we also need to upload these to the docket. Please let me know if you have any questions. We look forward to meeting with you tomorrow afternoon.

Sincerely,

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Attachment 4

Temporary Impact Revegetation and Habitat Restoration Plan

Temporary Impact Revegetation and Habitat
Restoration Plan

Potentia-Viridi Battery Energy Storage System Facility Project

JANUARY 2025

Prepared for:

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
amsl	above mean sea level
Applicant	Levy Alameda, LLC
BESS facility	Potentia-Viridi Battery Energy Storage System Facility
BMP	best management practice
Cal-IPC	California Invasive Plant Council
CEQA	California Environmental Quality Act
CNPS	California Native Plant Society
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Area
gen-tie	overhead intertie transmission
kV	kilovolt
MW	megawatt
MWh	megawatt-hour
NWI	National Wetlands Inventory
O&M	operations and maintenance
PEP	plant establishment period
PG&E	Pacific Gas and Electric
POI	Point of Interconnection
QSP	Qualified Stormwater Practitioner
SWPPP	Stormwater Pollution Prevention Plan
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRCC	Western Regional Climate Center

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1 Introduction

This Temporary Impact Revegetation and Habitat Restoration Plan (Plan) outlines the on-site revegetation strategy for the proposed Potentia-Viridi Battery Energy Storage System Facility (BESS facility) Project (Project), in Alameda County, California. This Plan identifies the approach for habitat restoration in temporary impact areas (Restoration Project) associated with Project construction. The Plan outlines Project temporary impacts, restoration implementation actions, success criteria, monitoring and maintenance, and reporting in support of Project's AB 205 application process and in conformance with mitigation measures included in the Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

1.1 Project Location

The Project would be in eastern unincorporated Alameda County, California within a portion of Assessor Parcel Number (APN) 99B-7890-002-04 located at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205 (Figure 1, *Regional Location* and Figure 2, *Project Site*). Development of the BESS facility would occur on approximately 70 acres of APN 99B-7890-002-04, which is currently comprised of fallowed annual grasslands suitable for grazing. The gen-tie line would extend southeast from the Project substation, crossing Patterson Pass Rd, and then proceed east to the Point of Interconnection (POI) at the Tesla Substation. The Project's gen-tie line would be sited on APNs 99B-7890-2-4, 99B-7890-2-6, and 99B-7885-12. Land uses in the immediate vicinity of the Project include undeveloped rural agricultural lands, multiple high-voltage transmission lines and electrical substations, rural roads, and railroad lines. The nearest municipality to the Project site is the City of Tracy approximately 2.5 miles to the northeast. There are a few single-family residences near the Tesla Substation's southern and eastern boundaries. The nearest residence is about 1,500 feet southeast of the Project site and 560 feet south of the proposed gen-tie line; it is owned by the same landowner leasing the lands for the Project.

The Project location was selected due to it being large enough to support development of the Project, its proximity to existing electrical infrastructure and the Tesla Substation, thereby minimizing length of the proposed gen-tie line to the POI, and because it is located immediately adjacent to existing roadways for construction and O&M access.

1.2 Project Description

The Project would involve construction, operation, and eventually repower or decommission of the 400-megawatt (MW) BESS facility and associated infrastructure on approximately 85 acres in eastern Alameda County. The primary components of the Project include an up to 3,200 megawatt-hour (MWh) BESS facility, an operations and maintenance (O&M) building, a project substation, a 500 kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric (PG&E) owned and operated Tesla Substation.

The Project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed. The Project would provide several benefits to the power grid, including reducing the need to operate natural gas power plants to balance intermittent renewable generation and serving as an additional capacity resource that would enhance grid reliability.

The Project would be remotely operated and monitored year-round and be available to receive or deliver energy 24 hours a day and 365 days a year. During the operational life of the Project, qualified technicians would routinely inspect the Project facilities and conduct necessary maintenance to ensure reliable and safe operational readiness.

1.2.1 Project Objectives

The primary purpose of the Project is to assist the State of California in meeting its goal of reducing statewide annual greenhouse gas emissions from the electric sector to 25 million metric tons by 2035. The Project will help balance electricity generation from renewable sources, such as wind and solar, with electricity demand by storing excess generation from emissions free power sources and delivering it back to the grid when demand exceeds real-time generation supply. The Project displaces the need for additional fossil fuel based generating stations needed to serve peak demand periods when renewable sources may be inadequate or unavailable.

The Project Objectives are:

- Construct and operate an economically viable, and commercially financeable, 400-MW battery energy storage facility in Alameda County with an interconnection at the Tesla Substation.
- Assist California electric utilities in meeting obligations under California’s Renewable Portfolio Standard Program and Senate Bills 100 and 1020, which require renewable energy sources and zero-carbon resources to supply 60% of all retail sales of electricity to California end-use customers by December 31, 2030, 90% of all retail sales of electricity to California end-use customers by December 31, 2035, 95% of all retail sales of electricity to California end-use customers by December 31, 2040, and 100% of all retail sales of electricity to California end-use customers by December 31, 2045.
- Assist California utilities in meeting obligations under the CPUC’s Mid-Term Reliability Procurement Requirements.
- Develop an electricity storage facility in close proximity to a utility grid-connected substation with existing capacity available for interconnection to minimize environmental impacts.
- Relieve grid congestion, and enhance electricity reliability, without requiring the construction of new regional transmission infrastructure or substantial network upgrades.
- Construct and operate a battery energy storage facility in Alameda County, resulting in economic benefits to the County, creating prevailing wage construction jobs, and facilitating local community benefits.

1.2.2 Project Components

The Project would include construction, O&M, and eventual decommissioning of a 400 MW BESS with an energy storage capacity up to 3,200 MWhs. Charging from or discharging to the electrical grid would be a 500kV gen-tie connecting the project substation to the POI within the existing PG&E Tesla Substation. The BESS Facility would include the following components:

- Battery Energy Storage System (BESS) Enclosures
- Power Conversion Systems
- Medium voltage Collection System
- Project Substation, Control Building, and Telecommunications Facilities

- Access Roads
- Laydown Yards
- Stormwater Facilities and Outfall
- Site Security and Fencing, including fire detection system
- Operations and Maintenance Building

1.3 Restoration Goals and Revegetation Requirements

The objective of on-site restoration is to restore vegetation communities that were temporarily impacted during Project construction activities. Restoration aims to foster growth of appropriate native plant species that were known to be present before impacts occurred, or that are otherwise deemed appropriate based on the respective sites' location and quality of surrounding habitats. The goal of this restoration/revegetation project are as follows:

1. Comply with the requirements outlined in the Project permits and in conformance with mitigation measures included in the CEQA document;
2. Revegetate temporary impact areas with vegetation communities of similar or higher functions and services than those vegetation communities temporarily impacted by the Project;
3. Ensure vegetation communities are self-sustaining and functional beyond the maintenance and monitoring period.

This Plan proposes to conduct revegetation activities within approximately 6.7 acres of temporarily impacted vegetation communities. Temporarily impacted vegetation communities will be mitigated in place at a 1:1 ratio per the requirements of the Project permits. Temporary impacts will be mitigated in-kind to restore vegetation communities to similar or higher functions than the baseline condition. Temporary impact revegetation areas will be subject to weed and invasive plant control, trash removal, erosion control, and seeding as necessary in accordance with this plan. Areas mapped as wild oats and annual brome grassland will be seeded with native plant species appropriate for local habitat conditions and climate and will be evaluated for success in accordance with their pre-project status as non-native grassland vegetation communities.

As described in Section 3.2, *Biological Resources*, of the Project-specific Environmental Impact Report (EIR), biological surveys at the Project site indicate that several special-status plant and wildlife species have the potential to occur within the temporary impact revegetation areas. Of particular concern within the temporary impact revegetation areas is the potential for California red-legged frog (CRFL; *Rana draytonii*) and California tiger salamander (CTS; *Ambystoma californiense*) to use these areas for upland dispersal given the presence of suitable grassland habitat. Because these sites will be disturbed by construction activities prior to revegetation implementation, the potential for presence is reduced due to the initial disturbance and subsequent decline in habitat suitability. However, to ensure full avoidance of CRFL and CTS as well as other special-status species that may occur, mitigation measures included in the EIR will continue to be required until temporary impact areas are fully restored. These mitigation measures include exclusion zones around aquatic habitat, preconstruction surveys, biological monitoring, barrier fencing, inspection of open trenches, and other avoidance and minimization measures that will reduce potential adverse effects to amphibians that utilize the site as upland refuge and overland migration habitat during construction of the Project. Special-status species avoidance measures are discussed further below in Section 3.2.2.

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2 Baseline Information

2.1 Regional Land Use Setting

The Project site is currently undeveloped, and the regional land use has remained largely unchanged since the 1980s based on aerial imagery (Google Earth Pro 2023). The PG&E Tesla substation is directly east; along the western Project boundary there are transmission lines running northeast to southwest; Patterson Pass Road follows the eastern boundary; there is a railroad line to the south and a gravel access road to the north. The gen-tie alignment connecting the BESS facility to the PG&E substation crosses Patterson Pass Road, Patterson Run (an ephemeral stream channel), and runs northwest to southeast to the southwestern corner of the substation. The site and surrounding land have been used for cattle grazing. The area of the BESS facility and immediately south of the substation is not currently being grazed, while much of the gen-tie alignment is currently used as cattle pasture. The nearest city is Tracy, approximately 8 miles to the east.

2.2 Climate and Rainfall

The Project site is within a Mediterranean climate where annual temperatures range from 38.3°F to 92.6°F (Western Regional Climate Center [WRCC] 2023). According to the Tracy Pumping Plant (049001) Weather Station Gauge, yearly precipitation averages 12.03 inches, with the highest average rainfall recorded in January (2.54 inches) (WRCC 2023). The past winter season has had higher than average rainfall.

2.3 Soil and Terrain

The Project site is relatively flat, with an approximate elevation of 403 to 536 feet above mean sea level (amsl). According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service, three soil types are present: Linne clay loam, 3% to 15% slopes; Linne clay loam, 15% to 30% slopes, MLRA 15; Rincon clay loam, 0% to 3% slopes, and Pescadero clay (USDA 2023a). The Linne series consists of moderately deep, well drained soils that formed in material from soft shale and sandstone. The Rincon series consists of deep, well drained soils that formed in alluvium from sedimentary rock. None of the four soil types mapped on site are included on the USDA list of hydric soils (USDA 2023b) commonly associated with wetlands or other waters.

2.4 Hydrology and Watershed

The Project site occurs within the North Diablo Range of the Alameda Creek Watershed (U.S. Geological Survey [USGS] 2023). According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), there are several freshwater ponds, freshwater wetlands, and riverine aquatic features in the vicinity of the Project (USFWS 2023). The NWI is based on coarse aerial mapping and does not involve ground-truthing. The national hydrography dataset shows Patterson Run and one other stream system crossing the Project site from south to north. Patterson Run is an ephemeral stream system that runs parallel to Patterson Road adjacent to the Project site, which connects to the California Aqueduct systems to the north of the Project site.

2.5 Vegetation Communities

Only one vegetation community was mapped in the Project site: wild oats and annual brome grassland (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance; California Native Plant Society [CNPS] 2023; Figure 3, *Biological Setting*). This community, often referred to as California annual grassland, is characterized by an herbaceous layer dominated by non-native grass species including wild oats (*Avena* spp.), bromes (*Bromus* spp.), and barleys (*Hordeum* spp.). The herbaceous layer is less than 1.2 meters in height and cover is open to continuous (CNPS 2023). Annual grassland covers the entire Project site.

3 Implementation Plan

This section describes the restoration activities that will be implemented for temporary impacts to vegetation communities following the completion of construction activities within the Project site. The temporary impact revegetation areas shall receive initial removal of invasive non-native species biomass and seeding of native species, followed by a three-year maintenance and monitoring program. Revegetation will be achieved through a process that includes delineation of the vegetation restoration boundaries, removal of gravel placed temporarily during Project construction activities, removal of weeds and invasive plant species, and restoration of soil contours to their pre-project condition. Following construction and prior to the installation of revegetation materials, soil compaction will be alleviated through ripping the top 12 inches of soil with ripping shanks spaced no further than 24 inches apart to provide suitable growing conditions for native plants. Alternatives to soil ripping may be explored prior to revegetation and depending on the level of soil compaction post construction. Alternatives to soil ripping may include, but are not limited to addition of organic matter, cover cropping, deep root-establishing plant species, or other aeration techniques. Excessive compaction and potential lack of topsoil availability may necessitate soil testing, importing topsoil, and/or soil amendments.

Upon conclusion of soil preparation work, the temporary impact revegetation areas will be seeded using the methods and species described herein. Following seeding, the temporary impact revegetation areas will be maintained by the Restoration Contractor during the 120-day plant establishment period (PEP) and for the three-year maintenance and monitoring period following approval of the PEP to ensure successful establishment and site cover. Each component of the implementation plan is outlined in more detail below.

3.1 Project Implementation Personnel

3.1.1 Permittee/Project Manager

Levy Alameda, LLC (Applicant) is the permittee and as such shall oversee mitigation implementation and shall be responsible for the successful completion of this mitigation and monitoring program. Program management shall be provided by the Applicant, who shall be financially responsible for implementation and management of this Restoration Project.

3.1.2 Project Biologist

A qualified restoration biologist (Project Biologist) shall implement the restoration and monitoring components of this Plan. The Project Biologist shall review all aspects of pertinent Project documents, including but not limited to site mapping, and submittals prior to Restoration Project implementation.

The Project Biologist shall oversee and coordinate implementation of this Plan and oversee/perform field monitoring of Restoration Project implementation and biological monitoring throughout the maintenance and monitoring period. The Project Biologist shall possess specific knowledge of restoration ecology and be able to demonstrate experience with similar mitigation projects. The Project Biologist shall possess at least 5 years of habitat restoration experience in the northern California/East Bay Area and within similar vegetation communities.

The Project Biologist shall inform all Project personnel of all on-site environmental and regulatory restrictions and conditions during implementation of this Plan. The Project Biologist shall inform all Project personnel of the presence or potential presence of sensitive species and vegetation communities within, or adjacent to, the Project area. Biological monitoring shall occur throughout implementation of this Restoration Project. Monitoring time may increase or decrease as required by field conditions and implementation activities. During implementation, the Project Biologist, via the Applicant Project Manager, shall have authority to stop work in situations where biological resources not authorized to be impacted are in imminent danger of impacts from installation activities.

3.1.3 Restoration Contractor

A qualified Restoration Contractor shall implement the mitigation activities outlined in this Plan, including installation and maintenance. A contractor possessing a valid California-landscape contractor's license, who has previous experience with similar and successful native habitat restoration in the region shall provide restoration actions and associated labor. Restoration Contractor staff must be able to identify California native plants, target invasive non-native species, and demonstrate knowledge of habitat restoration techniques.

The Restoration Contractor shall be responsible for conformance to (1) this Plan and (2) the Project's permit requirements. The Restoration Contractor's responsibility for installation shall continue until successful completion and final acceptance by the Applicant and by the Project Biologist at the end of the initial implementation effort. The Restoration Contractor shall not be released from installation obligations until written notification is received from the Applicant that all required implementation tasks as defined in this Plan and the Project permits have been successfully completed. The Restoration Contractor shall conduct maintenance and remedial work during the monitoring and maintenance period as indicated herein and per the Project Biologist's recommendations.

3.2 Site Preparation

3.2.1 Site Access

Access to the site for revegetation shall be from existing disturbed areas within the Project site and shall not incur new impacts to vegetation communities. All proposed access routes shall be pre-approved by the Applicant and the Project Biologist. The restoration staff shall stake and fence access routes with orange Environmentally Sensitive Area (ESA) fencing if sensitive vegetation communities or sensitive biological resources are adjacent and at risk of impact.

3.2.2 Special-Status Species Avoidance

Based on biological surveys conducted for the Project including Protocol-Level Rare Plant, CRFL and CTS Habitat Assessment surveys, protocol-level burrowing owl (*Athene cunicularia*) surveys, several special-status plant and wildlife species have the potential to occur within the temporary impact revegetation areas. As a part of Project construction, several avoidance and minimization measures are required to avoid impacts or reduce impacts to these species to a less than significant level. Section 3.2, *Biological Resources*, of the Project-specific EIR includes mitigation measures MM-BIO-1 through MM-BIO-3 to reduce impacts to special-status plant and wildlife species during project construction. These requirements, including special-status plant avoidance (MM-BIO-1), general avoidance measures for East Alameda County Conservation Strategy focal species (MM-BIO-2), and amphibian

avoidance and minimization measures for CTS and CRLF during construction (MM-BIO-3), would continue to apply to the Project through completion of revegetation activities at the temporary impact revegetation areas.

These measures ensure that a qualified biologist survey's the temporary impact revegetation areas prior to revegetation activities and if individual CTS and/or CRLF are found, site work will not begin until the individuals are moved out of the area. Additionally, a USFWS approved biologist shall be present for initial ground disturbing activities and ESA fencing will either left in place from construction or be constructed around the revegetation areas to prevent individual CTS and/or CRLF from entering the work areas. Finally, among other avoidance measures, initial ground disturbance (i.e., removal of non-native species and soil preparation) should be prioritized in areas of suitable habitat for CTS and/or CRLF prior to October 15th (or the first measurable fall rain of 1 inch or greater).

3.2.3 Revegetation Area Fencing

Following removal of construction infrastructure (e.g. gravel), temporary impact revegetation areas susceptible to traffic of any kind shall be delineated and protected by erecting barriers and/or signs as necessary to prevent ongoing disturbance. The Applicant and Project Biologist will determine the type of barriers (i.e. silt fencing or fiber rolls) needed to promote successful revegetation.

3.2.4 Initial Removal of Non-Native Species

Implementation of this Plan shall include an initial non-native invasive plant and thatch removal effort, followed by regular control of new seedlings and re-sprouts over the maintenance period. The initial removal effort shall focus on all temporary impact revegetation areas. A combination of physical removal and herbicide treatment shall be used to control any non-native invasive plants that have recruited into the temporary impact areas since construction activities were completed. Weed eradication will be performed a minimum of 10 days prior to initiating seed application when herbicide is used.

Physical removal of non-native plants, including the roots, may be the best method for those plant species for which the rootball can readily be pulled out along with the aboveground portions of the plant. These species shall be physically removed before seed-set. If hand removal is possible only after seed-set, then seed heads shall be cut off, bagged, and removed from the site. Physical removal of the plants and their roots should only be done when non-native plants are growing separate from desirable natives and when their root systems are not intertwined.

Herbicides shall be used for the invasive exotic plant species that have root systems that regenerate from small root fragments or that are impractical to remove. Any herbicide use shall be conducted using methods that minimize effects to adjacent/desirable native species, such as brush application or spot spraying. Only herbicides registered for aquatic use can legally be used in locations where herbicide may come in contact with open water.

All herbicide treatment shall be performed in compliance with all applicable federal and state laws and regulations, safety precautions, and pesticide label directions. The Restoration Contractor shall possess a valid California Qualified Applicator Certificate or Qualified Applicator License, and Pest Control Business License or Maintenance Gardener Pest Control Business License, as appropriate. The Restoration Contractor shall refer to the specific pesticide label for information on proper timing, application rates, and use restrictions. Should the Restoration Contractor require a specific pest control recommendation for any control effort, the restoration staff shall consult a licensed Pest Control Adviser for a written recommendation.

Follow-up control measures will likely be necessary for invasive plant species with extensive root systems that cannot be killed with one herbicide application. Follow-up herbicide treatment shall be done at the biologically appropriate time when the recovering plants are still relatively small and before they have time to regain strength and vigor, and will be conducted regularly as part of the maintenance portion of this Plan.

3.2.5 Soil Preparation

Soil preparation prior to seeding will be prioritized to temporary impact revegetation areas where soil compaction is deemed problematic for plant establishment and growth by the Project Biologist, and to areas temporarily covered by a gravel surface. Soils shall be mechanically disced or ripped to alleviate compaction and provide a roughened soil surface. When necessary, track walking for soil compaction on slopes shall be conducted perpendicular to the anticipated flow of surface water runoff. All non-natural, inorganic debris will be removed from the temporary impact revegetation areas. If thatch remains on the soil surface that would inhibit seed-soil contact (e.g. >25% cover) thatch will be removed to below 25% cover. Locations that meet the objectives described in this section following construction will not require additional actions as approved by the Project Biologist.

3.3 Installation of Native Seed Mix

Seeding with an appropriate native seed mix will occur after the initial site preparation as described above in Section 3.2, has been completed. Seed mixes were selected with a focus on establishing native vegetation communities and controlling erosion and non-native plant species. Seed shall be locally collected or sourced from within 50 miles of the Project site to maintain genetic integrity.

Once the site has been appropriately prepared, seeding will occur via hydroseeding. Hydromulch shall be free of synthetic or plastic materials and contain no germination or growth inhibiting factors. It shall not contain more than 7 percent ash as determined by the Technical Association of the Pulp and Paper Industry Standard T 413 and shall contain less than 250 parts per million boron. It shall be colored with nontoxic water-soluble green dye to provide a proper gauge for the metering of material over ground surfaces. It shall have the property of being evenly dispersed and suspended when agitated in water. Water content of the hydromulch before being mixed into the slurry shall not exceed 15 percent of its dry weight and shall comply with the manufacturer’s specifications. Hydromulch shall contain a tackifier. The slurry may be altered for site-specific needs if approved by the Project Biologist in consultation with the Applicant. In the case that hydroseeding is not considered necessary due to small revegetation area sizes, hand seeding may be considered for the revegetation areas. Any areas that receive hand seeding will be raked prior to and after seed distribution to maximize seed soil contact.

Revegetation areas are shown in Figure 4, *Revegetation Plan*. The temporary impact revegetation areas will be seeded using a native grassland mix to mimic native species and natural species composition present in nearby vegetation communities within the regional vicinity of the Project site. Table 1 outlines the proposed seed mix.

Table 1. Grassland Revegetation Seed Mix

Botanical Name	Common Name	Minimum PLS	Pounds Per Acre
<i>Amsinckia intermedia</i>	common fiddleneck	25%	3
<i>Asclepias fascicularis</i>	narrow leaf milkweed	50%	2
<i>Bromus sitchensis var. carinatus</i>	California brome	25%	6

<i>Castilleja exserta</i>	purple owl's clover	25%	0.5
<i>Croton setiger</i>	doveweed	85%	1
<i>Elymus triticoides</i>	creeping wildrye	80%	6
<i>Eschscholzia californica</i>	California poppy	85%	1
<i>Festuca microstachys</i>	small fescue	85%	5
<i>Hordeum brachyantherum</i>	meadow barley	80%	6
<i>Lasthenia californica</i>	California goldfields	50%	0.5
<i>Lupinus bicolor</i>	bicolored lupine	80%	1
<i>Melica californica</i>	California melic	85%	6
<i>Stipa pulchra</i>	purple needlegrass	75%	6
Total Pounds per Acre			44

3.3.1 Seed Application

The Project Biologist, or designee, shall inspect and approve the labels for the seed mix prior to mixing and application. Initial seed application shall consist of hydroseeding. The Restoration Contractor shall consult the Project Biologist and Applicant if a given species on the plant palette is not available for inclusion into the initial seed mix installation and the Project Biologist may recommend a substitute or increase the rate of selected species.

All seeds shall be clearly labeled showing type of seed, test date, the name of the supplier, and percentage of the following: pure seed, crop seed, inert matter, weed seed, noxious weeds, and total germination content. All material shall be delivered to the site in original, unopened containers bearing the manufacturer's guaranteed analysis. Installation implementation should be prioritized to occur prior to the onset of the winter rainy season, ideally between October and January. Installation timing will be coordinated between the Restoration Contractor, Project Biologist, and Applicant. Temporary irrigation is not planned for the temporary impact revegetation areas, so timing of the seeding after summertime temperatures have declined and prior to the onset of winter rainfall is critical for successful seed germination and establishment.

Hydroseeding shall take place within the temporary impact revegetation areas as shown in Figure 4 Seed application locations should be based on a combination of GPS data, field conditions, and communication with the Project Biologist.

3.4 Erosion Control

The hydroseed mix will be installed promptly after site preparation work is completed and following placement of any necessary erosion control materials (e.g. fiber rolls or silt fence). Fiber rolls will be composed entirely biodegradable material. They will be free of nylon/plastic netting and mesh and be certified free of noxious weeds. The location of the Best Management Practices (BMPs) within temporary impact revegetation areas will be determined by the Project Biologist and Applicant, and, or in accordance with the project's Stormwater Pollution Prevention Plan (SWPPP) and Qualified Stormwater Practitioner (QSP).

3.5 Revegetation Schedule

An outline of the anticipated revegetation installation sequence and schedule is provided in Table 2 below. Weed and invasive species removal, site cleanup, soil preparation and ripping, and BMP installation will occur prior to seed installation. Seed installation is best performed prior to the winter rainy season, between October and January, to maximize seed germination, seedling survival, and plant growth. In general, revegetation will begin within 30 days upon completion of construction activities. Erosion control will be performed continually as outlined in the project SWPPP until the Notice of Termination is filed and accepted. The three-year biological monitoring and maintenance period will commence upon completion of the 120-day PEP.

Table 2. Revegetation Schedule

Task Description	Anticipated Work Period
Order Seed	9–12 months prior to anticipated installation
Site preparation	Within 30 days of construction completion
Seeding	Within 60 days of construction completion
120-Day Plant Establishment Period (PEP)	Commence upon approval of all installation work
3-Year Maintenance and Monitoring program	Commence upon successful completion of 120-day PEP

4 Maintenance Plan

This maintenance plan section provides direction for maintenance and monitoring activities to be performed during the initial 120-day PEP and the three-year maintenance and monitoring period that follows. The three-year maintenance and monitoring period begins when the Project Biologist and Applicant certify that the revegetation installation work and 120-day PEP have been completed in conformance with this Plan and applicable environmental documents and Project permits. The three-year maintenance and monitoring period will include non-native plant species control, trash removal, general maintenance, and additional erosion control, as necessary. The temporary impact revegetation areas at the Project site shall be subject to the requirements specified in this Plan.

Since the goal of this Plan is to reestablish natural self-sustaining vegetation communities, the maintenance effort included in this Plan is concentrated in the first few seasons of plant growth following the restoration efforts, when weeds can easily out-compete native plants. The intensity of required maintenance activity is expected to subside each year as the native plant materials become more established and localized competition from non-native plants for resources in the temporary impact revegetation areas is minimized through control of non-native plants.

4.1 120-Day Plant Establishment Period

The Restoration Contractor will begin the 120-day PEP following completion and acceptance of the revegetation installation work. Maintenance during this period includes controlling weeds and invasive species, litter removal, boundary fence maintenance and repair, and BMP maintenance and repair. At a minimum, maintenance will be performed biweekly during the 120-day PEP. The Restoration Contractor shall review the temporary impact revegetation areas monthly with the Project Biologist. At the end of the 120-day PEP the Restoration Contractor shall review the site with the Applicants representative and Project Biologist. If all work has been completed as outlined herein, the Applicant and Project Biologist will deem the PEP complete.

4.2 Three-Year Maintenance Period

Following successful completion of the 120-day PEP, the Restoration Contractor will maintain the temporary impact revegetation areas for three continuous years. Site maintenance shall occur regularly throughout the maintenance and monitoring period and will be directed by the Project Biologist. A minimum maintenance schedule is shown in Table 3; however, regular monitoring shall occur through the three years, and the Project Biologist may recommend that maintenance occur more often if determined necessary.

Table 3. Minimum Maintenance Schedule

Maintenance Task	Year 1	Year 2	Year 3
Target invasive non-native species abatement	Bimonthly ²	Quarterly	Quarterly
Erosion control ¹	As-needed	As-needed	As-needed (not required)
General site maintenance	Bimonthly ²	Quarterly	Quarterly

¹ Maintenance of erosion control sites is anticipated to cease after 2 years. Remedial erosion control activities are anticipated to be focused after large storm events during the winter rainy season.

² Bimonthly = every 2 months during the growing season, quarterly outside the growing season.

Maintenance activities shall begin with site preparation actions and shall continue throughout the maintenance and monitoring period, concluding once success criteria have been met. Contractor maintenance activities shall be conducted every other month during the growing season of Year 1 of the Restoration Project, and quarterly outside the growing season on Year 1 and during Years 2 and 3.

All maintenance performed throughout the year shall comply with applicable wildlife regulations, such as the Migratory Bird Treaty Act. If the Project Biologist determines that certain maintenance activities cannot be performed in compliance with environmental regulations, work shall be postponed until conditions allow, or until the restrictive period has ended for the season.

4.2.1 Weed Control

An integrated and adaptive vegetation management approach will be implemented to effectively control weed species throughout the mitigation area. The approach will use a combination of techniques, including hand removal, mechanical methods, and chemical treatment (as permitted), to effectively control target weed species. Weed control is proposed to occur within all temporary impact revegetation areas (Figure 4).

The control method(s) used will vary depending on several variables, including the species targeted for control, the overall area to be treated/removed, time of year, and proximity to sensitive resources. The Restoration Contractor, through consultation with the Project Biologist, will provide properly timed treatment to control non-native plant species, eliminate reinfestation, and adequately deplete the non-native seedbank. The least environmentally impactful methods will be prioritized when controlling non-native plant species, consistent with integrated pest management practices.

All non-native plants species will be targeted for control. Priority invasive annual and perennial plants include species listed on the California Invasive Plant Council (Cal-IPC) Inventory (Cal-IPC 2024). Priority invasive plant species that are present within the Project site include, but are not limited to fennel, mustards, thistles, and annual invasive grasses.

Hand Removal

Hand removal/physical extraction of non-native plant species will be used around dense groupings of native species or clusters to be protected in place, amid standing water, or where other control methods are impractical or would cause damage to the native species. Special care will be taken not to trample adjacent native vegetation while hand removing non-native plant species. The Restoration Contractor is required to discern between native and

non-native vegetation to prevent unauthorized impacts to native habitat. The Project Biologist may assist with plant species identification, on an infrequent and as-needed basis.

Physical removal of whole plants, including the roots, is the best method for early germinators and species with a root ball that is underdeveloped and can be readily pulled out by the aboveground portions of the plant with a limited amount of soil disturbance. Minimization of soil disturbance, which may stimulate germination of existing non-native seed lying dormant in the soil, should occur.

Annual non-native plant species will be targeted for hand-removal and will be physically removed before seed-set (spring and summer). Maintenance efforts will be timed with non-native plant life cycles to effectively control plants prior to seed-set. If hand removal is possible only after seed-set, then seed heads will be cut off, bagged, and removed from the site prior to biomass removal.

Mechanical Methods

Mechanical control includes removing herbaceous plant species with string-trimmers and cutting large shrubs and trees to grade with chainsaws or handheld loppers. Use of string-trimming is effective for biomass removal in large areas devoid of, or significantly low in, native cover. Cutting with chainsaws or loppers is intended for initial removal of large woody biomass and is usually used in conjunction with cut-stump herbicide application to prevent resprout. Cut biomass will require removal and disposal in an approved disposal facility. Use of string trimmers is not anticipated following planting and seeding due to the potential for collateral damage to emerging natives or establishing container plants. String trimming will only be allowed during the maintenance period in areas approved by the Project Biologist.

Chemical Treatment

Chemical treatment will be used for highly invasive non-native plants with root systems that make physical removal impractical. Herbicide treatment is also beneficial because it does not disturb the surface soils, which might expose buried and dormant seed. The Project Biologist will coordinate with the Restoration Contractor to identify specific locations where herbicides may be used. Herbicide treatment may follow hand and mechanical removal activities that are conducted to increase the effectiveness of subsequent chemical treatment. Herbicide treatment will be prescribed on a case-by-case basis.

Follow-up applications may be necessary for highly aggressive species. Follow-up herbicide treatment will be conducted when the recovering non-native invasive vegetation is still relatively small, before it has time to regain strength and vigor.

Herbicide treatments will follow all federal and state laws and regulations, label directions, and safety precautions. Herbicide application will only be performed under the direction of a state-certified qualified pesticide applicator and will comply with state and local regulations. The qualified pesticide applicator will be licensed with a Pest Control Business License issued by the State of California Department of Pesticide Regulation.

4.2.2 Trash and Debris Removal

During each scheduled maintenance visit, the Restoration Contractor will remove any trash and debris that has accumulated in the temporary impact revegetation areas. Removal shall be required for the duration of the 3-year

maintenance and monitoring period. Natural debris such as leaf litter and woody debris will be left on site to decompose as they provide valuable microhabitats for invertebrates, reptiles, small mammals, and birds. In addition, the decomposition of deadwood and leaf litter is essential for the replenishment of soil nutrients and minerals. Any thatch that has accumulated due to weed control efforts shall be removed from the site the same day it is cut and disposed of in a legal manner.

4.2.3 Site Protection/Access Control

The temporary impact revegetation areas within the Project site occur on private properties in unincorporated Alameda County, indicating a very low likelihood for unauthorized access by anyone not associated with Project maintenance or operation into the revegetation areas. Unauthorized access within the temporary impact revegetation areas will be reported to the Applicant, and enforcement of access restrictions will be the responsibility of the Applicant. The Applicant may coordinate with the Restoration Contractor if any access control measures are required.

4.2.4 Pest Management

Control of vertebrate pests is not anticipated during the three-year maintenance and monitoring period, nor are insect pests anticipated to cause significant enough damage to warrant control. Non-native wildlife species are considered invasive when they threaten native biodiversity by disrupting or altering native ecological communities and have negative consequences for native species and habitats. Invasive non-native wildlife species may outcompete, prey upon, or disturb the habitat of native wildlife and may spread diseases.

If any plant diseases or pests become significant enough to warrant control, the Restoration Contractor will consult with a licensed pest control adviser for specific control measures, which will be conducted in coordination with the Project Biologist and Applicant, and will follow all applicable laws, regulations, label directions, and safety precautions. Additionally, excessive loss of plant material as a result of herbivory shall be brought to the attention of the Project Biologist and the Applicant to determine appropriate control measures.

4.2.5 Adaptive Management

Should any temporary impact revegetation area not meet interim performance standards or final success criteria at any point during the maintenance and monitoring program, contingency measures may be implemented at the discretion of the Project Biologist and in consultation with the Applicant. Remedial measures may include but are not limited to supplemental seeding, soil tilling, additional erosion control BMPs, increased weed control frequency, and supplemental watering, among other things.

If unforeseen changes in site conditions or other components of the Restoration Project cause final success criteria to not be met, the Project Biologist shall prepare an analysis of the cause(s) of failure(s) and propose remedial actions to correct the problem(s) in coordination with the Applicant. Substantial progress toward the success criteria along with habitat functions consistent with pre-project conditions may be relied upon to allow for project sign off.

5 Monitoring Plan

The following monitoring plan will be implemented as part of the 120-day PEP and subsequent three-year monitoring and maintenance program, which are scheduled to commence immediately following successful installation. The Project Biologist, or their designee, shall make regular site visits during revegetation activities. The Project Biologist shall review activities for conformance to this Plan, and applicable environmental permit conditions. The results of each site visit shall be communicated to the Applicant. Photo-documentation of site conditions will be conducted, as needed.

5.1 Monitoring Methods

Monitoring of the temporary impact revegetation areas shall consist of qualitative and quantitative field monitoring visits conducted by the Project Biologist, or their designee, to assess the performance criteria as outlined below in Section 5.2. Qualitative monitoring will occur monthly during the 120-day PEP and quarterly throughout the duration of the three-year program. Quantitative monitoring will be conducted once annually during the late spring to early summer at each temporary impact revegetation area. The Project Biologist shall provide a complete summary of the results of monitoring activities completed in the prior year period in an annual monitoring report.

Following each site visit, the Project Biologist shall generate a brief site observation report, detailing the condition of the sites and any maintenance and/or remedial actions required to meet annual performance goals. Copies of the site observation report shall be provided to DWR for distribution to the restoration staff.

5.1.1 Qualitative Monitoring

Qualitative monitoring of the temporary impact revegetation areas will consist of general site assessments, evaluation of seedling recruitment, soil moisture content, presence/absence of plant pests or diseases, erosion issues, presence of non-native or invasive plant species, trash or debris accumulation, and wildlife use. All qualitative monitoring visits to the temporary impact revegetation areas shall be documented with a site observation report that includes photos, which shall be forwarded to the Restoration Contractor and Applicant. Any Restoration Project deficiencies shall be noted in the site observation report, with accompanying recommendations for maintenance or remedial actions. All significant observations will be included in the annual monitoring report.

5.1.2 Quantitative Monitoring

Quantitative monitoring will be used to assess vegetation establishment within the temporary impact revegetation areas. Quantitative monitoring will determine total native species cover and composition and total non-native species cover and composition. Quantitative monitoring will be conducted using visual cover estimates to assess Project status by revegetation area compared to the annual performance standards and track progress toward Restoration Project completion. Permanent photo points will be established within representative temporary impact revegetation areas so vegetation development and cover can be visually documented during the three-year maintenance and monitoring period. The quantitative monitoring visit shall be conducted annually in the late spring or early summer beginning in Year 1 and extending through Year 3 of the maintenance and monitoring period.

5.2 Performance Standards

The stated performance standards for the revegetation areas are based on evaluation of pre-existing and adjacent vegetation communities. Performance standards will be used to help assess the annual progress of the sites towards Restoration Project completion. The performance standards for years 1 and 2 are considered interim performance standards. Fulfillment of these interim standards will indicate that the revegetation is progressing toward the long-term goals of the Plan. If revegetation efforts fail to meet the interim performance standards listed, the Project Biologist shall consider remedial actions which may be implemented (e.g., supplemental seeding, increased weed control frequency, changes to cultural practices) to enhance the vegetation communities to a level in conformance with these standards. Ultimate success of the Restoration Project would be represented by the revegetation of the sites meeting the Year 3 performance standards (Table 4).

Table 4. Performance Standards for Grassland Revegetation Areas

Year	Native Species Absolute Cover	Non native Species Absolute Cover ¹	Total Plant Cover ²	Site Stability
1	10%	< 15% of Cal-IPC rated high or moderate perennial species	70% of pre-project cover	No major signs of erosion
2	15%	< 15% of Cal-IPC rated high or moderate perennial species	70% of pre-project cover	No major signs of erosion
3	20%	< 15% of Cal-IPC rated high or moderate perennial species	70% of pre-project cover	No major signs of erosion

¹ Does not include non-native annual grasses listed in the Cal-IPC Inventory, including but not limited to wild oat and brome species, which currently dominate the site.

² Non-native grassland within the future temporary impact revegetation areas currently exhibits total vegetative cover of approximately 85 to 90 percent, based on a site check conducted in June 2024.

5.3 General Site Requirements

The following general site characteristics must be met by the end of the three-year maintenance and monitoring period.

5.3.1 Site Must Be Self-Sustaining

The revegetation areas must be self-sustaining (i.e., able to survive without artificial support) by the end of the three-year maintenance and monitoring period. Determination of whether the site is self-sustaining will be whether temporary irrigation is needed, and the vegetation shows evidence of natural growth cycles.

5.3.2 Site Must Show Evidence of Natural Recruitment

The site must show evidence of natural recruitment of native species. This will be evaluated by native plant species growing successfully in growing seasons where no seed was applied.

5.3.3 Site Must Show Evidence of Wildlife Use

The restoration site must exhibit signs or evidence of wildlife use during the final year of monitoring.

5.3.4 Habitat Contiguity

The site must contain vegetation that is visually contiguous with vegetation communities naturally occurring in areas adjacent to the site. Habitat connectivity and appropriate habitat linkages will provide nesting and foraging habitat for wildlife species.

5.4 Reporting

An annual report outlining monitoring results and the progress of the revegetation areas shall be submitted to the Applicant at the end of each monitoring year within 30 days of the anniversary date of Restoration Project installation, or at the end of the calendar year until the performance standards have been met. The annual monitoring reports shall include the following: a description of the existing conditions of the sites derived from qualitative data, a comparison of annual performance standards with monitoring data, any shortcomings of the revegetation areas compared to the performance standards and recommended remedial measures necessary for the successful completion of the Project. Each annual report shall provide a summary of the accumulated data.

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6 Completion of the Revegetation Program

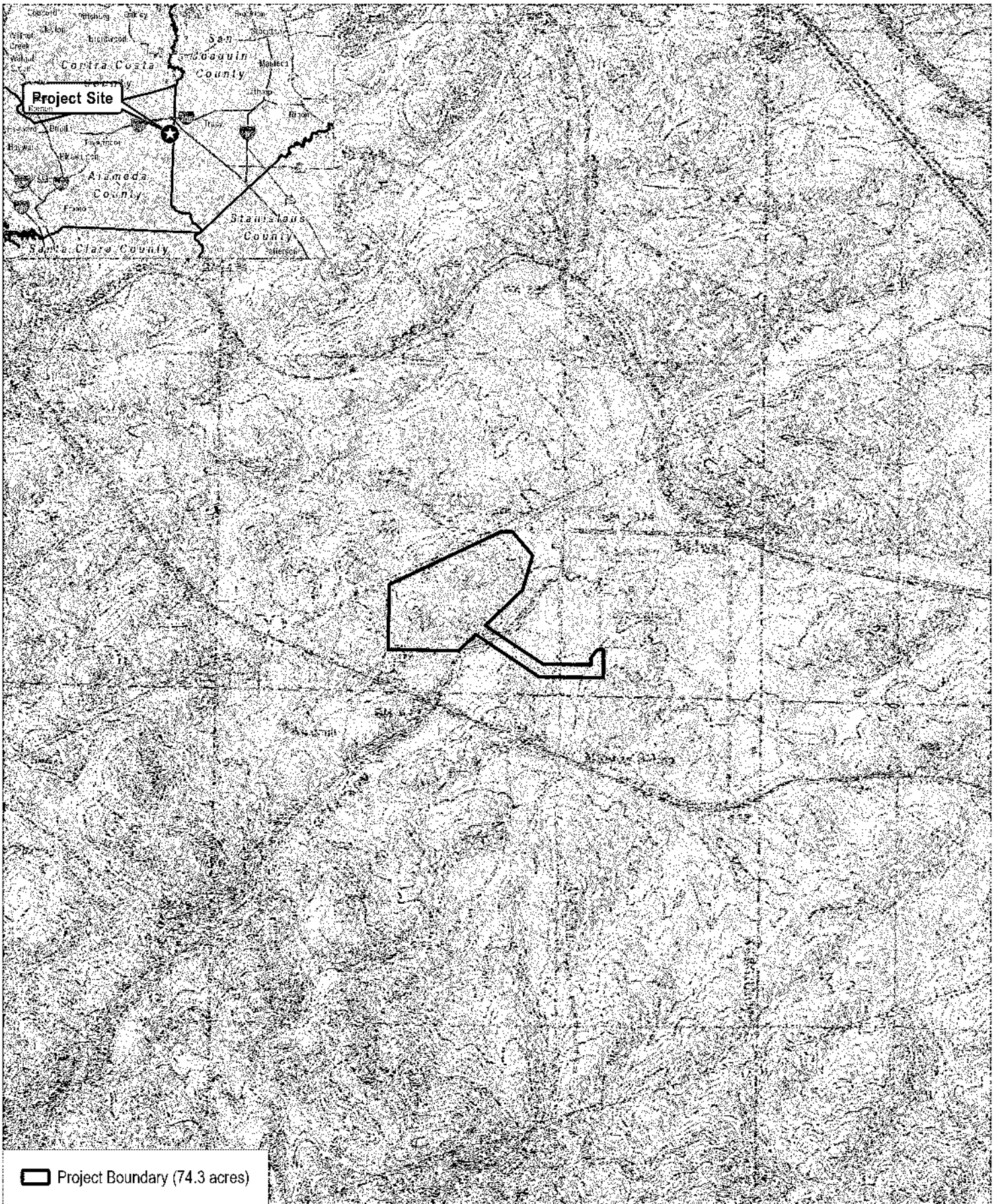
Upon completion of the maintenance and monitoring period, if the target performance standards have been achieved, notification of completion will be included within the final annual report submitted to the Applicant. The Applicant shall notify the applicable regulatory agencies upon submitting the final annual report. Following receipt of the notification of completion, the applicable regulatory agencies may visit the sites to confirm the completion of the mitigation effort and to verify compliance requirements.

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7 References

- Cal-IPC (California Invasive Plant Council). 2021. "California Invasive Plant Council Online Inventory." Accessed February 2021. <https://www.cal-ipc.org/plants/inventory/>.
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- WRCC (Western Regional Climate Center). 2023. "Historical Climate Information: Tracy Pumping Plant, California (049001)." Accessed August 2023. <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca9001>.

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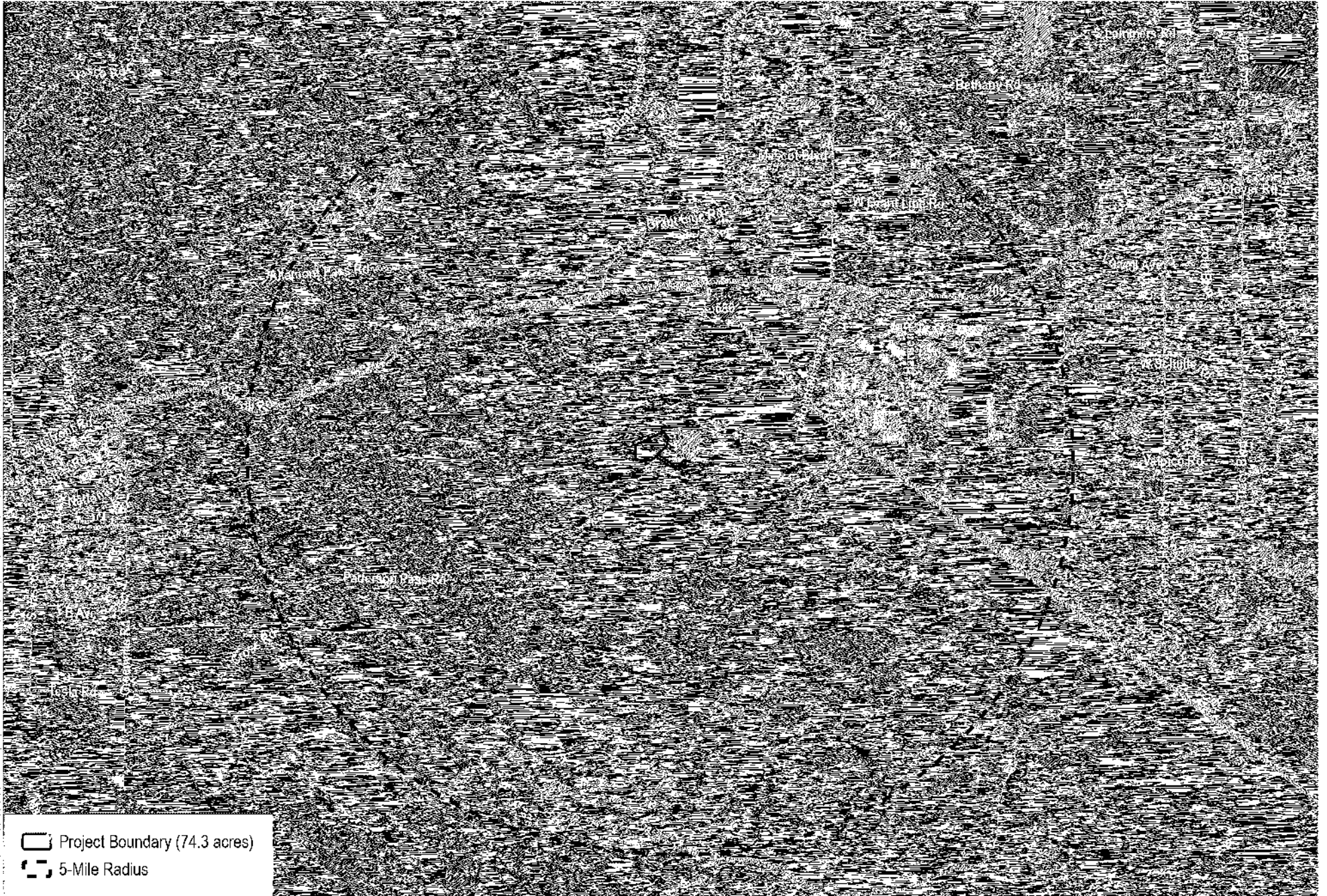


SOURCE: USGS 7.5 Minute Quadangle Series



FIGURE 1
Project Location
 Temporary Impact Revegetation Plan

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Project Boundary (74.3 acres)
5-Mile Radius

SOURCE: Bing Maps, 2023



FIGURE 2
Project Vicinity
Temporary Impact Revegetation Plan

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SOURCE: Bing Maps 2023

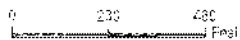
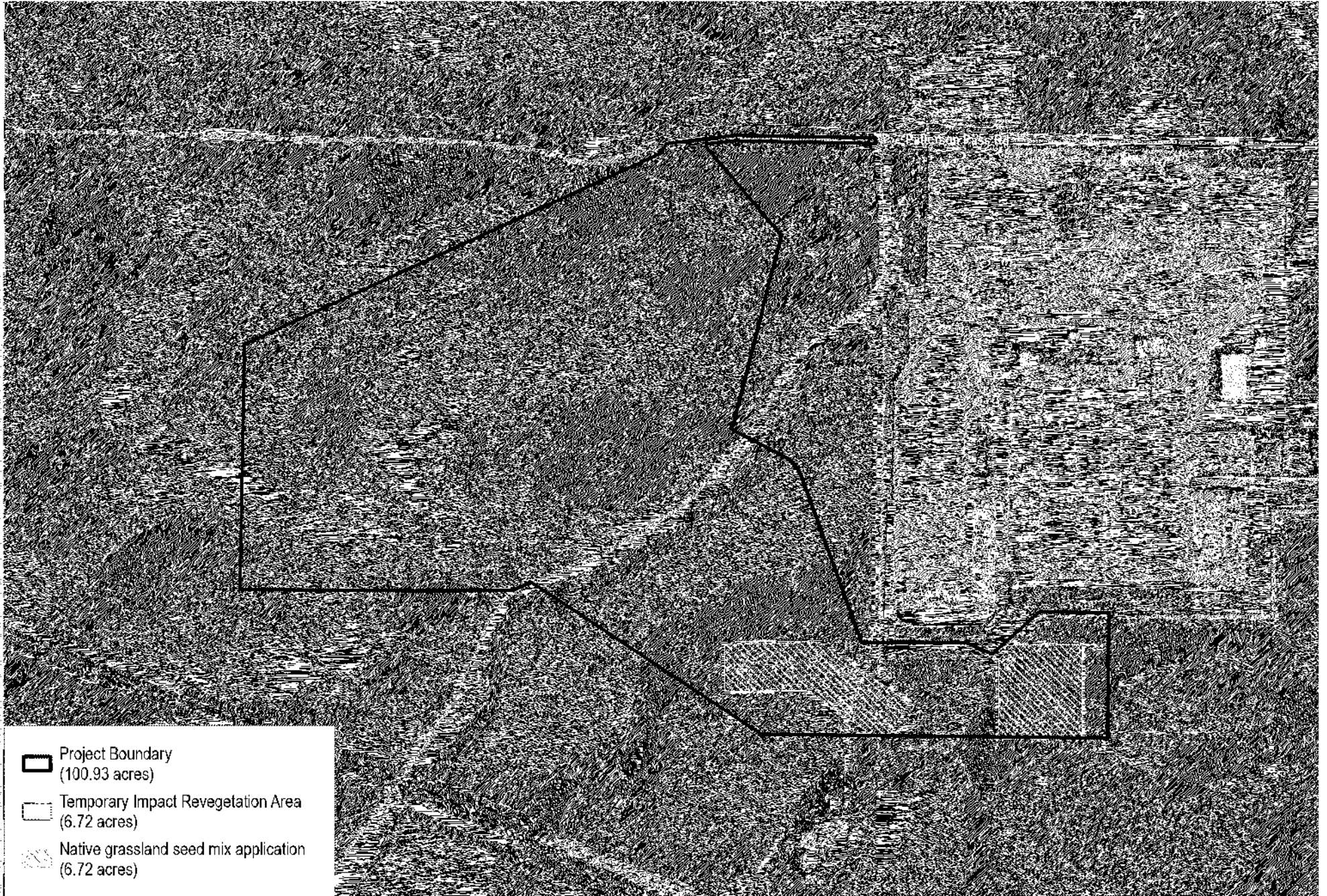





FIGURE 3

Vegetation and Land Cover

Potteria Vindt BESS - Temporary Impact Revegetation Plan

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-  Project Boundary
(100.93 acres)
-  Temporary Impact Revegetation Area
(6.72 acres)
-  Native grassland seed mix application
(6.72 acres)

SOURCE: Bing Maps 2023.



0 270 540 Feet

FIGURE 4
Revegetation Plan

Potemia Vihti BECS - Temporary Impact Revegetation Plan

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FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		
Assigned to:				

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the instructions and submit ALL required enclosures, attachments, and fee(s) to the CDFW regional office that serves the area where the project will occur. Attach additional pages to notification, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Patrick Leitch
Business/Agency	Levy Alameda, LLC
Mailing Address	155 Wellington Street West, Suite 2930
City, State, Zip	Toronto, Ontario M5V 3H1, Canada
Phone Number	310-899-5340
Email	PLeitch@capstoneinfra.com

2. CONTACT PERSON *(Complete only if different from applicant.)*

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?

Yes, I authorize.

No, I do not authorize.

3. PROPERTY OWNER *(Complete only if different from applicant)*

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Potentia-Viridi Battery Energy Storage System Project			
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)			
C. Project Term		Beginning (year)	2026	Ending (year)	2026
D. Seasonal Work Period					
Season(s)*	Start Date (month/day)	End Date (month/day)		E. Number of Work Days	
1	June 15	October 15		150	
1					
1					
1					
1					

* Continue on additional page(s) if necessary

5. AGREEMENT TYPE

Check the applicable box. If boxes B – F are checked, complete the specified attachment.

A	Standard (Most construction projects, excluding the categories listed below) – Effective September 1, 2020, notification for Standard Agreements shall be submitted through the <u>EPIMS Permitting Portal</u>.	
B	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A)	Mine I.D. Number: _____
C	<input type="checkbox"/> Timber Harvesting (Attachment B)	THP Number: _____
D	Water Diversion/Extraction/Impoundment (Attachment C) – Attachment no longer available. Notification shall be submitted through the <u>EPIMS Permitting Portal</u>.	
E	<input type="checkbox"/> Routine Maintenance (Attachment D)	
F	Cannabis Cultivation (Attachment E) – Attachment no longer available. Notification shall be submitted through the <u>EPIMS Permitting Portal</u>.	
G	<input type="checkbox"/> CDFW Grant Programs	Agreement Number: _____
H	<input type="checkbox"/> Master	
I	<input type="checkbox"/> Master Timber Operations	



6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. *Note: CDFW may not process this notification until the correct fee has been received.*

A. Project Name		B. Project Cost	C. Project Fee
1	Stormwater Outfall		
2	Low-water Crossing		
3			
4			
3			
6			
7			
6			
9			
10			
		D. Base Fee (if applicable)	
		E. TOTAL FEE*	

* Check, money order, and Visa or MasterCard (select Environmental Fees from Menu) payments are accepted.

7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by CDFW for the project described in this notification?

Yes (Provide the information below) No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?

Yes No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)

Name of person who directed notification	Agency

Describe circumstances relating to order

Continued on additional page(s)



8. PROJECT LOCATION

A. Address or description of project location.
(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

The Project is in eastern Alameda County, California. The Project consists of the BESS facility and a generation tie (gen-tie) alignment to the southeast connecting the facility to the adjacent Pacific Gas & Electric (PG&E) Tesla Substation. The Project is currently undeveloped. The PG&E Tesla substation is directly east; along the western Project boundary there are transmission lines running northeast to southwest; Patterson Pass Road follows the eastern boundary; there is a railroad line to the south and a gravel access road to the north. The gen-tie alignment connecting the BESS facility to the PG&E substation crosses Patterson Pass Road, Patterson Run (an ephemeral stream channel), and runs northwest to southeast to the southwestern corner of the substation. The site and surrounding land have been used for cattle grazing. The area of the BESS facility and immediately south of the substation is not currently being grazed, while much of the gen-tie alignment is currently used as cattle pasture. The nearest city is Tracy, approximately 2.5 miles to the east.

Continued on additional page(s)

B. River, stream, or lake affected by the project:	Patterson Run			
C. What water body is the river, stream, or lake tributary to?	None			
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown	
E. County:	Alameda			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. 1/4 Section
Midway	2S	4E	31	

Continued on additional page(s)

K. Meridian (check one): Humboldt Mt. Diablo San Bernardino

L. Assessor's Parcel Number(s):

99B-7890-2-4	99B-7890-2-4
99B-7890-2-6	

Continued on additional page(s)

M. Geographic coordinates (Provide the latitude and longitude coordinates for the property where the project(s) will take place. CDFW utilizes decimal degrees and WGS 84 datum. Access [Google Maps Help](#) if you need assistance in finding your coordinates.)

	Latitude: 37.712130	Longitude: -121.573369
	Latitude: 37.712130	Longitude: -121.573369
Latitude/Longitude	Latitude: 37.712130	Longitude: -121.573369
	Latitude: 37.712130	Longitude: -121.573369
	Latitude: 37.712130	Longitude: -121.573369



9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR MAINTAIN OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal: pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: horizontal directional drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion without facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



10. PROJECT DESCRIPTION

A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.

- Written description of all project activities with detailed step-by-step description of project implementation.
- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
- If water will be diverted or drafted, specify the purpose or use and include Attachment C.

Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

- * A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

Permanent impacts to Patterson Run will result from the installation of riprap at a stormwater outfall and the installation of a ford (i.e., low-water crossing). The stormwater outfall will impact approximately 26,136 square feet and 8 linear feet of Patterson Run for the placement of approximately 10 cubic yards of rip-rap below top of bank. The ford will impact approximately 1,700 square feet and 30 linear feet of Patterson Run for the placement of approximately 17 cubic yards of rock below top of bank. The low-water crossing and outfall structure will remain in place after decommissioning.

See attached Supplemental Information.

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

See attached Supplemental Information

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B)? Yes No (Skip to box 11)

D. Will the project require work in the wetted portion of the channel? Yes (Enclose a plan to divert water around work site) No



11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

0.64 ac (27,878 sqft) of permanent impacts, 38 lf and no temporary impacts

See attached Supplemental Information

Continued on additional page(s)

B. Will the project affect any vegetation?

Yes (Complete the tables below) No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
non-native grasses	Linear feet: _____ Total area: _____	Linear feet: 38 Total area: 0.04
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
	None	

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below) No Unknown

See attached supplemental information.

Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11-C.

See attached Biological Resources Report

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study) No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



F. Has one or more technical studies (e.g., engineering, hydrologic, geological, or geomorphological) been completed for the project or project site?

Yes (Enclose the study(ies)) No

Note: One or more technical studies may be required to evaluate potential project impacts to a lake or streambed.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

Yes (Enclose the mapped results) No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "Wildlife" means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for CDFW to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment, hazardous, or other deleterious materials from entering watercourses during and after construction.

See attached supplemental information.

Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

See attached supplemental information.

Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

See attached supplemental information.

Continued on additional page(s)



13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. RWQCB 401 WQC Applied Issued
- B. USACE Applied Issued
- C. CDFW ITP Applied Issued
- D. Unknown whether local, State, or federal permit is needed for the project. (Check each box that applies)
 Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a CEQA lead agency been determined? Yes (Complete boxes B, C, D, E, and F) No (Skip to box 14.G)

B. CEQA Lead Agency California Energy Commission
 C. Contact Person Lisa Worrall D. Phone Number _____

E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?

- Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.)
- No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)

- Notice of Exemption Mitigated Negative Declaration NEPA document (type): _____
- Initial Study Environmental Impact Report Project is filing through the CES process
- Negative Declaration Notice of Determination (Enclose)
- THP/ NTMP Mitigation, Monitoring, & Reporting Plan

F. State Clearinghouse Number (if applicable) _____

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs. tit. 14 § 15378)

Continued on additional page(s)



H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

- Yes (Enclose proof of payment) No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: The CEQA filing fee is in addition to the notification fee. If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

The project is filing through the CEC "Opt-In" certification process (Assembly Bill 205).

15. SITE INSPECTION

Check one box only.

- In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.
- I request CDFW to first contact (insert name) _____ at (insert phone number or email address) _____ to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

- Yes (Please enclose the information via digital media with the completed notification form.)
 No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

 Signature of Applicant or Applicant's Authorized Representative

 Date

 Print Name



**Incidental Take Permit
Application- Potentia-Viridi
Battery Energy Storage System
Project**

February 4, 2025

Prepared for:

Levy Alameda, LLC
155 Wellington Street West, Suite 2930
Toronto, Ontario M5V 3H1, Canada
Contact: Kelene Strain
KStrain@capstoneinfra.com

Prepared by:

Stantec Consulting Services Inc.
2999 Oak Road, Suite 800
Walnut Creek, CA 94597
Contact: Jared Elia
jared.elia@stantec.com

**California Endangered Species Act
Incidental Take Permit Application for
California tiger salamander (*Ambystoma californiense*)
Central California Distinct Population Segment, Crotch's
bumble bee (*Bombus crotchii*), San Joaquin kit fox
(*Vulpes macrotis mutica*), and Western burrowing owl
(*Athene cunicularia hypugaea*)**

**Potentia-Viridi Battery Energy Storage System Project
Alameda County, California**

February 2025

Levy Alameda, LLC

Submitted by:
Levy Alameda, LLC
155 Wellington Street West, Suite 2930
Toronto, Ontario M5V 3H1, Canada
Contact: Kelene Strain, Environmental & Permitting Manager

Prepared for:
California Energy Commission
Lisa Worrall, Senior Environmental Planner
Lisa.Worrall@energy.ca.gov

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Appendix A – Figures

Figure 1. Project Location

Figure 2. Project Site

Figure 3. Project Design Features

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Figure 5. CNDDDB Occurrences within a 9-Quad Search of the Project Site

Appendix B – Biological Resources Technical Report

Appendix C – EACCS Mitigation Scoring Sheets

List of Abbreviated Terms

°F	degrees Fahrenheit
AC	alternating current
Applicant	Levy Alameda, LLC
AMM	Avoidance and Minimization Measure
BESS	Battery Energy Storage System
BGEPA	Bald and Golden Eagle Protection Act
BMP	best management practices
BMS	battery management system
CAL FIRE	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CNDDDB	California Natural Diversity Database
cy	cubic yards
DC	direct current
DPS	Distinct Population Segment
EACCS	East Alameda County Conservation Strategy
HVAC	heating, ventilation, and air conditioning
ITP	Incidental Take Permit
LFP	lithium iron phosphate
LGIA	Large Generator Interconnection Agreement
MPT	main power transformer
MV	Medium voltage
NEMA	National Electrical Manufacturers Association
NFPA	National Fire Protection Association
NWI	National Wetlands Inventory
O&M	operations and maintenance
PCS	Power Conversion Systems
PG&E	Pacific Gas and Electric
POCO	Point of Change of Ownership
POI	point of interconnection
Project	Potentia-Viridi Battery Energy Storage System Project
RWQCB	Regional Water Quality Control Board
SCADA	Supervisory Control and Data Acquisition
UL	Underwriters Laboratories

USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

Chapter 1. Introduction

This report serves as the formal application for an Incidental Take Permit (ITP) under Section 2081(b) of the California Endangered Species Act (CESA) for the Potentia-Viridi Battery Energy Storage System (BESS) Project (Project). This application was prepared pursuant to Sections 702 and 2081(b,c) of the California Fish and Game Code, and contains the information requested herein.

This permit application is being submitted for the Incidental Take of the California tiger salamander (*Ambystoma californiense*) Central California Distinct Population Segment (DPS), Crotch's bumble bee (*Bombus crotchii*), San Joaquin kit fox (*Vulpes macrotis mutica*) and western burrowing owl (*Athene cunicularia hypugaea*) for construction activities associated with the Project. For Project location, refer to Appendix A, Figure 1 and Figure 2.

Additional State and federal permit applications may be required for proposed stormwater outfall work associated with the Project. These additional permits may include a United States Army Corps of Engineers (USACE) 404 Nationwide Permit, a Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification and a California Department of Fish and Wildlife (CDFW) 1602 Streambed Alteration Agreement. The requirement for these permit applications will be determined based on proposed impacts to non-wetland waters of the United States and State.

1.1 Project Applicant

Levy Alameda, LLC
155 Wellington Street West, Suite 2930
Toronto, Ontario M5V 3H1, Canada

1.2 Applicant Contact

Kelene Strain, Environmental & Permitting Manager
Capstone Infrastructure Corporation
155 Wellington Street West, Suite 2930
Toronto, Ontario M5V 3H1, Canada
Email: LMcLeod@capstoneinfra.com

1.3 California Environmental Quality Act Lead Agency Contact

California Energy Commission.
Lisa Worrall, Biological Unit Supervisor
Lisa.Worrall@energy.ca.gov

1.4 Species for Which Incidental Take Coverage Is Requested

Levy Alameda, LLC is seeking authorization under Section 2081(b) of the California Fish and Game Code for incidental take of California tiger salamander, Crotch's bumble bee, San Joaquin kit fox and western burrowing owl because of construction activities for the Project as described in this application. These species are listed as follows:

- California tiger salamander Central California DPS – State threatened
- Crotch's bumble bee – State candidate threatened

*Potentia-Viridi Battery Energy Storage System Project
Incidental Take Permit Application..... 1*

- San Joaquin kit fox – State threatened
- Western burrowing owl – State candidate threatened

1.5 Location of Project

The Project would be located in Alameda County, California within a portion of Assessor Parcel Number (APN) 99B-7890-002-04 located at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205 (Figure 1 Regional Map, Figure 2 Project Vicinity, and Figure 3 Project Site Aerial). Development of the BESS facility would occur within a 70 acre leased area of APN 99B-7890-002-04, which currently consists of fallow annual grasslands suitable for grazing. Of the approximately 70-acre lease area, approximately 58.8 acres would be permanently disturbed for development of the BESS facility. The gen-tie line would extend southeast from the Project substation, crossing Patterson Pass Rd, and then proceed east to the Point of Interconnection (POI) at the Tesla Substation. The Project's gen-tie line would be sited on APNs 99B-7890-2-4, 99B-7890-2-6, and 99B-7885-12. As shown on Figure 3 Project Site Aerial, a gen-tie study area of approximately 32 acres was evaluated. Out of the 32 acres evaluated, only 1.9 acres is expected to be permanently disturbed for installation of the transmission and interconnecting facilities. A total of 60.7 acres within the approximately 102-acre project area would be disturbed as part of Project implementation.

The Project location was selected due to it being large enough to support development of the Project, its proximity to existing electrical infrastructure and the Tesla Substation, thereby minimizing length of the proposed gen-tie line to the POI, and because it is located immediately adjacent to existing roadways for construction and O&M access.

Chapter 2. Project Description

2.1 Project Objectives

The Project objectives are:

- Construct and operate an economically viable, and commercially financeable, 400-MW battery energy storage facility in Alameda County with an interconnection at the Tesla Substation.
- Assist California electric utilities in meeting obligations under California's Renewable Portfolio Standard Program and Senate Bills 100 and 1020, which require renewable energy sources and zero-carbon resources to supply 60% of all retail sales of electricity to California end-use customers by December 31, 2030, 90% of all retail sales of electricity to California end-use customers by December 31, 2035, 95% of all retail sales of electricity to California end-use customers by December 31, 2040, and 100% of all retail sales of electricity to California end-use customers by December 31, 2045.
- Assist California utilities in meeting obligations under the CPUC's Mid-Term Reliability Procurement Requirements.
- Develop an electricity storage facility in close proximity to a utility grid-connected substation with existing capacity available for interconnection to minimize environmental impacts.
- Relieve grid congestion, and enhance electricity reliability, without requiring the construction of new regional transmission infrastructure or substantial network upgrades.
- Construct and operate a battery energy storage facility in Alameda County, resulting in economic benefits to the County, creating prevailing wage construction jobs, and facilitating local community benefits.

2.2 Project Description

2.2.1 Project Components

The Project would include construction, O&M, and eventual decommissioning of a 400 MW BESS with an energy storage capacity up to 3,200 MWhs. Charging from or discharging to the electrical grid would be a 500kV gen-tie connecting the Project substation to the POI within the existing PG&E Tesla Substation. The BESS Facility would include the following components:

- Battery Energy Storage System (BESS) Enclosures
- Power Conversion Systems (PCS)
- Medium voltage (MV) Collection System
- Project Substation, Control Building, and Telecommunications Facilities
- Access Roads
- Laydown Yards
- Stormwater Facilities and Outfall
- Site Security and Fencing, including fire detection system

Project components are described in the following subsections. Figure 3, Project Design Features, shows the project layout. Table 1 summarizes the preliminary dimensions of major BESS facility components, and Table 2 summarizes the preliminary footprint/disturbance acreage associated with the BESS facility.

Table 1. Preliminary Dimensions of Major BESS Facility Components

Component	Quantity	Approximate Dimensions
BESS Enclosures	1,000*	20 ft x 8 ft x 10 ft (L x W x H)
PCS	140*	22 ft x 7 ft x 8 ft (L x W x H)
MV Collection system	—	Buried in trenches up to 5 ft x 10 ft (W x D)
Project Substation Area	—	500 ft x 450 ft; (5) 120 ft (H) (lightning masts)
Control Building	1	52 ft x 20 ft x 15 ft (L x W x H)
Wireless Communication Tower	—	18 ft x 18 ft x 199 ft (L x W x H)
Access Roads	—	20 ft (W) internal radii 50 ft minimum for outer loop
Laydown Yards	4	Variable
Stormwater Detention Facilities	5	Variable
Stormwater Outfall	—	500 ft x 5 ft x 10 ft (L x W x D)
Security Fencing	1	9 ft (H) 8 ft tall fence topped with 1 ft of barbed/razor wire
Operations and Maintenance Buildings	13	100 ft x 48 ft x 24 ft (L x W x H)
Fire Water Storage Tank (30,000 Gallon) - Above Ground	1	10 ft x 24 ft (H x D)
Water Storage Tank (10,000 Gallon) - Above Ground	1	11.5 ft x 11.75 ft (H x D)
Wastewater Holding Tank (5,000 Gallon) - Below Ground	2	16.5 ft x 7.5 ft x 8 ft (L x W x H)
Emergency Generators	2	25 ft x 10 ft x 12 ft (L x W x H)

- Notes: * The number of BESS enclosures and PCS units would depend on the manufacturer selected. The total number of BESS enclosures and PCS units may increase or decrease in the final design. It is also possible that the BESS units ultimately procured may incorporate the PCS units within the BESS enclosures.

Table 2. Preliminary Permanent Project Footprint

Component	Permanent Disturbance
BESS Yards	13.3 acres
Project Substation	5.4 acres
Access Roads	7.1 acres
Laydown Yards/Storage Areas	14.0 acres
O&M Area	1.8 acres
Stormwater Detention Areas	9.0 acres
Stormwater Outfall	0.6 acres

Other [†]	7.6 acres
Total BESS ⁺	58.8 acres
Transmission and Interconnection Facilities	1.9 acres
Total BESS and Transmission and Interconnection [†]	60.7 acres

- Notes: [†] Other areas include maximum grading limits. The analyses assume that all areas used for the BESS facility are permanently disturbed and kept free of vegetation to comply with fire requirements.
- ⁺The total permanent disturbance acreage is a conservative estimate, and final designs may require fewer acres. Underground components within the BESS facility would be located within the footprint of above ground disturbance areas.

2.2.1.1 BATTERY ENERGY STORAGE SYSTEM

The energy storage facility would utilize a modular and containerized BESS. There are several battery cell technologies commercially available, with one of the most common at present being lithium iron phosphate (LFP) cells (often colloquially referred to as 'lithium-ion'). LFP technology is considered one of the safest, most efficient, and commercially financeable energy storage technologies available on the market. The initial Project concept has been developed assuming an LFP technology; however, due to the continuous improvement of these energy storage systems, a specific manufacturer and model has not been selected at this time. By the time the Project reaches the procurement stage, it is possible for other battery cell technology with proven safety and performance records to be suitable for the Project. Although the number and dimensions of the containers may change (as it does between LFP technology providers), the technology ultimately procured would result in potential environmental impacts substantially similar to, or less than, those analyzed based on this Project Description.

The BESS enclosures would be prefabricated off-site and arrive at the site ready to be installed and commissioned. Each modular BESS enclosure would include battery packs on racks, a battery management system (BMS), fire protection, and ancillary power electronics within a specialized steel-framed, non-occupiable container. The BESS enclosures would not exceed approximately 10 feet in height. The BESS enclosures may also have a heating, ventilation, and air conditioning (HVAC) system for optimal performance and safety. Power for the HVAC system, lighting, and other electrical systems would be provided through separate auxiliary power connection to the on-site project substation with connection lines installed above and/or below ground.

2.2.1.2 POWER CONVERSION SYSTEM

A PCS is a packaged and integrated system consisting of a bi-directional inverter, MV transformers, protection equipment, direct current (DC) and alternating current (AC) circuit breakers, harmonic filters, equipment terminals, and a connection cabling system. A PCS functions to both convert between DC/AC and change the voltage level from the MV collection voltage to the voltage output of the BESS enclosures.

The PCS would convert electric energy from AC to DC when the energy is transferred from the grid to the battery, and from DC to AC when the energy is transferred from the battery to the grid. Each PCS would also include transformers that convert the AC side output of the inverter between low and medium AC voltage to increase the overall efficiency of the BESS. Inverters within the PCS units would be unattended systems designed to operate in all conditions. The inverters would be monitored and controlled remotely, and there would be on-site disconnects for use in case of an emergency or a situation requiring unscheduled maintenance.

PCS units would be installed on concrete foundations and connected to multiple BESS enclosures with wiring and cables installed underground. All outside electrical equipment would be housed in the appropriate National Electrical Manufacturers Association (NEMA) rated enclosures.

2.2.1.3 MV COLLECTION SYSTEM

The MV collection system would include multiple components that connect the PCS units to the Project substation including underground conductor circuits, switchboards, switchgear, and panels at 34.5kV voltage. The conductors for the MV collection system would be installed underground during construction using trenching.

2.2.1.4 PROJECT SUBSTATION

The Project substation would include three main power transformers (MPTs) – two active and a live spare. When the BESS facility is charging, power from the regional electric transmission grid would be stepped down from 500kV to 34.5kV and sent from the Project substation through the MV collection system and PCS units into the battery packs within the BESS enclosures. When the BESS facility is discharging, power from the battery packs within the BESS enclosures would be sent to the PCS units, stepped up to 34.5kV, and transported to the Project substation through the MV collection system before being stepped up to 500kV at the MPTs and delivered back to the regional electric transmission grid. A prefabricated control building would be installed within the Project substation area and contain an energy management system, metering, and telecommunication equipment for communication with PG&E/CAISO facilities and to support remote Project operations monitoring, as well as monitoring by the 18 full-time operations staff members. The Project substation area would also include five static masts for lightning protection and a wireless communication tower mounted with an antenna up to 15 feet in diameter for external telecommunications.

2.2.2 Access Roads

The Project's roadway system would include two new facility access roads and driveways, a perimeter road, and internal access roads, the Northern Access Road and the Southeast Emergency Access Road. The Northern Access Road would be constructed from an existing private road near the northeastern portion of the site and would serve as the primary access to the site. The Southeast Emergency Access Road would be constructed from Patterson Pass Road near the southeastern portion of the site and would be used for emergency access only. As such, the majority of Project traffic would not be expected to travel along the unimproved stretches of Patterson Pass Road. The driveway apron of the Southeast Emergency Access Road would be expanded to allow vehicles space to decelerate off the main road and to provide additional visibility for exiting vehicles to enter onto Patterson Pass Road. In addition, this emergency entrance road has been designed according to the Engineering Design Guidelines for Unincorporated Alameda County to provide 100' of straight driveway perpendicular to the centerline of Patterson Pass Road. The grade has been adjusted to provide a maximum 6% grade for 50' from the road edge.

A Project substation access road would be constructed outside of the perimeter fence, connecting the northeast and southwest driveways, to facilitate Project substation access by third parties during operations. All new access roads, driveways, internal and perimeter roads would be bladed, compacted, and surfaced with aggregate. All internal roadways and private driveways would be constructed to meet access requirements for construction, O&M, and emergency response requirements.

2.2.3 Laydown Yards/Storage Area

The Project would include up to 4 laydown yards for equipment and material staging and storage during construction. These areas would also be used for worker parking during construction. The primary laydown yard would be located directly adjacent to the Project substation area (see Figure 4). The primary laydown yard would be cleared of vegetation, bladed, compacted, and surfaced with aggregate. Landscape fabric may also be installed under the surface of all laydown yards to prevent vegetation growth, if required to comply with fire prevention standards.

If the BESS technology ultimately procured prior to construction requires larger BESS yards to accommodate BESS enclosures with larger dimensions, a greater number of BESS enclosures, or

greater spacing requirements to comply with regulations, portions of the additional laydown yards may be used to accommodate larger BESS yards than those currently proposed. The proposed Project's preliminary layout, earthwork volumes, and Project component dimensions assumed for environmental analyses in subsequent chapters are conservatively large to allow for design flexibility and Project schedule preservation.

2.2.4 Stormwater Facilities

The proposed BESS facility site currently consists of annual grassland with rolling topography. Regulatory standards require that volumes and flow rates of stormwater discharge after construction not exceed pre-development conditions. Stormwater generated on-site would flow southwest to northeast to be captured in a detention basin located on the northeast end of the BESS site, and southward to a detention basin located parallel to Patterson Pass Road. Additional detention basins would be located around the perimeter of the site to capture stormwater runoff from side slopes (Figure 3). Stormwater treatment and storage sizing would be designed to hold the anticipated runoff from a 100-year, 24-hour storm event in compliance with applicable regulations. In the event stormwater basins reach capacity, stormwater would be discharged from the detention basins via storm drainpipes and sheet flow at rates no greater than pre-development conditions following natural drainage patterns.

A stormwater drainage outfall utilizing a new 36-inch corrugated metal pipe or bioswale/ditch would be constructed from one or more of the detention basins located in the southwest portion of the site to the inlet of a new or existing culvert on the north side of Patterson Pass Road. Approximately 10 cubic yards of clean riprap would be placed as an energy dissipator at the outfall to discharge clean stormwater at or below current rates at the elevation of the ordinary high water mark of the existing drainage on the south side of Patterson Pass Road.

2.2.5 Site Security

The BESS facility site would be enclosed with an 8-foot-tall chain link fence topped with 1 foot of three-strand barbed wire or razor wire. The fence would be installed on the outside of the perimeter road. An additional fence with the same specifications would be installed around the Project substation area. The fences would be required to prevent unauthorized access and to comply with human health and safety regulations. Gates would be installed at various access points along the fence lines and equipped with lock boxes to allow for authorized personnel (e.g., transmission service provider, O&M staff, emergency response) to access appropriate portions of the BESS facility site.

Lighting would only be in areas where it is required for safety, security, or operations. Low-elevation (less than 14 feet) controlled security lighting would be installed at the Project substation and around the BESS yards, in accordance with applicable requirements and regulations. Permanent motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation area and points of ingress/egress. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties, compliant with applicable codes and regulations. Security cameras would be placed on site and monitored 24/7.

2.2.6 Fire Protection System

Fire protection would include multiple fire detection systems on-site and within the individual BESS enclosures. An infrared camera system would be installed throughout the BESS facility to achieve 100% of electrical infrastructure and trigger an alarm in case of an onsite fire. Each BESS enclosure would have a fire rating in conformance with the California Fire Code 2022. In addition, each BESS enclosure would contain an onboard BMS that monitors the appropriate state of individual battery cells and relays information 24-7. In the event of an anomaly, the system is designed to shut down and mitigate the hazard.

The Project's fire protection design would comply with California Fire Code 2022, Section 1207 Electrical Energy Storage Systems, which adopts the National Fire Protection Association's Standard for the Installation of Stationary Energy Storage Systems (NFPA 855). BESS enclosures would be Underwriters Laboratories (UL) listed, tested, and certified to the most rigorous international safety standards. UL independently tests equipment for compliance with the latest fire safety code requirements, and the methods were developed to minimize fire risk and safety concerns about battery storage equipment raised by fire departments and building officials in the United States.

Faults, mechanical damage, or manufacturing defects in lithium-ion batteries can cause thermal runaway, which can lead to fires or other hazards. Should a thermal runaway event occur, the BESS enclosures are designed and constructed in such a way that fire would not propagate from one enclosure to a neighboring enclosure. The Project's BESS enclosures, as part of the testing and listing process, would be subjected to destructive testing including fire testing. The Project's BESS enclosures would include the following UL certifications:

- UL 1642 – Standard for Lithium Batteries (cell level certification).
- UL 1973 – Standard for Batteries for Use in Stationary Applications (module level certification).
- UL 9540 – Standard for Energy Storage Systems and Equipment (system level certification).
- UL 9540A – Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems.
- IEC 62619 – Standard for Battery Safety in Stationary Applications.

The California Department of Forestry and Fire Protection (CAL FIRE) would review and comment on the facility fire protection plans.

2.2.7 Operations and Maintenance Building

Following construction of the BESS facility, three O&M buildings would be constructed a minimum of 20' apart within the primary laydown yard for the Project's anticipated 18 full-time operations staff. The main O&M building would include basic offices, meeting rooms, and washroom facilities. A 10,000 gallon above ground potable water storage tank would provide water for washroom and sanitary facilities, and sewage/wastewater would be collected in a 2 separate 5,000 gallon below ground sewer holding tanks. Potable water would be trucked to the water storage tank periodically during O&M, and sewage/wastewater would be pumped from the storage tank, transported offsite via truck, and disposed of at a sanitary dump station, as needed, during operations. The remaining two O&M buildings would be used primarily for storage, maintenance and repair activities associated with the Project. Neither of these buildings would have washroom facilities. All O&M buildings would be powered via a distribution line from the Project substation.

2.2.8 Transmission and Interconnection Description, Design, and Operation

The Project would be interconnected to the regional electrical transmission grid via an approximately 2,884-foot long new single-circuit 500kV gen-tie line within a 200-foot wide corridor between the project substation and the PG&E Tesla Substation. The Applicant would construct and own the portion of the gen-tie line between the project substation and the Point of Change of Ownership (POCO) transmission structure, and PG&E would construct and own the remaining portion of the gen-tie from the POCO to the POI within the Tesla Substation. This ITP is seeking coverage that includes construction and operation of all transmission infrastructure from the project substation to the Tesla Substation, including the portions that would be constructed and owned by PG&E (POCO to Tesla Substation). The Project's transmission and interconnection facilities would include the following components:

- 500kV Gen-Tie Line including Transmission Structures and Conductors

- Fiber Optic Telecommunications Utility Poles and Fiber Optic Lines
- Access Paths
- Temporary Work Areas
- Interconnection Facilities within Existing PG&E Tesla Substation Footprint (PG&E constructed and owned)

The proposed route location was selected to minimize the number of existing utility crossings, cross existing utilities at the optimum locations, minimize the total gen-tie line length and number of transmission structures required, minimize the number of turning structures required, and enter the Tesla Substation as close as possible to the POI. The proposed transmission structures were sited to avoid potential impacts to environmental resources. Project components associated with transmission and interconnection facilities are described in the following subsections. Figure 3, Transmission Line Route, shows the gen-tie route, scattered rural residences, and existing transmission lines within 1 mile of the proposed route. Table 3 summarizes the preliminary dimensions of major transmission components, and Table 4 summarizes the preliminary new ground disturbance area associated with construction of the transmission and interconnection facilities.

Table 3. Preliminary Dimensions of Major Transmission Components

Component	Quantity	Approximate Dimensions
500kV Gen-Tie Line	1	Applicant Owned: 1,557ft long
		PG&E Owned: 1,327ft long
Substation Bay Dead-End Transmission Structure	2	Applicant Owned: 1 structure; up to 110ft above ground level; two seven-foot diameter foundations, installed up to 30ft deep; constructed within project substation area footprint
		PG&E Owned: 1 structure; up to 110ft above ground level; two seven-foot diameter foundations, installed up to 30ft deep; constructed within Tesla Substation footprint.
Angled Dead-End Transmission Structure	3	Applicant Owned: 2 structures; Up to 199ft above ground level; three nine foot diameter foundations, installed up to 40ft deep, per structure
		PG&E Owned: 1 structure; Up to 199ft above ground level; three nine foot diameter foundations, installed up to 40ft deep.
H-Frame Tangent Transmission Structure	1	Applicant Owned: Up to 199ft above ground level; two six-foot diameter foundations, installed up to 30ft deep.
Conductors	6	Two 2,300 kcmil 61W AAC "Pigweed" per phase. 30ft minimum ground clearance.
Overhead Shield Wire	2	Two 3/8in extra high strength 7-strand steel
Fiber Optic Utility Poles	16	Up to 40ft above ground level; up to 20in diameter wood poles direct embedded up to 8ft deep.
Fiber Optic Cables	2	All dielectric self-supporting fiber optic cable. Two redundant and diverse routes. Installed above ground on utility poles by Applicant from Project Substation to POCO. Installed by PG&E underground in trenches up to 2ft wide and 4ft deep between POCO and Tesla Substation.

Transmission Structure Access Path	1	Applicant Owned: 20ft wide; up to 1,750ft long
		PG&E Owned: 20ft wide; up to 950ft long
Transmission Line Corridor	1	200ft wide

Table 4. Approximate New Ground Disturbance Area Associated with Transmission and Interconnection Facilities

Component	Permanent Disturbance	Temporary Disturbance
Applicant Portion		
Transmission Structure Pads	0.4 acres	-
Transmission Structure Access Path	0.4 acres	-
Fiber Optic Utility Poles	0.1 acres	-
Tension and Pulling Site	-	3.6 acres
<i>Applicant Total</i>	<i>~1.2 acres</i>	<i>~3.6 acres</i>
PG&E Portion		
Transmission Structure Pad	0.4 acres	-
Transmission Structure Access Path	0.4 acres	-
Tension and Pulling Site	-	3.1 acres
<i>PG&E Total</i>	<i>~0.7 acres</i>	<i>~3.1 acres</i>
<i>Total</i>	<i>~1.9 acres</i>	<i>~6.7 acres</i>

2.2.9 500kV Gen-Tie Line

The 500kv gen-tie line would originate at the Project substation within the BESS facility site and extend southeast, crossing Patterson Pass Rd overhead until reaching the POCO structure. After reaching the POCO structure the route would proceed east to an angled dead-end structure outside of the Tesla Substation fence line before extending north to a new substation dead-end structure at the POI bay within the Tesla Substation footprint. The 200-foot-wide transmission corridor would be within the BESS facility lease area on APN 99B-7890-2-4 and within an easement on APN 99B-7890-2-6 until reaching the parcel's eastern boundary about 255 feet east of the POCO structure. Both parcels comprising the BESS facility lease area and transmission corridor easement are private lands owned by the same landowner. After crossing the eastern boundary of APN 99B-7890-2-6, the remaining portion of the gen-tie would be on the same PG&E-owned parcel that includes the 500kV Tesla Substation and POI. Table 2 includes the approximate number and dimensions of the three different types of transmission structures that would be used. The gen-tie would be designed consistent with the Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee 2006).

2.2.10 Transmission Structure Access Path

A transmission structure access path would be located within portions of the transmission corridor outside of the BESS facility and Tesla Substation footprints and generally follow the centerline of the gen-tie. The portion of the transmission structure access path between Patterson Pass Road and the POCO structure would include an Arizona crossing of Patterson Run and require clean fill material (e.g., large cobbles, clean, native gravel, prefabricated mats) to be placed beneath the ordinary high water mark elevation for stabilization and erosion and sedimentation control.

2.2.11 Telecommunication Facilities

Telecommunications equipment would be installed between the control building at the Project substation and the Tesla Substation to facilitate communication with PG&E/CAISO facilities. PG&E interconnection policies require two redundant fiber optic cables to be installed on diverse paths without a single point of failure (i.e., both fiber optic lines cannot be installed on a single set of structures). Between the control building within the Project substation area and the POCO structure, the Applicant would install the two fiber optic lines above ground on separate utility structures within the transmission corridor. One route would be installed near the northern boundary of the transmission corridor and the other would be installed near the southern boundary of the transmission corridor. The fiber optic utility poles would be accessed via overland travel from the transmission structure pads or the transmission structure access path. At the POCO structure, each of the fiber optic cables would be brought down to an underground pull box. PG&E would install the fiber optic cables underground from the pull boxes to the PG&E control building at the Tesla Substation. A microwave antenna installed on a communications tower within the Project substation area, an optical ground wire installed on the 500kV structures, or placed underground within the transmission structure access path, between the Project substation and POCO may be used in lieu of a second set of utility poles.

2.2.12 Interconnection Facilities within Existing PG&E Tesla Substation

Footprint

To facilitate interconnection of the BESS facility to the electric transmission grid, PG&E would need to install a substation bay dead-end transmission structure and expand the POI's 500kV breaker-and-a-half bay with a new circuit breaker.

2.2.13 Transmission System Impact Studies

The Applicant filed an Interconnection Request with CAISO in the Cluster 13 Interconnection Request window. CAISO, in cooperation with PG&E, prepared the Phase I Interconnection Study (February 12, 2021), and Phase II Interconnection Study (November 22, 2021). The Applicant entered into a Large Generator Interconnection Agreement (LGIA) with CAISO and PG&E on October 31, 2022. No Affected Systems controlled by CAISO or PG&E were identified during the interconnection study process. Non-CAISO systems potentially affected by the Project and other Cluster 13 projects are Western Area Power Administration and Modesto Irrigation District. The Applicant is working with both system operators to identify specific impacts and will take all reasonable steps to address potential reliability system impacts prior to the initial synchronization of the Project.

2.2.14 Construction

The following sections detail the approximate construction schedule and workforce, construction activities, estimated water use, and materials handling proposed by the Project.

2.2.14.1 SCHEDULE AND WORKFORCE

The Project is anticipated to be built over an approximately 18-month period from the onset of site preparation activities through energization, with seasonal restrictions (May 1 to October 30) to avoid impacts to covered species. Following energization, testing and commissioning would take place over 6 months. Initial mobilization and site preparation is anticipated to begin no later than Q4 2026 and testing and commissioning is anticipated to conclude no later than Q2 2028. It is anticipated that construction crews would work 8 to 10 hours per day, with work occurring Monday through Friday. Overtime, night work, and weekend work would be used only as necessary to meet the project schedule or complete time-sensitive or safety critical work. All work schedules would comply with applicable California labor laws, county regulations, and the Project Labor Agreement. Estimated durations of construction activities are presented in Table 5. However, the duration of particular construction activities may be affected by weather, unanticipated site conditions, the supply chain, and coordination between the different activities.

The expected average workforce for each construction activity is also included in Table 5.

Table 5. Estimated Construction Activity Duration and Average Workforce Expected

Construction Activity	Estimated Duration	Average Workforce Expected (Number of Employees)
Site Preparation	8 Weeks	25
Civil Work and Grading	24 Weeks	55
Foundations and Underground Equipment	16 Weeks	50
BESS Equipment Installation	20 Weeks	60
Project Substation Installation	24 Weeks	20
Gen-Tie Foundations and Structure Erection	8 Weeks	10
Gen-Tie Line Stringing and Pulling	2 Weeks	10
Testing and Commissioning	24 Weeks	10
PG&E Interconnection Facility Upgrades within Tesla Substation	26 Weeks	10

2.2.14.2 SEQUENCING

During construction activities, multiple crews would be working on the site with various equipment and vehicles. The total number of construction workers (consisting of laborers, craftsmen, supervisory personnel, support personnel, and construction management personnel) would range from approximately 5 to 200 workers, depending on the phase of construction. It is estimated that construction would require the vehicle trips and equipment listed in Table 6.

Table 6. BESS Project - Construction Equipment and Usage Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Trucks	Other Vehicles	Total One-Way Vehicle Trips	Equipment Type	Quantity	Hours
Site Preparation	50	10	10	Graders	2	8
				Rubber Tired Loaders	2	8
				Skid Steer Loaders	2	8
				Tractors/Loaders/Backhoes	2	8
Site Grading and Civil Work	110	76	70	Graders	4	8
				Rollers	4	8
				Rubber Tired Loaders	4	8
				Skid Steer Loaders	4	8

				Tractors/Loaders/ Backhoes	4	8
				Pavers	2	8
				Paving Equipment	2	8
				Rollers	2	8
				Plate Compactors	2	8
				Cement and Mortar Mixers	1	4
				Rock Crushers	4	8
Foundations and Underground Equipment Installation*	100	10	10	Paving Equipment	2	8
				Rollers	2	8
				Plate Compactors	2	8
				Cement and Mortar Mixers	2	8
				Bore/Drill Rig	3	8
				Tractors/Loaders/ Backhoes	6	8
				Excavators	2	8
				Rubber Tired Dozers	2	8
				Trenchers	4	8
				Skid Steer Loaders	2	8
BESS Installation*	160	20	20	Air Compressors	2	8
				Cranes	2	8
				Generator Sets	4	8
				Rough Terrain Forklifts	2	8
				Skid Steer Loaders	2	8
Project Substation Installation	40	20	0	Air Compressors	2	8
				Aerial Lifts	4	8
				Cranes	2	8
				Generator Sets	2	8
				Rough Terrain Forklifts	2	8
Gen-tie foundation and tower erection	160	20	20	Bore/Drill Rig	2	8
				Cranes	2	8
				Forklifts	2	8
				Boom Truck	1	8
				Flat Bed Truck	2	8

				Cement and Morter Mixer	1	8
				Bucket Lift Truck	1	8
Gen-tie stringing and pulling	24	2	2	Heavy-duty Truck (Puller)	1	8
				Heavy-duty Truck (Tensioner)	1	8
				Forklifts	2	8
				Generator Sets	2	8
				Tractors/Loaders/ Backhoes	2	8
				Boom Truck	1	8
				Trencher	1	8
PG&E Interconnection Facility Upgrades	40	20	20	Air Compressors	4	8
				Cranes	2	8
				Excavators	2	8
				Generator Sets	4	8
				Rough Terrain Forklifts	2	8
				Skid Steer Loaders	2	8
				Tractors/Loaders/ Backhoes	2	8
				Trencher	1	8
Testing and Commissioning	52	0	0	Rough Terrain Forklifts	1	8
				Off-Highway Trucks	2	8
Decommissioning	40	2	2	Concrete/Industrial Saws	2	8
				Cranes	2	8
				Rubber Tired Dozers	2	8
				Tractors/Loaders/ Backhoes	2	8

Notes: * The project layout depicted in Figure 3 shows the "End of Life" configuration of the BESS, meaning it shows the equipment layout after all augmentation units are implemented. The numbers in this table conservatively assume that foundations and BESS equipment installation related to augmentation occurs during initial construction of the facility. Construction of foundations and BESS equipment installation for augmentation may occur during O&M periodically within the BESS facility footprint.

2.2.14.3 SITE PREPARATION

Environmental clearance surveys would be performed at the Project site prior to commencement of construction activities. The limits of construction disturbance areas delineated in the final approved engineering design packages would be surveyed and staked. Initial ground disturbing activities in preparation for construction would include installation of erosion and sediment control measures prior to start of major earthworks activities. Rough grading and grubbing/vegetation removal would be performed where required to accommodate site drainage and allow construction equipment to

access the site. Detention basins and stormwater facilities would be created for hydrologic control. The construction contractor would be required to incorporate applicable best management practices (BMPs) including the guidelines provided in the California Stormwater Quality Association's Construction BMP Handbook (CASQA 2019), as well as a soil erosion and sedimentation control plan to reduce potential impacts related to construction of the proposed Project. Stabilized construction entrances and exits would be installed at driveways to reduce tracking of sediment onto adjacent public roadways.

Site preparation would be consistent with applicable BMPs and the Bay Area Air Quality Management District's Fugitive Dust Rules. Site preparation would involve the removal and proper disposal of existing debris that would unduly interfere with Project construction or the health and safety of on-site personnel. Dust-minimizing techniques would be employed, such as placement of wind control fencing, application of water, and application of dust suppressants. All applicable governmental requirements and BMPs would be incorporated into the construction activities for the Project site.

Vegetation on the site would be removed where necessary to ensure the BESS facility is free from combustible vegetation to allow for fire protection and defensible space. Where feasible, in compliance with fire protection requirements, vegetation root mass within appropriate portions of the BESS facility lease area on the outside of the perimeter and substation access roads would be left in place for soil stabilization. However, the environmental analyses in subsequent sections conservatively assume that all areas within the maximum anticipated grading limits of the BESS facility would be permanently disturbed.

2.2.14.4 SITE GRADING AND CIVIL WORK

Following site preparation activities, grading and civil work would commence. Construction activities during this phase would include excavation and grading of the Project site. Earthwork on the site is ultimately anticipated to result in nearly balanced cut and fill volumes, but the preliminary designs conservatively assume that grading would include up to approximately 588,018 cubic yards (cy) of cut and up to approximately 344,900 cy of fill, resulting in up to approximately 243,118 cy of export material. As appropriate, all, or a portion of, of the Project's excess material resulting from earthwork may be used beneficially used on-site for the construction of berms or other onsite needs. Where appropriate, excess material would be processed in one or more different types of rock crushing equipment depending on the requirements of the various potential beneficial uses onsite.

Conventional grading would be performed throughout the Project site but minimized to the maximum extent feasible to reduce unnecessary soil movement that may result in dust. Land-leveling equipment, such as a smooth steel drum roller, would be used to even the ground surface and compact the upper layer of soil to a value recommended by a geotechnical engineer for structural support. Following major civil work within the BESS facility site, site access roads and driveways, the perimeter and substation access roads, and interior roadways to access the laydown areas and BESS yards would be graded, compacted, and surfaced with gravel or aggregate. Class II road base would be imported to create necessary compaction under the equipment, as determined by geotechnical testing and Project specifications. Once the roadways have been constructed, the Project perimeter fence and access gates would be constructed.

2.2.14.5 FOUNDATIONS AND UNDERGROUND EQUIPMENT INSTALLATION

Following completion of major site grading and civil work, equipment foundations and below grade equipment would be installed. A grounding grid and underground conduit would be installed below grade beneath the Project substation area and BESS components. Typical ground grids consist of direct-buried copper conductors with copper-clad ground rods arranged in a grid pattern. After installation of the grounding grid, the area would be backfilled, compacted, and leveled followed by application of an aggregate rock base. A containment area within the MPT foundations would be sized to hold the full volume of oil within the MPTs. The MPT foundations within the substation area are anticipated to be concrete slab foundations poured into excavations up to 10 feet deep.

Foundations for the control building, static masts, other aboveground substation equipment, O&M building, BESS enclosures, PCS units, DC/DC converters, and BESS auxiliary transformers and panels are anticipated to be pile foundations embedded up to 40 feet below ground level. Depending on soil conditions, the piles may be drilled or driven and set with a slurry. However, some of these Project components may be installed on concrete slab foundations depending on the geotechnical conditions at the final locations.

Additional underground work would include trenching for the placement of underground electrical and communications lines, including the MV collection system, AC and DC cables, and fire alarm cable. The wires would either be installed in conduit, cable-trays, or direct-buried, depending upon final design and application

2.2.14.6 BESS AND PROJECT SUBSTATION EQUIPMENT INSTALLATION

Where possible, major equipment would be delivered directly to its permanent location and offloaded directly into place with a crane or heavy equipment. Where staging or sequencing does not allow, equipment would be stored at one of the laydown areas near its permanent location and installed at a later date. Major aboveground equipment would be the MPTs and other Project substation components, control building, BESS enclosures, PCS units, DC/DC converters, BESS auxiliary transformers and panels, and O&M building.

Electrical work would include installing cables, terminations, and splices. Electrical wiring would be installed underground, at-grade, and above ground, depending on the application and location. The wires would either be installed in conduit, cable-trays, or direct-buried, depending upon final design and application.

2.2.14.7 GEN-TIE STRUCTURE ERECTION

Environmental clearance surveys would be performed within the gen-tie corridor prior to commencement of construction activities. The gen-tie corridor boundaries, gen-tie centerline, telecommunications route centerlines, and transmission structure access path would be surveyed and flagged. Initial activities would include the installation of erosion and sediment control measures and materials to facilitate the dry crossing of Patterson Run, and preparation of the transmission structure and fiber optic utility pole work areas. The transmission structure access path may be bladed, compacted, and surfaced with gravel where necessary to facilitate transmission structure deliveries and construction equipment access. The surface of the access path would be at-grade to allow water to sheet flow across the gen-tie corridor, as it currently does. Access to the fiber optic utility pole locations would be via overland travel from the transmission structure pads or access path. Overland travel and temporary construction activities associated with the gen-tie and telecommunications facilities may occur anywhere within the 200-foot-wide transmission corridor and 50 feet on either side of the transmission corridor boundary. Vegetation at the transmission and fiber optic utility pole work areas would be trimmed, mowed, or removed. At locations where gen-tie line structures and fiber optic utility poles would be installed, minor cuts may be required where the foundation would be installed.

Cast-in-place concrete foundations would be installed by placing reinforcing steel and a structure stub or anchor bolt cage into the foundation hole, positioning the stub, and encasing it in concrete. Each transmission structure foundation would be set on anchor bolts on top of the foundation with cranes. Fiber optic utility poles would be direct embedded in holes up to 8 feet deep. Holes would be excavated using a truck-mounted drill rig or standalone auger rig. Poles would be delivered on a flat-bed trailer and hoisted into place with a crane. The annular space between the poles and holes would be backfilled with concrete or soil. Excavated spoil material not used for backfilling would be spread around the structure work areas.

2.2.14.8 GEN-TIE STRINGING AND PULLING

Conductors would be strung between transmission structures with heavy duty trucks and a telescoping boom lift. Cables would be pulled through one segment of the transmission line at a time. To pull cables, truck-mounted cable-pulling equipment is placed alongside the first and last towers or poles in a segment. Power pulling equipment is used at the front end of the segment, while power braking or tensioning equipment is used at the back end. The conductors are then pulled through the segment and attached to the insulators. Equipment is then moved to the next segment; the front end pull site previously used becomes the back end pull site for the next segment. After conductors have been pulled into place in a section, the conductor tension is increased to achieve a ground clearance of at least 30 feet prior to moving to the next section.

Three tension and pulling sites are anticipated to facilitate construction of the gen-tie: one within the BESS facility footprint near the first angled dead-end structure, one at the POCO structure, and another at the PG&E-constructed angled dead-end structure near the Tesla Substation fence line.

2.2.14.9 PG&E-OWNED GEN-TIE SEGMENT AND INTERCONNECTION FACILITIES WITHIN TESLA SUBSTATION FOOTPRINT

PG&E would construct the segment of the gen-tie between the POCO and the POI within the Tesla Substation, and the fiber optic routes between the POCO and the PG&E control building within the Tesla Substation footprint. The Applicant would bring the fiber optic cables to underground pull boxes at the POCO structure, and PG&E would install the segment of the fiber optic cables between the POCO and control building in conduit placed in underground trenches. The trenches are anticipated to be up to 3 feet wide, and the trenches for the redundant routes would need to be at least 10 feet apart to meet PG&E's diverse path requirements. It is anticipated that PG&E would install the trenches within the access road to the angled dead-end structure outside the Tesla Substation fence line. However, PG&E may install the cables within existing roadways or other pre-disturbed areas along the perimeter of the substation fence depending on final design and routing.

PG&E would also construct the interconnection upgrades within the Tesla Substation footprint at the POI. These upgrades would include erection of a new substation bay dead-end transmission structure and expanding the POI's existing 500kV substation bay-and-a-half bay with a new circuit breaker. Other activities within the Tesla Substation footprint and/or property boundary may include relocation or modification of existing PG&E infrastructure. Additional potential disturbance acreage associated with PG&E's work to facilitate interconnection of the Project to the grid are not anticipated to exceed 5 additional acres of disturbance beyond the estimates Table 4.

2.2.14.10 CONSTRUCTION WATER USE

During construction, an estimated 16,000,000 million gallons (~49.1 acre-feet) of untreated water would be required for common construction-related purposes, including but not limited to dust suppression, soil compaction, and grading. Dust-control water may be used during ingress and egress of on-site construction vehicle equipment traffic and during the construction of the Project. A sanitary water supply line would not be required during construction because restroom facilities would be portable units, serviced by licensed providers, and water and sewage from the restroom facilities would be stored in onsite tanks and serviced by trucks. Drinking water would be provided via portable water coolers. Construction water is anticipated to be purchased from a local water purveyor and trucked to the site.

2.2.14.11 SOLID AND NON-HAZARDOUS WASTE

The Project would produce a small amount of solid waste from construction activities. This may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation waste. This waste would be segregated, where practical, for recycling. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III (non-hazardous waste) landfill.

2.2.14.12 HAZARDOUS MATERIALS

The hazardous materials used for construction would be typical of most construction Projects of this type. Materials may include small quantities of gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliatives, herbicides, and welding materials/supplies. A hazardous materials business plan would be prepared prior to commencement of construction activities. The hazardous materials business plan would include a complete list of all materials used on site and information regarding how the materials would be transported and in what form they would be used. This information would be recorded to maintain safety and prevent possible environmental contamination or worker exposure. During Project construction, material safety data sheets for all applicable materials present at the site would be made readily available to on-site personnel.

2.2.14.13 HAZARDOUS WASTE

Small quantities of hazardous waste would most likely be generated over the course of construction. This waste may include waste paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and spent welding materials. Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment, recycling, or disposal facility in accordance with law. All hazardous waste shipped off site would be transported by a licensed hazardous waste hauler.

2.2.15 Commissioning

As part of Project construction activities, and after installation, equipment will be tested and commissioned. Commissioning work will be completed by qualified personnel, and in accordance with various codes, standards and specifications including Institute of Electrical and Electronic Engineers, National Electrical Code (NFPA 70), International Electrical Testing Association, specific provisions of National Fire Protection Association, and the relevant manufacturers installation and commissioning manuals. Documentation necessary for commissioning will include (but is not limited to) complete sets of electrical plans, itemized equipment descriptions, control narratives, and other procedural requirement such as persons or entities to notify when equipment has become available for acceptance tests.

Commissioning will include testing of mechanical, electrical, fire protection, and other systems at substantial completion. Systems to be commissioned and tested include (but are not limited to) BESS enclosures, PCS units, auxilliar service transformers, MV collection system, DC cables, Supervisory Control and Data Acquisition (SCADA) systems, power backup systems, and fire protection system. Performance testing will also be completed to ensure charge and discharge performance of the systems as designed and in accordance with the utility requirements. Full details of the commissioning activities will be made available in a commissioning plan, prepared by the BESS supplier and construction contractor and reviewed by the Engineer of Record, as part of the construction documentation package.

2.2.16 Operations and Maintenance

Once constructed, the Project would operate 7 days per week, 365 days per year. The facility would be remotely monitored by the original equipment manufacturer or an affiliated company. Project operations would be monitored remotely through the SCADA system and by the Project's anticipated three full-time operations staff members located onsite.

Onsite maintenance would be required, which would include replacement of inverter power modules, filters, and miscellaneous electrical repairs on an as-needed basis. During operation of the project substation, O&M staff would visit the substation periodically for switching and other operation activities. Maintenance trucks would be utilized to perform routine maintenance, including but not limited to equipment testing, monitoring, repair, routine procedures to ensure service continuity, and standard preventative maintenance. Typically, one major maintenance inspection would take place annually.

Batteries within utility-scale BESS facilities degrade with use over time, leading to a loss of capacity. To maintain the Project's capacity in compliance with interconnection requirements and commercial contracts, periodic augmentation by installing new batteries and related equipment within the Project site would occur to maintain the capacity over an approximate 35-year life. Augmentation would include constructing new foundations, installing BESS equipment on the foundations, and completing electrical work within the existing Project footprint. The preliminary site layout depicted on Figure 3 shows an "end of life" configuration, meaning it shows the equipment layout after all augmentation units are implemented. The construction sequencing and equipment usage assumptions in Tables 3 and 4 above, and environmental analyses in subsequent Chapters, conservatively assume that all initial BESS equipment and augmentation BESS equipment are constructed at the same time.

2.2.16.1 SOLID AND NONHAZARDOUS WASTE

The Project will produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning electrical materials, empty containers, and other miscellaneous solid waste, including typical refuse generated by workers. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

2.2.16.2 HAZARDOUS MATERIALS

Limited amounts of hazardous materials would be stored or used on the site during operations, including diesel fuel, gasoline, and motor oil for vehicles; mineral oil to be sealed within the transformers; and lead-acid-based batteries for emergency backup. Appropriate spill containment and cleanup kits would be maintained during operation of the Project. A spill prevention control and countermeasures plan would be developed for site operations.

2.2.16.3 HAZARDOUS WASTE

Fuels and lubricants used in operations would be subject to the spill prevention control and countermeasures plan to be prepared for the proposed Project. Solid waste, if generated during operations, would be subject to the material disposal and solid waste management plan to be prepared for the proposed Project.

2.2.16.4 DECOMMISSIONING

In general, the BESS would be recycled at the end of the Project's life (estimated to be 35 years). Most parts of the proposed system are recyclable. Batteries include lithium-ion, which degrades but can be recycled or repurposed. Steel, wood, and concrete from the decommissioned facilities would be recycled. Metal and scrap equipment and parts that do not have free-flowing oil may be sent for salvage. Materials three feet or more below the ground surface would be left in place.

Fuel, hydraulic fluids, and oils would be transferred directly to a tanker truck from the respective tanks and vessels. Storage tanks and vessels would be rinsed and transferred to tanker trucks. Other items that are not feasible to remove at the point of generation, such as smaller container lubricants, paints, thinners, solvents, cleaners, batteries, and sealants, would be kept in a locked utility structure with integral secondary containment that meets Certified Unified Program Agencies and Resource Conservation and Recovery Act requirements for hazardous waste storage until removal for proper disposal and recycling. It is anticipated that all oils and batteries would be recycled at an appropriate facility. Site personnel involved in handling these materials would be trained to properly handle them. Containers used to store hazardous materials would be inspected regularly for any signs of failure or leakage. Additional procedures would be specified in a Hazardous Materials Business Plan closure plan submitted to the Certified Unified Program Agencies. Transportation of the removed hazardous materials would comply with regulations for transporting hazardous materials, including those set by the Department of Transportation, the U.S.

Environmental Protection Agency, California Department of Toxic Substances Control, California Highway Patrol, and California State Fire Marshal.

2.3 Existing Environmental Conditions

The Project site is relatively flat, with an approximate elevation of 383 to 523 feet at mean sea level. According to the US Department of Agriculture (USDA) Natural Resources Conservation Service, three soil types are present: Linne clay loam, 3% to 15% slopes (65.65 acres); Linne clay loam, 15% to 30% slopes, MLRA 15 (2.80 acres); and Rincon clay loam, 0% to 3% slopes (19.75 acres) (USDA 2024). The Linne series consists of moderately deep, well drained soils that formed in material from soft shale and sandstone. The Rincon series consists of deep, well drained soils that formed in alluvium from sedimentary rock. None of the three soil types mapped on site are included on the USDA list of hydric soils (USDA 2023) commonly associated with wetlands or other waters.

The Project site occurs within the North Diablo Range of the Alameda Creek Watershed (USGS 2023). According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), there are several freshwater ponds, freshwater wetlands, and riverine aquatic features in the vicinity of the Project (USFWS 2023a; Appendix B). The NWI is based on coarse aerial mapping and does not involve ground-truthing. The national hydrography dataset shows Patterson Run and one other drainage crossing the Project site from south to north. Patterson Run is an ephemeral stream system that runs parallel to Patterson Road adjacent to the Project site, flows in a northerly direction, and eventually terminates approximately 2.3 miles northeast of the Project site in agricultural land just north of the Delta Mendota Canal. Patterson Run is classified in the NWI as a freshwater emergent wetland (USFWS 2023a). The second drainage is classified by the NWI as freshwater emergent wetland (USFWS 2023a), however, there is no physical evidence of this drainage within the Project site either on aerial imagery or when surveyed on the ground.

2.3.1 Climate

The Project site is within a Mediterranean climate where annual temperatures range from 38.3 degrees Fahrenheit (°F) to 92.6°F (WRCC 2023). According to the Tracy Pumping Plant (049001) Weather Station Gauge, yearly precipitation averages 12.03 inches, with the highest average rainfall recorded in January (2.54 inches) (WRCC 2023). The past winter season has had higher than average rainfall.

2.3.2 Potential Jurisdictional Features

A preliminary wetland assessment was conducted during the reconnaissance survey on August 2, 2023, to generally identify and coarsely map aquatic resources that may require further protocol jurisdictional delineations. Dudek then conducted a complete aquatic resources delineation concurrent with the reconnaissance-level biological field survey on January 18, 2024, to identify and map the extent of aquatic resources within the entire Project site that are potentially subject to regulation under federal Clean Water Act Sections 401 and 404, CFGC Section 1602, or under the Porter-Cologne Act.

There is one seasonal channel (EPH-01; 0.37 acre, 846.07 linear feet), Patterson Run, within the Project site where the BESS facility site connects to the gen-tie alignment, paralleling Patterson Pass Road (Figure 4). This seasonal channel flows southwest to northeast. The channel had moderate flow during the March 2023 and January 2024 surveys and was dry during the May and August 2023 surveys.

2.3.3 Vegetation

Vegetation communities are based on descriptions provided in Manual of California Vegetation. One vegetation community occurs in the Project site, Wild oats and annual brome grassland (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance) (CNPS 2023a). This community, often referred to as California annual grassland, is characterized by an herbaceous layer dominated by non-native

grass species including wild oats (*Avena* spp.), bromes (*Bromus* spp.), and barleys (*Hordeum* spp.). The herbaceous layer is less than 1.2 meters in height and cover is open to continuous (CNPS 2023). Annual grassland covers the entire Project site outside of the aquatic features (88.24 acres).

Protocol-level rare plant surveys were conducted on May 16, 2023, August 2, 2023, January 18, 2024, April 15, 2024, May 3, 2024, and May 24, 2024, to identify special-status rare plant species within the updated Project site boundaries. Dudek qualified biologists surveyed the entire Project site on foot in approximately 20-meter parallel transects to provide complete visual coverage within the updated project boundaries and gen-tie alignment. Rare plants surveys were conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000), the Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), and the CNPS Botanical Survey Guidelines (CNPS 2001). Three individuals of big tarplant (*Blepharizonia plumosa*) were observed during protocol-level botanical surveys conducted on August 2, 2023.

Big tarplant is an annual herb that endemic to California, with limited distribution throughout the state. This species has a California Rare Plant Rank rank of 1B.1 (rare, threatened or endangered in California and elsewhere), and is a covered species under the East Alameda County Conservation Strategy (EACCS). This species prefers habitats in valley grassland vegetation communities, as well as in foothill woodlands and chaparral (Calflora 2023). Threats to this species include urbanization, disking, residential development, and encroachment by non-native plant species (CNPS 2023b). All three individuals are located near the southwest corner of the PG&E substation in an area of sparse grassland that shows evidence of drainage patterns from the surrounding hills, including cracked soils, reduced grass cover and increased scrub species cover, and increased bare ground.

2.4 Conservation Measures Incorporated into the Project

The Project has been designed to minimize its footprint and thereby minimize disturbance of habitat. In addition, the Project will adhere to applicable Avoidance and Minimization Measures (AMMs) directly from the EACCS and the Programmatic Biological Opinion for the EACCS (USFWS 2012). These approaches to address the potential impacts of Project activities are described in Chapter 5.

Chapter 3. Project Impacts to Special-Status Species

This effects analysis evaluates the potential direct and indirect effects of Project activities on California tiger salamander, Crotch's bumble bee, San Joaquin kit fox and western burrowing owl and their habitats compared to current baseline conditions. Direct effects are the immediate effects of the construction activities on these species or their habitats. Indirect effects occur later in time and may occur outside of the construction area but are reasonably certain to occur.

3.1 California Tiger Salamander

3.1.1 Distribution, Biology, and Habitat Requirements

The Central California DPS of California tiger salamander is federally listed as threatened. This species is a large, stocky, terrestrial salamander with a broad, rounded snout. Total body length of adults range from 6 to 9.5 inches and coloration consists of randomly occurring white or yellow spots on an all-black body (USFWS 2017). Larvae coloration is variable, with a majority being pale and sometimes having dark grey spots.

The California tiger salamander Central California DPS is restricted to disjunct populations that form a ring along the foothills of the Central Valley and Inner Coast Range from San Luis Obispo, Kern, and Tulare Counties in the south, to Sacramento and Yolo Counties in the north. The recovery priority number for the California tiger salamander Central California DPS is 9C, which indicates that the DPS faces a moderate degree of threat, has a high potential for recovery, and is in conflict with development projects, such as conversion to agriculture or urban development.

This species is found in annual grassland, valley-foothill hardwood, and valley-foothill riparian habitats and breeds in vernal pools, ephemeral pools, stock ponds, and (infrequently) along streams and human-made water bodies if predatory fishes are absent. This species has an obligate biphasic life cycle where it utilizes both aquatic habitats as larvae and terrestrial habitats as adults. Although larvae develop in the ponds and wetlands where they hatch, once an individual undergoes metamorphosis, it will leave its natal pond and enters a burrow or other upland refugia, and then spend most its life underground, generally only returning to aquatic habitats to breed. Adult California tiger salamander engage in mass migrations during a few rainy nights per year, typically from November through April, although migrating adults have been observed as early as October and as late as May. During these rain events, adults will travel overland to breeding ponds at night to mate before returning to their underground burrows. Males typically arrive before the females and generally remain in the ponds longer than females (USFWS 2017). This species has been documented to cover distances from 492 feet to 1.3 miles, traveling from breeding ponds to upland terrestrial habitat (Orloff 2011). On average, it is estimated that California tiger salamander migrate an average of 1,844 feet and could potentially migrate up to 1.5 miles each breeding season (Searcy and Shaffer 2011).

3.1.2 Occurrence of the California Tiger Salamander Central California Tiger Salamander in the Project Area

There are 209 California Natural Diversity Database (CNDDDB) occurrences for California tiger salamander within a 9-quadrangle search of the Project site (Figure 5). The nearest documented occurrence is approximately 1.6 miles southwest of the Project site from 2012 (Occ. No. 1003), but there are numerous other records within 5 miles of the Project site (CDFW 2024). The Project site also occurs within the EACCS Conservation Zone 10 or designated as "California tiger salamander North" and is a high priority for the EACCS for protecting a substantial portion of potential breeding ponds within this area (ICF 2010).

The habitat on the Project site is suitable upland refuge and dispersal habitat for this species, consisting of grassland with small mammal burrows. Two nearby stock ponds provide suitable aquatic breeding habitat approximately 0.3 miles from the Project site (Appendix B). No California tiger salamanders were observed during the field surveys, but this species is extremely difficult to detect without focused surveys in accordance with USFWS and CDFW-sanctioned protocols (USFWS 2003). A protocol-level habitat assessment for California tiger salamander was conducted on August 2, 2023, for suitable aquatic habitats identified within, and in the vicinity of, the Project site to identify potential aquatic breeding sites within dispersal distance of the Project site. Not all aquatic habitats within 1.24 miles were able to be surveyed due to access restrictions. Habitat assessments were conducted in accordance with the USFWS Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS 2003). Aquatic features were coarsely mapped along top of bank using ArcGIS Field Maps (Esri).

3.1.3 Potential for Take of the Central California Tiger Salamander

The Project could result in direct or indirect impacts on California tiger salamander. Direct impacts include mortality or injury from ground-disturbing activities, construction equipment, grading, or other construction activities; and permanent loss of potential upland and dispersal habitat within the construction footprint. These species are known to use burrows for refuge, which may be crushed by the weight of construction equipment, building supplies, or grading on the surface, even if the burrow is of sufficient depth to avoid direct excavation. The AMMs in Chapter 5 are intended to reduce the likelihood of direct take during Project activities. Indirect impacts include disturbance due to increased human activity and impacts to water quality from construction activities.

3.2 Crotch's Bumble Bee

3.2.1 Distribution, Biology, and Habitat Requirements

Crotch's bumble bee is a state candidate for listing as endangered under CESA and is not covered under the EACCS. The Crotch's bumble bee occurs almost exclusively in California, currently primarily in the Central Valley, but has been described as having historically occupied grasslands and shrublands in southern to central California. Bumble bees are known to be generalist pollinators but have preferences based on flower color including purple, blue, and yellow. Specifically, this species is found in grasslands with food plant genera that include *Antirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Eschscholzia*, and *Eriogonum*, among others (USFS 2012). The queen flight season for this species is February to March, and the colony active period (highest detection probability) is April to August (CDFW 2023). Additionally, suitable habitat may contain any of the following: 1) areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows and forage plants; 2) potential nest habitat (late February through late October) containing underground abandoned small mammal burrows, perennial bunch grasses and/or thatched annual grasses, brush piles, old bird nests, dead trees or hollow logs; 3) overwintering sites (November through early February) utilized by mated queens in self-excavated hibernacula potentially in soft, disturbed soil, sandy, well-drained, or loose soils, under leaf litter or other debris with ground cover requisites such as barren areas, tree litter, bare-patches within short grass in areas lacking dense vegetation.

3.2.2 Occurrence of the Crotch's Bumble Bee in the Project Area

There is 1 CNDDDB occurrence for Crotch's bumble bee within a 9-quadrangle search of the Project site (Figure 5). This documented occurrence is approximately 8 miles northeast of the Project site from 1959, a record of a collection in May (Occ. No. 323; CDFW 2024).

The habitat on site is suitable for this species as the only vegetation community is annual grassland. Focused Crotch's bumble bee habitat assessments were conducted on May 16 and August 2, 2023, and January 18, 2024. Scattered floral resources were observed including lupines (*Lupinus* spp.), Mexican whorled milkweed (*Asclepias fascicularis*), and exserted Indian paintbrush (*Castilleja*

exserta), along with potential nesting substrates such as bare cracked soil, small rocky areas, and small rodent burrows. No bumble bee species were seen during the field surveys.

3.2.3 Potential for Take of the Crotch's Bumble Bee

Direct impacts to Crotch's bumble bee include mortality or injury from ground-disturbing activities, construction equipment, grading, or other construction activities; and permanent loss of potential foraging and nesting habitat within the construction footprint. Direct mortality and habitat reduction will contribute to further population declines in this species. The AMMs in Chapter 5 are intended to reduce the likelihood of direct take during Project activities.

3.3 San Joaquin Kit Fox

3.3.1 Distribution, Biology, and Habitat Requirements

San Joaquin kit fox is federally listed as endangered. This species is a small, tan fox with a bushy black-tipped tail. They are the smallest foxes in North America, with an average body length of 20 inches and a weight of about 5 pounds. It has a narrow nose and a small, slim body. The foot pad of kit foxes are small by comparison with other canids. The fox is specially adapted for its desert habitat because its large, close-set ears help dissipate heat, keeping it cool in the hot desert (USFWS 2024).

Currently, they occur in some areas of suitable habitat within the San Joaquin Valley and in the surrounding foothills of the Coast Range, Sierra Nevada, and Tehachapi Mountains from Kern County north to Contra Costa, Alameda, and San Joaquin Counties. Historically, San Joaquin kit fox were believed to inhabit the area from Contra Costa and San Joaquin Counties in the north to Kern County in the south (USFWS 1998).

This species occurs in a variety of habitats, including grasslands; scrublands; vernal pool areas; alkali meadows and playas; and an agricultural matrix of row crops, irrigated pastures, orchards, vineyards, and grazed annual grasslands. They prefer habitats with loose textured soils that are suitable for digging, but they occur on virtually every soil type. Dens are generally located in open areas with grass and/or scattered brush, and seldom occur in areas with thick brush. They feed primarily on small mammals, including California ground squirrels, rabbits, mice, kangaroo rats, and have been known to prey on ground-nesting birds, reptiles, and insects (USFWS 1998).

3.3.2 Occurrence of the San Joaquin Kit Fox in the Project Area

There are 44 CNDDDB occurrences for San Joaquin kit fox within a 9-quadrangle search of the Project site (Figure 5). The nearest documented occurrence is approximately 0.3 miles southwest of the Project site, a historical record from 1984 (Occ. No. 6); multiple other historical records are within 5 miles of the Project site, all prior to 1992 (CDFW 2024). The Project site also falls within the EACCS Conservation Zone 10 for San Joaquin kit fox or "San Joaquin kit fox East." EACCS indicates this area likely supports connectivity through the Altamont Hills for SJKF but connectivity across I-580 has been compromised by infrastructure development (ICF 2010).

The habitat on the Project site is moderate-quality annual grassland for San Joaquin kit fox. Focused burrow surveys were conducted on May 16 and August 2, 2023, and January 18, 2024, and additional burrow assessment was conducted during protocol-level burrowing owl surveys on April 12, May 3, May 24, and June 17, 2024, to identify a variety of animal burrows within the updated Project site boundaries, including for San Joaquin kit fox. Several large burrow tailings were observed on the eastern side of the Project site along Patterson Pass Road, evidence of highly suitable soils for burrowing. No San Joaquin kit foxes were observed during the field surveys.

3.3.3 Potential for Take of the San Joaquin Kit Fox

The Project site occurs within the range of the species and may directly and indirectly impact potential dispersal and migration habitat for San Joaquin kit fox. The Project will have temporary and permanent impacts to potential dispersal and migration habitat; however, these impacts are considered minimal as the Project site is within the northern limits of their dispersal or migration boundary. There are no permanent or temporary impacts to potential breeding or denning habitat within the Project site. The AMMs in Chapter 5 are intended to reduce the likelihood of direct take during Project activities.

3.4 Western Burrowing Owl

3.4.1 Distribution, Biology, and Habitat Requirements

The western burrowing owl is a State candidate species. The western burrowing owl is a small ground-dwelling owl that prefers open, arid, and relatively flat to rolling terrain characterized by low growing vegetation and the presence of burrows (Haug et al. 1993; Klute et al. 2003). Common habitat types include grasslands, deserts, prairies, shrub steppes, ephemeral washes, open agricultural areas, and sometimes in human altered environments such as vacant lots, golf courses, community parks, and airports (Haug et al. 1993; Rosenberg and Haley 2004). western burrowing owls can tolerate a certain amount of non-threatening human activity, noise, and disturbance as long as essential habitat requirements are met (Coulombe 1971; Voous 1988; Johnsgard 1998). Essential habitat requirements include short vegetation for foraging opportunities and suitable burrows for nesting, roosting, and predator avoidance.

Western burrowing owl inhabits arid lands throughout much of the western United States and southern interior of western Canada (Haug et al. 1993). In California, western burrowing owl distribution is widely scattered throughout much of the lowlands where suitable habitat persists (Shuford and Gardali 2008). Western burrowing owls in California are predominately nonmigratory year-round residents (Klute et al. 2003). Resident owls breed in California, generally between February 1 and August 31, with peak breeding activity from April through July (CDFW 2012; Haug et al. 1993). After breeding, resident western burrowing owls may move from their breeding areas to wander within the region during the winter months, particularly in central and southern California (Coulombe 1971; Martin 1973; Botelho 1996). Western burrowing owls exhibit strong site fidelity and adults often return to the same burrow or a nearby area each year for breeding.

Western burrowing owls may utilize different areas throughout the year for breeding, foraging, overwintering, dispersal, or transient/migration stops, and therefore may only occupy areas for a short period of the year. Western burrowing owls require open areas with low and sparse growing vegetation for foraging opportunities and unobstructed visibility for predator avoidance (Klute et al. 2003). Western burrowing owls are most active in foraging bouts during night, dawn, and dusk, but may be active throughout the day. As an opportunistic foraging generalist, a western burrowing owls diet primarily comprises large insects and small rodents but can include a wide variety of prey.

Western burrowing owls are unique among the North American owls in that they nest and roost in abandoned burrows, especially those created by ground squirrels, kit fox (*Vulpes* sp.), desert tortoise (*Gopherus agassizii*), and other wildlife. They generally depend on other species to dig suitable burrows for use but may also use anthropogenic surrogate burrows such as rubble piles or drainage pipes when natural burrows are limited (Ronan 2002). If formerly occupied burrows are badly damaged or collapsed, western burrowing owls cannot repair them and must seek alternate sites.

Nesting western burrowing owls select nest burrows with shorter vegetation, greater burrow density, and greater percentage of bare ground than generally available (Plumpton and Lutz 1993). western burrowing owls have a strong affinity for previously occupied nesting and wintering sites and will often return to previously occupied burrows, particularly if they had successful reproduction in

previous years (Gervais et al. 2008). Although western burrowing owls nest within one burrow, they usually occupy a “nest site” composed of both the nesting cavity burrow and nearby satellite burrows where nesting activities are not occurring. In addition, western burrowing owls may change burrows several times during the breeding season, starting when nestlings are about three weeks old (Haug et al. 1993).

Historically, the western burrowing owl was widespread and described as common or abundant in California. Western burrowing owls occurred throughout most of California’s counties where suitable low growing vegetation habitat existed except for coastal counties north of Marin County and in mountainous areas (Shuford and Gardali 2008). The highest densities of western burrowing owl were historically reported in interior valleys and coastal lowlands (Grinnell and Miller 1944).

The most current research indicates that the western burrowing owl range in California has not drastically changed from its historical range, but the species has disappeared or greatly declined as a breeding bird in many areas that were previously occupied. Western burrowing owls have been extirpated as a breeding species from at least 19 of the 51 California counties that it previously occurred in and is nearing extirpation in an additional 10 counties (DeSante et al. 1996, 2007; Wilkerson and Siegel 2010). This approximately equates to a 16 percent decrease in the former California breeding range and is nearing extirpation in an additional 13 percent of the former breeding range as a result of numerous anthropogenic sources. The most important of these are direct mortality and permanent habitat loss caused by urbanization, and reduction or elimination of their primary burrow excavators, ground squirrels, from grazing and agricultural lands.

3.4.2 Occurrence of the Western Burrowing Owl in the Project Area

There are three documented occurrences adjacent or overlapping with the PSA, from 1982, 2002, and 2006 (Occ. Nos. 48, 468, and 1229). Multiple other documented occurrences are within 5 miles of the PSA, most recently from 2015 (CDFW 2024).

The habitat on the Project site is moderate-quality annual grassland for western burrowing owl. Focused burrow surveys were conducted on May 16 and August 2, 2023, and January 18, 2024, and additional burrow assessment was conducted during protocol-level burrowing owl surveys on April 12, May 3, May 24, and June 17, 2024, to identify a variety of animal burrows within the updated Project site boundaries, including for western burrowing owl. Several large burrow tailings were observed on the eastern side of the Project site along Patterson Pass Road, evidence of highly suitable soils for burrowing. No western burrowing owls were observed during the field surveys.

3.4.3 Potential for Take of the Western Burrowing Owl

The Project site occurs within the range of the species and may directly and indirectly impact potential foraging and nesting habitat for western burrowing owl; however, no owls have been observed within the Project site following multiple rounds of surveys in 2023, 2024 and 2025. The Project will have temporary and permanent impacts to potential foraging and nesting habitat. The AMMs in Chapter 5 are intended to reduce the likelihood of direct take during Project activities.

Chapter 4. Project Impact on Continued Existence of the Covered Species

4.1 Jeopardy Analysis for California Tiger Salamander

The *Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (Ambystoma californiense)* (USFWS 2017) and the *5-Year Review, California Tiger Salamander, Central California Distinct Population Segment (Ambystoma californiense)* (USFWS 2023b) states that virtually nothing is known concerning the historical abundance of the Central California tiger salamander. The available data suggest that most extant populations consist of relatively small numbers of breeding adults, in the range of a few to a few dozen pairs, and that populations that number above 100 breeding individuals are rare. California tiger salamanders also exhibit high year-to-year variation in survey counts. Studies show high variability in numbers of breeding adults observed, as well as numbers of larvae produced in a given year; and large annual variation in breeding activity by Central California tiger salamanders has been reported in Alameda County. Also, in some cases, the CNDDDB lists California tiger salamander as “presumed extant,” but that information may now be incorrect because the California tiger salamander and/or their breeding habitat at that location may have been extirpated by development.

The USFWS determined that there was a 20.7% loss of known Central California tiger salamander occurrences as of 2002 because of habitat loss and degradation (USFWS 2017).

4.1.1 Potential Project Impacts

Project activities will result in 60.7 acres of permanent impacts and 6.7 acres of temporary impacts to California tiger salamander upland and dispersal habitat associated with the grassland vegetation community. There is no suitable aquatic habitat present within the Project site and the nearest stock ponds that provide suitable aquatic breeding habitat are approximately 0.3 miles from the Project study area. Therefore, the Project will not jeopardize the continued existence of the species.

4.1.2 Cumulative Impacts

Implementation of AMMs mentioned in Chapter 5 would ensure that potential adverse effects to California tiger salamander are minimized. Potential Project effects to this species would be direct temporary and permanent effects associated with dispersal and upland habitat only. Because the Project does not have any temporary or permanent effects to breeding habitat for this species, along with the implementation of AMMs, the Project is not expected to have a measurable effect on the local and regional population of these species and is therefore not cumulatively considerable.

4.2 Jeopardy Analysis for Crotch’s Bumble Bee

The petition to list Crotch's bumble bee as endangered under CESA (The Xerces Society et al. 2018) states that this species was historically common in the southern two-thirds of California, but is now absent from most of its range, specifically in the center of its range including the Central Valley. In the Central Valley, agriculture and rapid urbanization have been the main threat to this species nesting and foraging habitat. It is estimated that this species has gone through an average decline of 67%, including relative abundance and persistence in their current range (The Xerces Society et al. 2018). Tracking extant populations of Crotch's bumble bee is limited due to the species still being surveyed in its historical range throughout the state and additional studies on the species and their habitat are still recommended to help with this effort.

4.2.1 Potential Project Impacts

Project activities will result in 60.7 acres of permanent impacts and 6.7 acres of temporary impacts to Crotch's bumble bee nesting and foraging habitat associated with the grassland vegetation community. Although suitable nesting habitat is present, no bumble bee species were observed during the 2023 and 2024 field surveys. Therefore, the Project will not jeopardize the continued existence of the species.

4.2.2 Cumulative Impacts

Implementation of AMMs mentioned in Chapter 5 would ensure that potential adverse effects to Crotch's bumble bee are minimized. Potential Project effects to this species would be direct temporary and permanent effects associated with nesting and foraging habitat. Although suitable nesting habitat will be impacted, there is only 1 historical CNDDDB record within a 9-quadrangle search of the Project site and no bumble bees were observed during focused surveys. With the implementation of AMMs, the Project is not expected to have a measurable effect on the local and regional population of these species and is therefore not cumulatively considerable.

4.3 Jeopardy Analysis for San Joaquin Kit Fox

The *Recovery Plan for Upland Species of the San Joaquin Valley, California* (USFWS 1998) and the *5-Year Review, San Joaquin kit fox (Vulpes macrotis mutica)* (USFWS 2020) states that San Joaquin kit foxes can exhibit significant population size variability. Most of the populations in natural habitats fluctuate regularly depending on environmental conditions, including extremes of rainfall that have effects on prey species.

San Joaquin kit fox populations have decreased due to natural habitat conversion to agriculture and urban development, creating fragmented habitat throughout its range. This species requires habitat corridors of appropriate size so this species can maintain its genetic and ecological diversity and distribution of resilient populations across its range.

4.3.1 Potential Project Impacts

Project activities will result in 60.7 acres of permanent impacts and 6.7 acres of temporary impacts to San Joaquin kit fox dispersal and migration habitat associated with the grassland vegetation community. There is no suitable breeding or denning habitat present within the Project site. Therefore, the Project will not jeopardize the continued existence of the species.

4.3.2 Cumulative Impacts

Implementation of AMMs mentioned in Chapter 5 would ensure that potential adverse effects to San Joaquin kit fox are minimized. Because the Project impacts to this species' habitat are not anticipated to have a significant impact on the species or jeopardize its continued existence, it is not expected to have a measurable effect on the local and regional population of this species and is therefore not cumulatively considerable.

4.4 Jeopardy Analysis for Western Burrowing Owl

The petition to list western burrowing owl as threatened or endangered under CESA (CDFW 2024) states that the California counties where burrowing owls are thought to have been extirpated, including portions of the northern Central Valley, all of the coastal Bay Area, most of the central and southern coast, as well as some areas in the interior of the Bay Area. The petition states areas of extirpation comprise roughly 16% of the burrowing owls' former range. The petition states burrowing owls are likely to be very close to being extirpated from another 13% of their range, including in portions of the Central Valley, the remaining areas in the interior Bay Area, and the central and southwestern coasts.

4.4.1 Potential Project Impacts

Project activities will result in 60.7 acres of permanent impacts and 6.7 acres of temporary impacts to potential western burrowing owl foraging and nesting habitat associated with the grassland vegetation community. Although suitable nesting habitat is present, no western burrowing owls were observed during the 2023, 2024 and 2025 field surveys. Therefore, the Project will not jeopardize the continued existence of the species.

4.4.2 Cumulative Impacts

Implementation of AMMs mentioned in Chapter 5 would ensure that potential adverse effects to western burrowing owl are minimized. Because the Project impacts to this species' habitat are not anticipated to have a significant impact on the species or jeopardize its continued existence, it is not expected to have a measurable effect on the local and regional population of this species and is therefore not cumulatively considerable.

Chapter 5. Minimization and Mitigation Measures

The Project applicant has worked closely with wildlife biologists, in consultation with resource agencies, through the design process to minimize impacts on California tiger salamander, Crotch's bumble bee, San Joaquin kit fox, and western burrowing owl. The Project site is within the EACCS; therefore, avoidance, minimization, and mitigation measures described below for each species are directly from the EACCS and the Programmatic Biological Opinion for the EACCS (USFWS 2012).

5.1 General Avoidance and Minimization Measures for Construction and Decommissioning

Implementation of applicable general avoidance and minimization measures will reduce potential adverse effects to EACCS special-status wildlife during construction of the Project. These measures are listed below.

GEN - 01 Employees and contractors performing construction activities will receive environmental sensitivity training. Training will include review of environmental laws and Avoidance and Minimization Measures (AMMs) that must be followed by all personnel to reduce or avoid effects on covered species during construction activities.

GEN - 02 Environmental tailboard trainings will take place on an as needed basis in the field. The environmental tailboard trainings will include a brief review of the biology of the covered species and guidelines that must be followed by all personnel to reduce or avoid negative effects to these species during construction activities. Directors, managers, superintendents, and the crew foremen and forewomen will be responsible for ensuring that crewmembers comply with the guidelines.

GEN - 03 Contracts with contractors, construction management firms, and subcontractors will obligate all contractors to comply with these requirements, AMMs.

GEN - 04 The following will not be allowed at or near work sites for covered activities: trash piles, firearms, open fires (such as barbecues), hunting, and pets (except for safety in remote locations).

GEN - 05 Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

GEN - 06 Off-road vehicle travel will be minimized.

GEN - 07 Vehicles will not exceed a speed limit of 15 mph on unpaved roads within natural land cover types, or during off road travel.

GEN - 08 Vehicles or equipment will not be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.

GEN - 09 Vehicles shall be washed only at designated areas. No washing of vehicles shall occur at job sites.

GEN - 10 To discourage the introduction and establishment of invasive plant species, seed mixtures/straw used within natural vegetation will be either rice straw or weed free straw.

GEN - 11 Pipes, culverts, and similar materials greater than four inches in diameter, will be stored so as to prevent covered wildlife species from using these as temporary refuges, and these materials will be inspected each morning for the presence of animals prior to being moved.

GEN - 12 Erosion control measures will be implemented to reduce sedimentation in wetland habitat occupied by covered animal and plant species when activities are the source of potential erosion problems. Plastic monofilament netting (erosion control matting) or similar material containing netting shall not be used at the Project. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

GEN - 13 Stockpiling of material will occur such that direct effects to covered species are avoided. Stockpiling of material in riparian areas will occur outside of the top of bank, and preferably outside of the outer riparian dripline and will not exceed 30 days.

GEN - 14 Grading will be restricted to the minimum area necessary.

GEN - 15 Prior to ground disturbing activities in sensitive habitats, Project construction boundaries and access areas will be flagged and temporarily fenced during construction to reduce the potential for vehicles and equipment to stray into adjacent habitats.

GEN - 16 Significant earth moving-activities will not be conducted in riparian areas within 24 hours of predicted major storms or within 24 hours after major storms (defined as 1-inch of rain or more).

GEN - 17 Trenches will be backfilled as soon as possible. Open trenches will be searched each day prior to construction to ensure no covered species are trapped. Earthen escape ramps will be installed at intervals prescribed by a qualified biologist (if necessary).

5.2 California Tiger Salamander Avoidance and Minimization Measures

Implementation of applicable amphibian avoidance and minimization measures will reduce potential adverse effects to EACCS-covered amphibians that utilize the site as upland refuge and overland migration habitat during construction of the Project. In addition to the general measures listed above, the following species AMMs will be implemented during construction:

AMPH-2. Habitat: Riparian habitat and grasslands within 2-miles of aquatic habitat

- If aquatic habitat is present, a qualified biologist will stake and flag an exclusion zone prior to activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry (EACCS AMPH-1).
- A qualified biologist will conduct preconstruction surveys prior to activities define a time for the surveys (before groundbreaking). If individuals are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFW approved relocation site.
- A Service-approved biologist should be present for initial ground disturbing activities.
- Barrier fencing will be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing will be removed within 72 hours of completion of work.
- No monofilament plastic will be used for erosion control.
- Construction personnel will inspect open trenches in the morning and evening for trapped amphibians.

- A qualified biologist possessing a valid ESA Section 10(a)(1)(A) permit or USFWS approved under an active biological opinion, will be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area.
- Work will be avoided within suitable habitat from June 15 through October 15 (or the first measurable fall rain of 1" or greater).

5.2.1 Compensatory Mitigation

With the implementation of the above avoidance and minimization measures, impacts to California tiger salamander will be minimized. To compensate for direct impacts California tiger salamander, the Applicant will purchase and ensure long-term conservation of a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) as described in Appendix C. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. The EACCS standardized mitigation ratios for California tiger salamander are 3:1 (three acres preserved for each acre removed).

Therefore, Permanent impacts will be mitigated at a minimum of 3:1 for California tiger salamander (See Table 7 in Section 5.7). Final mitigation ratios will be based on consultation with CDFW.

5.3 Crotch’s Bumble Bee Avoidance and Minimization Measures

Pre-construction bumble-bee surveys and avoidance buffers conducted per the recommendations outlined in CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) will avoid potential impacts to these species by preventing direct harm. The following measures are recommended to avoid, minimize, or mitigate impacts to Crotch’s bumble bee:

- The pre-construction survey will be performed by a biologist with expertise in surveying for bumble bees and include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch bumble bee). Surveys shall occur at least 1 hour after sunrise and 2 hours before sunset. Surveys will not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors will wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies that are greater than 60° Fahrenheit. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).
- If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the construction zone, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is

assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to proposed open space or other suitable areas beyond that have suitable hibernacula resources. Because construction will have occurred in the area outside of the occupied nesting resources, no suitable habitat will be present in the impact area, and it is assumed that new queens will disperse to habitat outside of the construction area.

- If the nest resources cannot be avoided, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an Incidental Take Permit.
- In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

5.3.1 Compensatory Mitigation

With the implementation of the above avoidance and minimization measures, compensatory mitigation proposed is associated with the preservation of nesting and foraging habitat for this species. To compensate for direct impacts on nesting and foraging habitat for Crotch's bumble bee, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) as described in Appendix C. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. Since this species is not included in the EACCS, the standard mitigation ratio for other species in the plan (3:1) will be applied to this species. Final mitigation ratios will be based on consultation with CDFW.

5.4 San Joaquin Kit Fox Avoidance and Minimization Measures

Implementation of applicable mammal avoidance and minimization measures will avoid potential adverse effects to EACCS-covered mammals that may utilize the project site during construction of the Project. In addition to the general measures listed above, the following species avoidance and minimization measures will be implemented during construction:

- If potential dens are present, their disturbance and destruction will be avoided.
- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFW. If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (USFWS 2011).
- Exclusion zones will be implemented following USFWS procedures (USFWS 1999) or the latest USFWS procedures available at the time. The radius of these zones will follow current

standards or will be as follows: Potential Den 50 feet; Known Den 100 feet; Natal or Popping Den – to be determined on a case by case basis in coordination with USFWS and CDFW.

- Pipes will be capped, and trenches will contain exit ramps to avoid direct mortality while construction area is active.

5.4.1 Compensatory Mitigation

With the implementation of the above avoidance and minimization measures, compensatory mitigation proposed is associated with the preservation of dispersal and migration habitat for this species. To compensate for direct impacts on dispersal and migration habitat for San Joaquin kit fox, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) as described in Appendix C. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. The EACCS standardized mitigation ratios for San Joaquin kit fox are 3:1 (three acres preserved for each acre removed) (ICF 2010). Final mitigation ratios will be based on consultation with CDFW.

5.5 Western Burrowing Owl Avoidance and Minimization Measures

Implementation of applicable bird avoidance and minimization measures will avoid potential adverse effects to EACCS-covered birds that may utilize the project site during construction of the Project. In addition to the general measures listed above, the following species avoidance and minimization measures will be implemented during construction:

- If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no - activity zone will be established by a qualified biologist. The no - activity zone will be large enough to avoid nest abandonment and will at a minimum be 250 - feet radius from the nest.
- If burrowing owls are present at the site during the non - breeding period, a qualified biologist will establish a no - activity zone of at least 150 feet.
- If an effective no - activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site - specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.

5.5.1 Compensatory Mitigation

With the implementation of the above avoidance and minimization measures, compensatory mitigation proposed is associated with the preservation of nesting and foraging habitat for this species. To compensate for direct impacts on potential nesting and foraging habitat for western burrowing owl, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) as described in Appendix C. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. The EACCS standard mitigation ratio for this species in the plan (3:1) will be applied. Final mitigation ratios will be based on consultation with CDFW.

5.6 Funding

To compensate for direct impacts on habitat for California tiger salamander, Crotch's bumble bee, San Joaquin kit fox and western burrowing owl, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) as described in Appendix C. The Applicant will ensure a long-term conservation plan is implemented with the turnkey mitigation property which will consist of a conservation easement, an endowment and a long term management plan along with a mitigation agreement that will be submitted for approval during coordination with CDFW and USFWS. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. All necessary requirements to acquire the proposed mitigation property will be completed prior to ground disturbance and this process has already been initiated. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. The Applicant does not plan to provide alternate financial assurances to cover the cost of mitigation. Table 7 provides the proposed mitigation ratios and acreages for each species. EACCS Mitigation Scoring sheets are provided in Appendix D.

Table 7. Proposed Compensatory Mitigation for Listed Species

Species	Permanent Impacts		
	Impact (acres)	Ratio	Mitigation (acres)
California tiger salamander	60.7	3:1	182.1
Crotch's bumble bee	60.7	3:1	182.1
San Joaquin kit fox	60.7	3:1	182.1
Western burrowing owl	60.7	3:1	182.1

Chapter 6. Certification

I certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to civil and criminal penalties under the laws of the State of California.

Signature

Date

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Chapter 7. References

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Figure 5. CNDDDB Occurrences within a 9-Quad Search of the Project Site

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*Potentia-Viridi Battery Energy Storage System Project
Incidental Take Permit Application*

APPENDIX C – Mitigation Property Biological Resources Report

Appendix D - EACCS Mitigation Scoring Sheets



**California Department of Fish and
Wildlife Region 1**

**1602 Lake and Streambed
Alteration Agreement
Application**

**Potentia-Viridi Battery Energy
Storage System Project**

January 22, 2025

Amended March 10, 2025

Prepared for:

California Department of Fish and
Wildlife – Region 3
2825 Cordelia Road, Suite 100
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1.0 CDFW 1602 LSAA APPLICATION CONTINUATION PAGES

1.1 PROJECT OR ACTIVITY INFORMATION

1.1.1 Box 16A – Project Description

1.1.2 Project Components

The Project would include the installation of riprap at a stormwater outfall into Patterson Run and the installation of a ford (i.e., low-water crossing) within Patterson Run. Project components are described in the following subsections and shown in Appendix A Figures. Table 1 summarizes the preliminary dimensions of major BESS facility components, and Table 2 summarizes the preliminary footprint/disturbance acreage associated with the stormwater facilities and outfall.

Table 1. Preliminary Dimensions of Patterson Run Components

Component	Quantity	Approximate Dimensions
Stormwater Outfall	1	500 ft x 5 ft x 10 ft (L x W x D)
Low-water Crossing	1	1,600 sqft and 30 lf

Table 2. Acreage of Permanent Disturbance

Component	Permanent Disturbance
Stormwater Outfall	0.6 acre
Low-water Crossing	0.04 acre

1.1.3 Description of Activities within Patterson Run

A stormwater drainage outfall utilizing a new 36-inch corrugated metal pipe would be constructed from a detention basin located in the southwest portion of the site to the inlet of an existing culvert on the north side of Patterson Pass Road. Approximately 10 cubic yards of clean rip-rap would be placed as an energy dissipator at the outfall to discharge clean stormwater at or below current rates into the existing drainage on the south side of Patterson Pass Road.

The low-water crossing will be designed for the use of a transmission structure access path crossing Patterson Run that will be used for gen-tie construction and O&M access activities.

1.1.4 Construction

The following sections detail the approximate construction schedule and workforce, construction activities, estimated water use, and materials handling proposed by the Project.



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Potentia-Viridi Battery Energy Storage System Project

1.1.4.1 Schedule and Workforce

The Project is anticipated to be built during the typical California dry season (June 15th through October 15th).

1.1.4.2 Sequencing

During construction activities, multiple crews would be working on the site with various equipment and vehicles. The total number of construction workers (consisting of laborers, craftsmen, supervisory personnel, support personnel, and construction management personnel) would range from approximately 5 to 200 workers, depending on the phase of construction. It is estimated that construction would require approximately 150 days to complete the outfall installation.

1.1.5 Box 11 Project Impacts

A formal aquatic delineation was conducted on January 18, 2024. There is one ephemeral channel (EPH-01; 0.37 acre, 846.07 linear feet), Patterson Run, within the Project where the BESS facility site connects to the gen-tie alignment, paralleling Patterson Pass Road. This ephemeral channel flows southwest to northeast. The channel had moderate flow during the March 2023 and February 2024 surveys and was dry during the May and August 2023 surveys. One swale-like area was surveyed along the gen-tie alignment at the southwest corner of the PG&E substation. This feature exhibited cracked clay and sandy wash type soils during the August 2023 survey, with patchy grassland habitat along the margins and herbaceous plants such as dove weed (*Croton setiger*), curly dock (*Rumex crispus*), and big tarplant (*Blepharizonia plumosa*). However, the survey determined that this feature did not contain hydric soils, vegetation, or hydrology and, thus, is not a jurisdictional aquatic resource.

The project includes two features that will require placement of fill materials within regulated Waters of the United States, including improvements to an existing culvert under Patterson Road, and the construction of a new low-water crossing within the corridor of the proposed overhead gen-tie line. The discharge point of the culvert will require placement of rip-rap to provide energy dissipation and prevent bed or bank erosion at the point of discharge. The proposed crossing includes minor grading to the bed and banks of the feature, and placement of rip-rap to create a stable point of crossing for maintenance vehicles. Impacts to EPH-01 (Patterson Run) are associated with a stormwater outfall as shown in Appendix B. The civil plans are provided in Appendix C. Table 8 provides a summary of impacts to waters of the State.

Table 3. Impacts to Waters of the State.

Feature Type	Crossing ID	Permanent Impacts		Temporary Impacts	
		Acreage (square feet)	Linear Feet	Acreage (square feet)	Linear Feet
Other Waters					
Ephemeral Stream	EPH-01	0.64 (27,878)	38	0	0



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1.1.6 Box 11C - Special Status Species

Three listed wildlife species were identified as having potential to occur within the Project Site: California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Federally designated critical habitat for California red-legged frog also occurs within the Project Site.

Eleven special-status plants have a moderate or high potential to occur onsite; however, one plant was observed onsite, Big tarplant (*Blepharizonia plumosa*). Big tarplant has a CRPR rank of 1B.1 (rare, threatened or endangered in California and elsewhere), and is a covered species under the EACCS. For additional information and potential impacts to this species.

For additional information and potential impacts to these species, see Appendix D for the Biological Resources.

1.1.7 Box 12 - Measures to Protect Fish, Wildlife, and Plant Resources

California tiger salamander and California red-legged frog

The following avoidance and minimization measures will be implemented following EACCS.

General

GEN - 01 Employees and contractors performing construction activities will receive environmental sensitivity training. Training will include review of environmental laws and Avoidance and Minimization Measures (AMMs) that must be followed by all personnel to reduce or avoid effects on covered species during construction activities.

GEN - 02 Environmental tailboard trainings will take place on an as needed basis in the field. The environmental tailboard trainings will include a brief review of the biology of the covered species and guidelines that must be followed by all personnel to reduce or avoid negative effects to these species during construction activities. Directors, Managers, Superintendents, and the crew foremen and forewomen will be responsible for ensuring that crewmembers comply with the guidelines.

GEN - 03 Contracts with contractors, construction management firms, and subcontractors will obligate all contractors to comply with these requirements, AMMs.

GEN - 04 The following will not be allowed at or near work sites for covered activities: trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets (except for safety in remote locations).

GEN - 05 Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

GEN - 06 Off - road vehicle travel will be minimized.



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GEN - 07 Vehicles will not exceed a speed limit of 15 mph on unpaved roads within natural land cover types, or during off road travel.

GEN - 08 Vehicles or equipment will not be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.

GEN - 09 Vehicles shall be washed only at approved areas. No washing of vehicles shall occur at job sites.

GEN - 10 To discourage the introduction and establishment of invasive plant species, seed mixtures/straw used within natural vegetation will be either rice straw or weed free straw.

GEN - 11 Pipes, culverts, and similar materials greater than four inches in diameter, will be stored so as to prevent covered wildlife species from using these as temporary refuges, and these materials will be inspected each morning for the presence of animals prior to being moved.

GEN - 12 Erosion control measures will be implemented to reduce sedimentation in wetland habitat occupied by covered animal and plant species when activities are the source of potential erosion problems. Plastic monofilament netting (erosion control matting) or similar material containing netting shall not be used at the project. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

GEN - 13 Stockpiling of material will occur such that direct effects to covered species are avoided. Stockpiling of material in riparian areas will occur outside of the top of bank, and preferably outside of the outer riparian dripline and will not exceed 30 days.

GEN - 14 Grading will be restricted to the minimum area necessary.

GEN - 15 Prior to ground disturbing activities in sensitive habitats, project construction boundaries and access areas will be flagged and temporarily fenced during construction to reduce the potential for vehicles and equipment to stray into adjacent habitats.

GEN - 16 Significant earth moving - activities will not be conducted in riparian areas within 24 hours of predicted storms or after major storms (defined as 1 - inch of rain or more).

GEN - 17 Trenches will be backfilled as soon as possible. Open trenches will be searched each day prior to construction to ensure no covered species are trapped. Earthen escape ramps will be installed at intervals prescribed by a qualified biologist.

Amphibians: CTS, CRLF

AMPH-2. Habitat: Riparian habitat and grasslands within 2-miles of aquatic habitat

- If aquatic habitat is present, a qualified biologist will stake and flag an exclusion zone prior to activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum



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practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry (EACCS AMPH-1).

- A qualified biologist will conduct preconstruction surveys prior to activities define a time for the surveys (before groundbreaking). If individuals are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFW approved relocation site.
- A Service-approved biologist should be present for initial ground disturbing activities.
- Barrier fencing will be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing will be removed within 72 hours of completion of work.
- No monofilament plastic will be used for erosion control.
- Construction personnel will inspect open trenches in the morning and evening for trapped amphibians.
- A qualified biologist possessing a valid ESA Section 10(a)(1)(A) permit or USFWS approved under an active biological opinion, will be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area.
- Work will be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1" or greater) to May 1.

San Joaquin kit fox

Potential direct and indirect effects could occur during construction activities as result from noise and vibration. In addition to the general measures listed above, the following species avoidance and minimization measures will be implemented during construction:

MAMM-1. Habitat: Grassland, generally with ground squirrel burrows.

- If potential dens are present, their disturbance and destruction will be avoided.
- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFW. If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (USFWS 2011).
- Exclusion zones will be implemented following USFWS procedures (USFWS 1999) or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den 50 feet; Known Den 100 feet; Natal or Popping Den – to be determined on a case by case basis in coordination with USFWS and CDFW.
- Pipes will be capped, and trenches will contain exit ramps to avoid direct mortality while construction area is active.



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1.1.5 Box 12C Mitigation

For impacts to waters of the state, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10) at a 1:1 (one acre preserved for each acre of impact).

With the implementation of the above avoidance and minimization measures, compensatory mitigation proposed is associated with the preservation of upland and dispersal habitat for these species. To compensate for direct impacts on upland habitat for CTS and CRLF, the Applicant will purchase a turnkey mitigation property within the same Conservation Zone as the Project site (Conservation Zone 10). The Applicant will ensure a long-term conservation plan is implemented with the turnkey mitigation property which will consist of a conservation easement, an endowment and a long term management plan along with a mitigation agreement that will be submitted for approval during coordination with CDFW and USFWS. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. All necessary requirements to acquire the proposed mitigation property will be completed prior to ground disturbance and this process has already been initiated. Prior to the purchase of this mitigation property, the Applicant would obtain approval from CEC staff, in coordination with CDFW, to ensure the mitigation lands are appropriate to compensate for the impacts of the Project. The EACCS standardized mitigation ratios for CTS and CRLF are 3:1 (three acres preserved for each acre removed).



CDFW 1602 LSAA APPLICATION

Appendix A Figures

Appendix A TOURS



Appendix B IMPACTS TO WATERS OF THE STATE



CDFW 1602 LSAA APPLICATION

Appendix C Project Design Plans

Appendix C PROJECT DESIGN PLANS



Appendix D BIOLOGICAL RESOURCES TECHNICAL REPORT



FINAL

Biological Technical Report

Potentia-Viridi Battery Energy Storage System Project

JANUARY 2025

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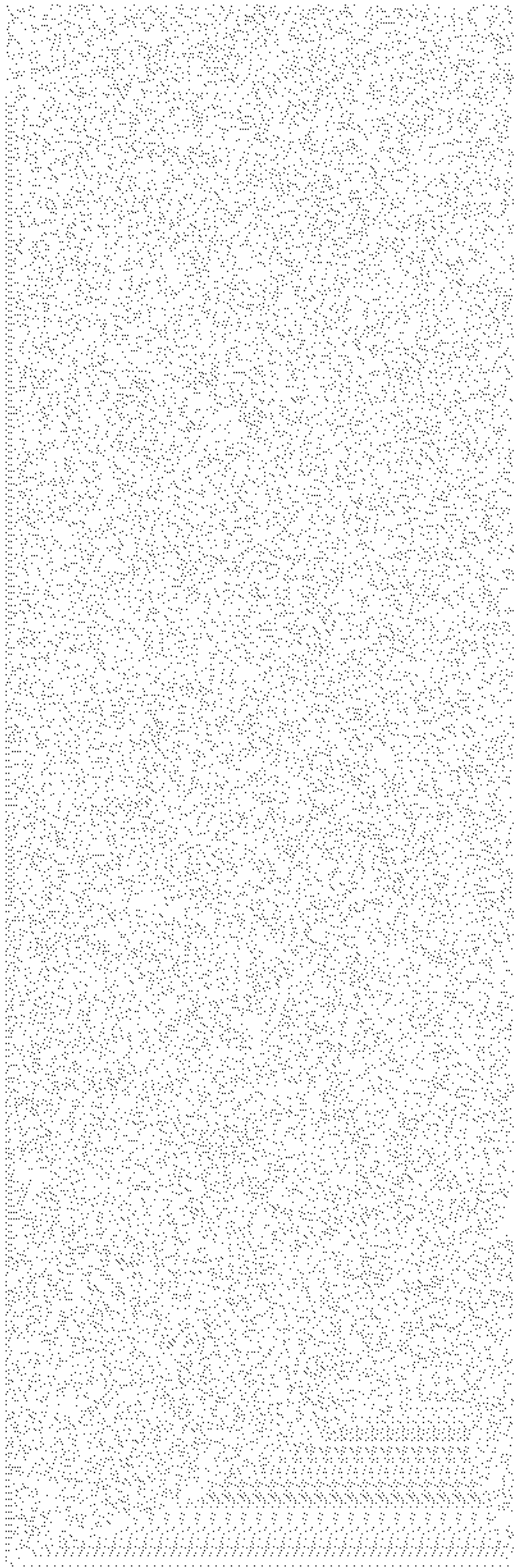
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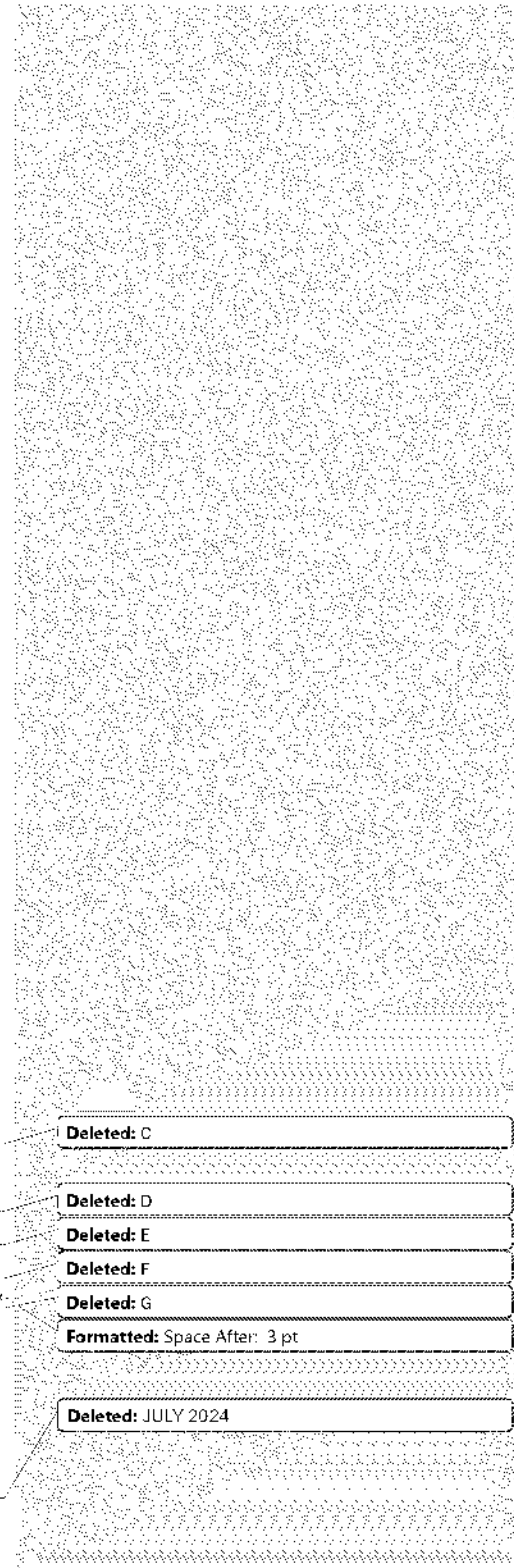
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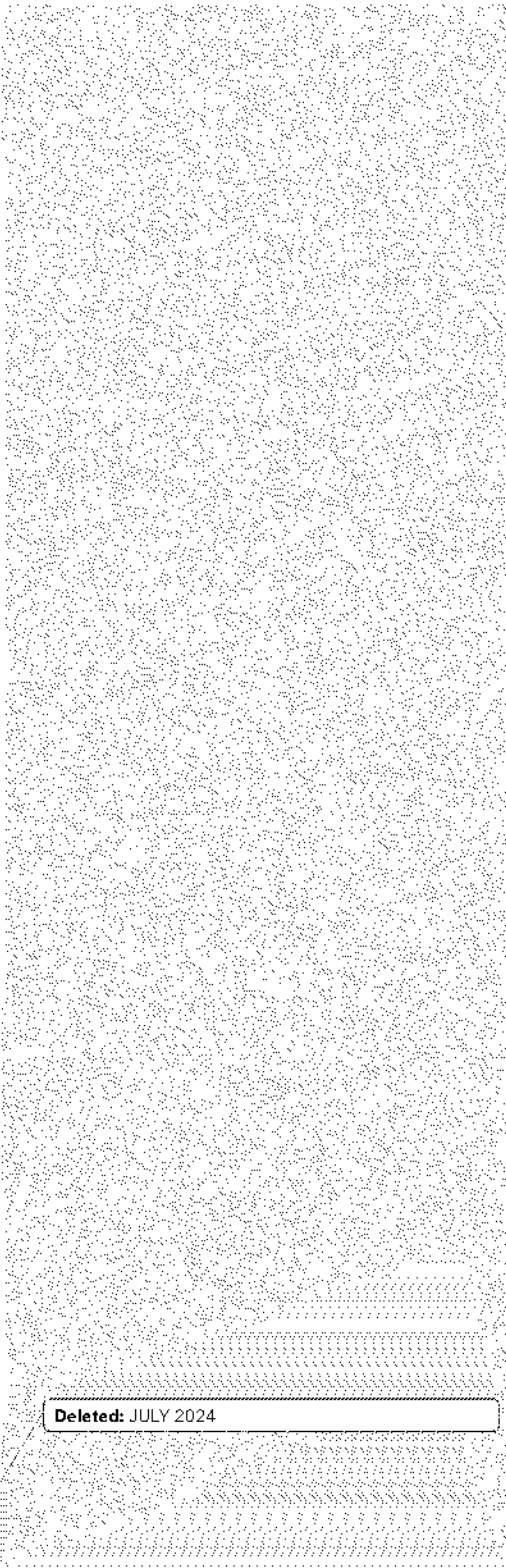
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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AMM	avoidance and minimization measure
BA	biological assessment
BESS	Battery Energy Storage System
BGEPA	Bald and Golden Eagle Protection Act
BO	biological opinion
BTR	Biological Technical Report
CDFW	California Department of Fish and Wildlife
CEHC	California Essential Habitat Connectivity
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CNDD3	California Natural Diversity Database
CNPS	California Native Plant Society
CRLF	California red-legged frog
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CZ	Conservation Zone
DCH	Designated Critical Habitat
DPS	distinct population segment
EACCS	East Alameda County Conservation Strategy
ECAP	East County Area Plan
ECOS	Environmental Conservation Online System
EFH	Essential Fish Habitat
EPA	Environmental Protection Agency
ESA	Environmentally sensitive area
FESA	Federal Endangered Species Act
FGC	California Fish and Game Code
HCP	habitat conservation plan
IPaC	Information for Planning and Consultation
ITP	Incidental Take Permit
JD	Jurisdictional Determination
LSAA	Lake and Streambed Alteration Agreement
M3TA	Migratory Bird Treaty Act
MMRP	Mitigation Monitoring and Reporting Program
NOAA	National Oceanic and Atmospheric Administration
NWI	National Wetlands Inventory
NWP	Nationwide Permit
OHWM	ordinary high water mark
P30	Programmatic Biological Opinion

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Acronym/Abbreviation	Definition
PCE	primary constituent elements
PFMC	Pacific Fishery Management Council
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SP	Standard Permit
SSC	Species of Special Concern
SWANCC	Solid Waste Agency of Northern Cook County
SWHA	Swainson's hawk
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WEAP	Worker Environmental Awareness Program



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Executive Summary

This Biological Technical Report (BTR) was prepared for Levy Alameda LLC for the proposed Potencia-Viridi Battery Energy Storage System (BESS) Project (Project). This BTR describes the existing conditions, regulatory setting, existing biological resources within the Project Study Area (PSA), and preliminary assessment of Project impacts.

The PSA is in eastern Alameda County, California. The PSA consists of the BESS facility and a generation tie (gen-tie) alignment to the southeast connecting the facility to the adjacent Pacific Gas & Electric (PG&E) Tesla Substation. The PSA is currently undeveloped. The PG&E Tesla substation is directly east; along the western Project boundary there are transmission lines running northeast to southwest; Patterson Pass Road follows the eastern boundary; there is a railroad line to the south and a gravel access road to the north. The gen-tie alignment connecting the BESS facility to the PG&E substation crosses Patterson Run (a seasonal stream channel). The lands comprising the PSA have been used for cattle grazing in the past, however, the only lands within the PSA currently being grazed are those along the gen-tie alignment between Patterson Pass Road and the western boundary of the PG&E Tesla Substation property. The nearest city is Tracy, approximately 2.5 miles to the east.

Federal, state, and local regulations or policies applicable to the Project include the following:

- Federal
 - Clean Water Act, Sections 404 and 401
 - Federal Endangered Species Act (FESA)
 - Migratory Bird Treaty Act (MBTA)
 - Bald and Golden Eagle Protection Act (BGEPA)
- State
 - Porter-Cologne Water Quality Control Act
 - California Endangered Species Act (CESA)
 - California Fish and Game Code (FGC)
 - California Environmental Quality Act (CEQA)
- Local
 - East Alameda County Conservation Strategy (EACCS)
 - Alameda County General Plan
- Alameda County Code of Ordinances

As part of the BTR, Dudek biologists conducted an updated desktop literature review and database search to identify potentially present special-status biological resources within the PSA and to supplement the Biological Constraints Analysis (Dudek 2023a) and update the September 2023 Biological Technical Report (Dudek 2023b). Dudek qualified biologists also conducted a series of biological field surveys in 2023 and 2024 to evaluate the PSA for special-status species and habitat. Surveys were conducted on March 31, May 16, and August 2 of 2023, January 18, April 12, May 24, and June 17, 2024. These surveys included reconnaissance-level biological field surveys, focused rare plant surveys, burrow mapping, protocol-level burrowing owl surveys, bumble bee habitat mapping, a California red-legged frog habitat assessment, California tiger salamander habitat assessment, and an aquatic resources delineation. The purpose of these surveys was to identify and characterize resources within the

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PSA, with particular focus on the potential for occurrence of special-status plant and wildlife species and other sensitive resources.

There was only one vegetation community mapped on the PSA: wild oats and annual brome grassland. This vegetation community is characterized by an herbaceous layer dominated by non-native grass species including wild oats (*Avena* spp.), bromes (*Bromus* spp.), and barleys (*Hordeum* spp.). This habitat type covered the full extent of the PSA.

A formal aquatic resource delineation was conducted on January 18, 2024. No aquatic resources were present on the BESS facility portion of the PSA; however, the gen-tie alignment will cross over a seasonal stream (EPH-01, Patterson Run). Patterson Run is a potential Water of the United States, and the Project proponent has applied to the United States Army Corps of Engineers (USACE) for a Nationwide Permit under Section 404 of the Clean Water Act to cover minor construction-related impacts to Patterson Run.

A total of 18 special-status and rare plants identified from the literature review were determined to have potential to occur within the PSA. Three individuals of big tarplant (*Blepharizonia plumosa*) were observed within PSA at the southwest corner of the PG&E substation. No other special-status plants were observed during the surveys.

A total of 20 special-status wildlife species identified from the literature review were determined to have potential to occur within the PSA. ~~A total of 5 special-status wildlife species are known to occur within the PSA, were observed or detected during field surveys, or have a moderate to high potential to occur on the PSA and could therefore be impacted by eventual Project implementation. Tricolored blackbird was observed foraging on the site and five other special-status wildlife species have a moderate or high potential to occur on the PSA, including California tiger salamander, California red-legged frog, golden eagle, northern harrier, burrowing owl, and white-tailed kite. Although Swainson's hawk have low potential to nest at the project site or vicinity, they were included in this analysis at the request of CEC and CDFW. No other special-status wildlife species were observed during the surveys. Suitable breeding habitat was identified for California tiger salamander and California red-legged frog within dispersal distance of the PSA, and Designated Critical Habitat for California red-legged frog overlaps with the PSA. Nesting birds are also expected to utilize habitat present within the PSA.~~

The Project and associated PSA fall within the boundaries of the EACCS, specifically within Conservation Zone (CZ) 10. The EACCS provides a framework for natural resource conservation and to streamline the environmental permitting process within the eastern portion of the county. The EACCS defines standardized mitigation ratios for each of the focal species to offset project impacts, based upon an evaluation of habitat quality within the PSA. Mitigation ratios for each covered species within the EACCS that have been identified during field surveys, or that have been assumed to be present, are then adjusted from the base 3:1 ratio based on habitat quality and species-specific calculators included in Appendix E of the EACCS. Total mitigation acreages for each species determined to be present through field surveys, or assumed to be present, may vary depending on the location(s) of compensatory mitigation land selected, habitat quality of mitigation land relative to habitat quality impacted by the project, and the total acres of habitat impacted by the Project. Final compensatory mitigation acreage would be based on habitat impact acreages calculated from final engineering designs approved for construction of the Project and the adjusted mitigation ratios for species requiring compensatory mitigation.

The Project will obtain applicable permits and other approvals from the California Energy Commission (CEC), USACE, United States Fish and Wildlife Service (USFWS), and Central Valley Regional Water Quality Control Board (CVRWQCB) and will minimize and mitigate impacts on natural resources to comply with the regulatory standards

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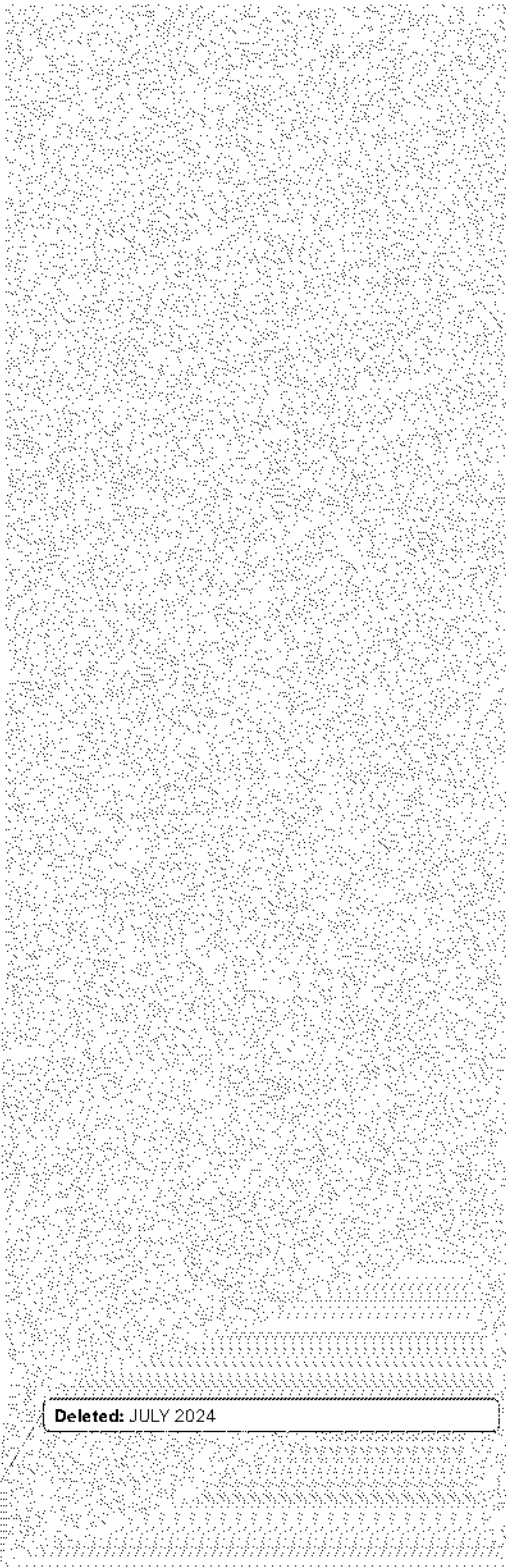
Deleted: (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*)...

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Deleted: (*Elanus leucurus*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*). Tricolored blackbirds were observed foraging during the field survey on January 18, 2024

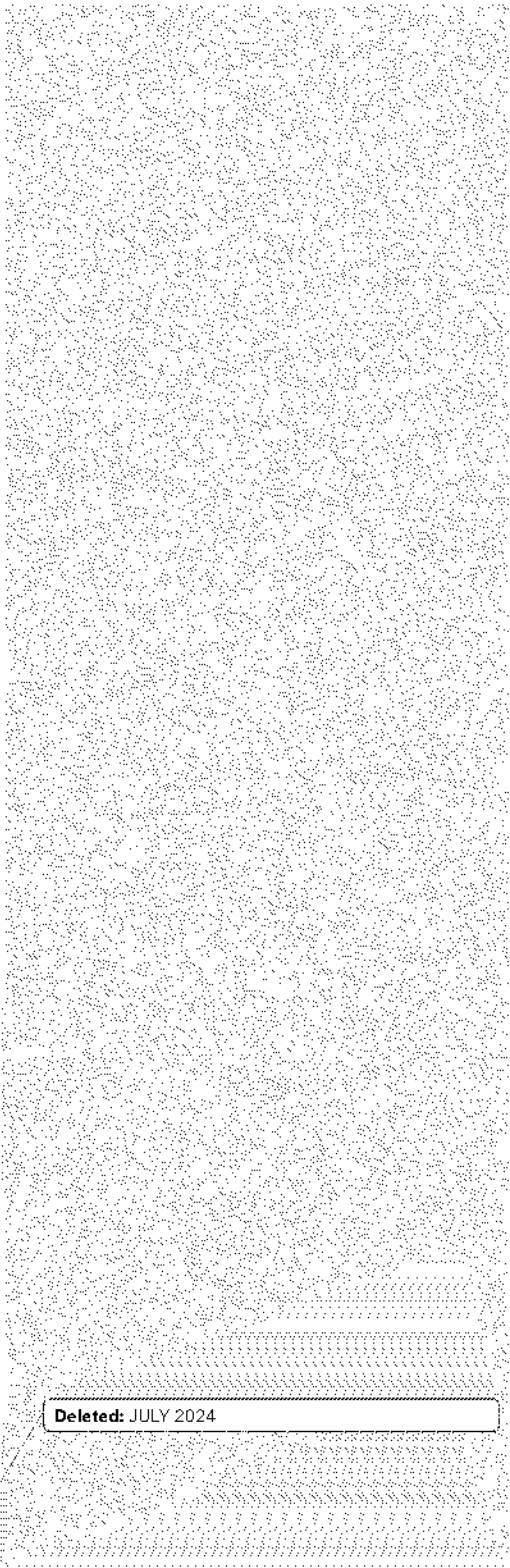
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of these agencies. These are the same regulatory standards applied by USFWS and the other environmental agencies in their review and approval of the EACCS. The Project will incorporate avoidance and minimization measures (AMMs) in compliance with EACCS guidelines. Development of the Project would not conflict with implementation of the EACCS. Further, the Project would provide compensatory mitigation for impacts to aquatic resources and EACCS covered species, determined, or assumed to be present within the PSA, through the acquisition of credits from existing mitigation banks or through establishing conservation easements on suitable lands.



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1 Introduction

Dudek is pleased to present Levy Alameda LLC with this Biological Technical Report (BTR) for the proposed Potentilla-Viridi Battery Energy Storage System (BESS) Project (Project). This BTR describes the existing conditions, regulatory setting, and existing biological resources within the Project Study Area (PSA) and provides a preliminary analysis of Project impacts. As part of the BTR, Dudek biologists conducted an updated desktop literature review and database search specific to biological resources to supplement the Biological Constraints Analysis (Dudek 2023a) and update the September 2023 Biological Technical Report (Dudek 2023b). Dudek also performed additional biological field surveys during the 2023 and 2024 field seasons to supplement the prior reconnaissance-level biological field survey, including focused surveys for rare plants and burrows, focused habitat assessments for Crotch's bumble bee, and protocol-level surveys for burrowing owl. In addition, a focused habitat assessment for California red-legged frog was conducted for suitable and accessible aquatic features within 1 mile of the PSA, and a formal aquatic resources delineation was conducted to identify and map aquatic resources within the PSA. The purpose of these surveys was to identify and characterize resources within the PSA, with particular focus on the potential for occurrence of special-status plant and wildlife species and other sensitive resources. The Project site refers to the area that would be physically affected by construction activities associated with the Project (including temporary disturbance) and the Project layout. The PSA encompasses the Project site as described above, but also includes a buffer around the generation tie (gen-tie) alignment, buffered areas around the Project site to capture resources within the limits of potential impact or required to be surveyed by species-specific survey protocols, and ponds located to the west of the Project site.

This BTR includes (1) a description of existing conditions on the site, (2) regulatory overview, (3) methods for biological studies, and (4) a description of any sensitive habitats or resources observed on the site. Details pertaining to the PSA are provided below:

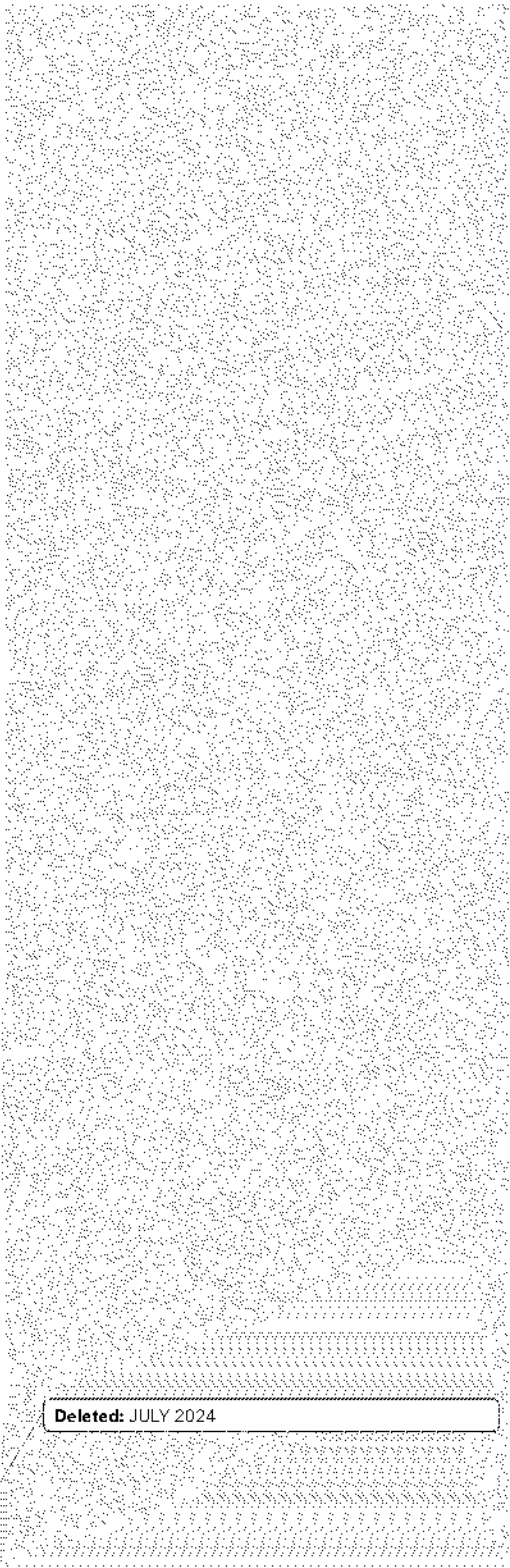
- **County:** Alameda
- **Public Land Survey System:** Section 31; Township 2S; Range 4E
- **U.S. Geological Survey (USGS) 7.5-Minute Quadrangle:** Midway
- **Latitude, Longitude (decimal degrees):** 37.710926°, -121.575397° (centroid)
- **APN:** 99B-7890-2-4 (BESS facility, 66.7 acres plus buffer); 99B-7890-2-6, 99B-7885-12 (gen-tie alignment, 20.44 acres including buffer)
- **Elevation Range (feet):** 383 to 523 feet above mean sea level (amsl)
- **PSA:** 88.2 acres

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2 Project Setting

2.1 Project Description

The Potentia-Viridi BESS Project proposes the development of an up to 3,200 MWh of battery energy storage system and associated infrastructure across approximately 88 acres (approximately 40-acre BESS facility lease area and survey buffer + approximately 48-acre gen-tie corridor which includes approximately 7.0-acre associated survey buffer) (Appendix A: Figure 1, Project Location). The BESS facility would interconnect to the electrical grid via a new 500 kV gen-tie constructed from the project substation to the Point of Interconnection (POI) at the existing PG&E Tesla Substation. Construction and commission of the Project is expected to occur over approximately 24 months.

2.2 Regional Land Use Setting

The PSA is currently undeveloped, and the regional land use has remained largely unchanged since the 1980s based on aerial imagery (Google Earth Pro 2023). Relative to the proposed BESS facility lease area, the PG&E Tesla substation is about 0.25 miles east; high voltage transmission lines parallel the BESS facility lease area along the northwestern, northern, northeastern, and eastern boundaries; Patterson Pass Road roughly parallels the eastern boundary; the Western Pacific Railroad is about 0.1 miles southeast; and there is an existing gravel access road adjacent to the northern boundary. The gen-tie alignment connecting the BESS facility to the PG&E substation crosses Patterson Pass Road, Patterson Run (a seasonal stream channel), and generally proceeds southeast to the Point of Change of Ownership transmission structure, before turning east across the PG&E Tesla Substation property and then north into the substation boundary and POI. The BESS facility site and surrounding land have been used for cattle grazing in the past. However, the BESS facility lease area and PG&E Tesla Substation property have not been grazed recently, whereas the property crossed by the gen-tie between the BESS facility lease area and PG&E Tesla Substation Property is currently used as cattle pasture. The nearest city is Tracy, approximately 2.5 miles to the east.

2.3 Climate and Rainfall

The PSA is within a Mediterranean climate where annual temperatures range from 38.3°F to 92.6°F (WRCC 2023). According to the Tracy Pumping Plant (049001) Weather Station Gauge, yearly precipitation averages 12.03 inches, with the highest average rainfall recorded in January (2.54 inches) (WRCC 2023). The past winter season had higher than average rainfall.

2.4 Soil and Terrain

The PSA is relatively flat, with an approximate elevation of 383 to 523 feet amsl. According to the US Department of Agriculture (USDA) Natural Resources Conservation Service, three soil types are present: Linne clay loam, 3% to 15% slopes (65.65 acres); Linne clay loam, 15% to 30% slopes, MLRA 15 (2.80 acres); and Rincon clay loam, 0% to 3% slopes (19.75 acres)(USDA 2024). The Linne series consists of moderately deep, well drained soils that formed in material from soft shale and sandstone. The Rincon series consists of deep, well drained soils that formed in alluvium from sedimentary rock. None of the three soil types mapped on site are included on the USDA list of hydric soils (USDA 2023a) commonly associated with wetlands or other waters.

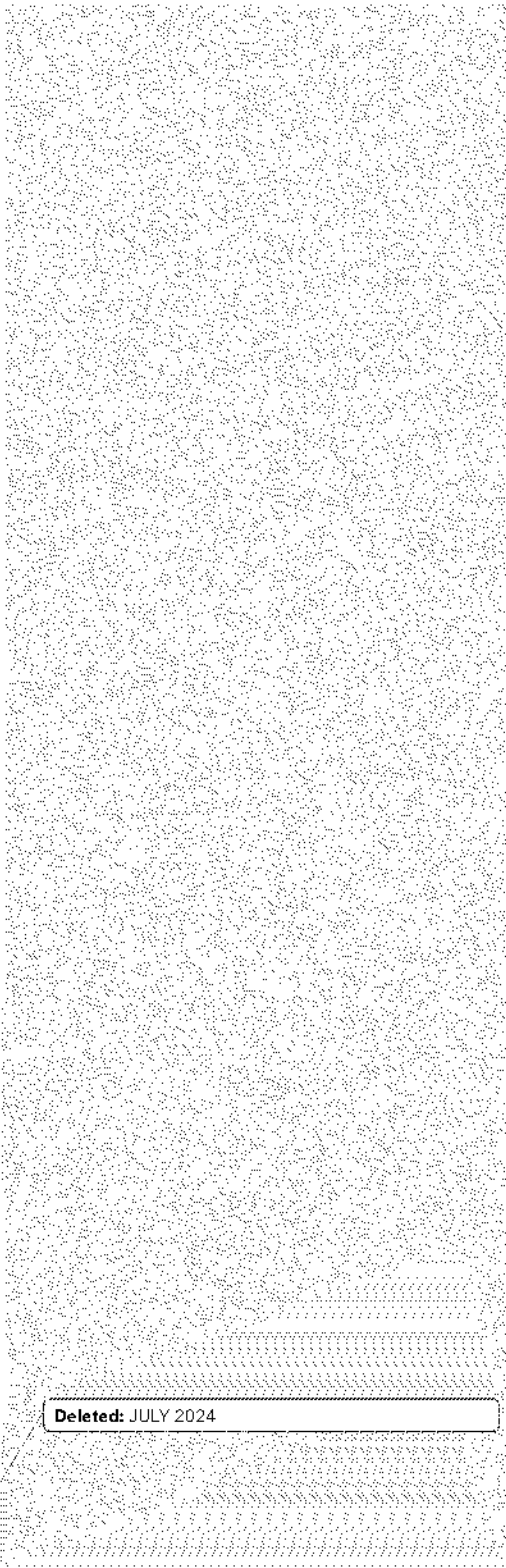
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2.5 Hydrology and Watershed

The PSA occurs within the North Diablo Range of the Alameda Creek Watershed (USGS 2023). According to the USFWS National Wetlands Inventory (NWI), there are several freshwater ponds, freshwater wetlands, and riverine aquatic features in the vicinity of the Project (USFWS 2023a; Appendix A: Figure 2, Biological Setting). The NWI is based on coarse aerial mapping and does not involve ground-truthing. The national hydrography dataset shows Patterson Run and one other drainage crossing the PSA from south to north. Patterson Run is a seasonal stream system that runs parallel to Patterson Pass Road, adjacent to the PSA. Patterson Run is classified in the NWI as a freshwater emergent wetland (USFWS 2023a). The second drainage is classified by the NWI as freshwater emergent wetland (USFWS 2023a), however, there is no physical evidence of this drainage within the PSA either on aerial imagery or when surveyed on the ground.



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3 Regulatory Setting

3.1 Federal

3.1.1 Clean Water Act, Section 404

Pursuant to Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged and/or fill material into "Waters of the U.S." Activities in wetlands or waters for which a USACE permit may be required include, but are not limited, the placement of fill material due to development, land clearing involving relocation of soil, road construction, erosion control, mining, stockpiling excavation spoils, and utility line or pipeline construction. Activities that generally do not involve a regulated discharge (if performed specifically in a manner to avoid an impact) can include, to an extent, certain drainage channel maintenance activities involving the use of hand tools only or by positioning construction equipment outside of USACE jurisdiction and excavating without stockpiling in jurisdictional areas. Any person or public agency proposing to discharge dredged or fill material into Waters of the U.S., including jurisdictional wetlands, must obtain a Section 404 permit from USACE.

3.1.2 Clean Water Act, Section 401

Section 401 of the CWA provides states and authorized tribes with an important tool to help protect the water quality of federally regulated waters within their borders (i.e., waters of the state), in collaboration with federal agencies. EPA's regulations at 40 CFR 121 address CWA Section 401 certification. Under Section 401 of the CWA, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into water of the United States unless a CWA Section 401 water quality certification is issued, or certification is waived. States and authorized tribes where the discharge would originate are responsible for issuing water quality certifications. In cases where a state or tribe does not have authority, EPA is responsible for issuing certification. In making decisions to grant, grant with conditions, or deny certification requests, certifying authorities consider whether the federally licensed or permitted activity will comply with applicable water quality standards, effluent limitations, new source performance standards, toxic pollutants restrictions, and other appropriate water quality requirements of state or tribal law. A federal agency may not issue a license or permit for an activity that may result in a discharge into waters of the United States without a water quality certification or waiver (EPA 2023a). On June 9, 2022, proposed rule changes to CWA Section 401 were published (87 FR 35318 et seq.) and were finalized in November of 2023 (EPA 2023b). The changes include pre-filing meetings and statutory timeframes.

Implementation in California

The California State Water Resources Control Board (SWRCB) has authority over waters of the state, including wetlands, through Section 401 of the CWA, the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), California Code of Regulations Section 3831(k), and the California Wetlands Conservation Policy. The CWA requires that an applicant for a Section 404 permit (to discharge dredge or fill material into waters of the United States) first obtain certification from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to either grant certification or waive the requirement for permits is delegated by SWRCB to the nine regional boards. The Central Valley Regional Water Quality Control Board has

authority for Section 401 compliance in the Project region. A request for Water Quality Certification is submitted to the RWQCB while an application is filed with USACE (EPA 2023a).

3.1.3 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended (16 USC 1531 et seq.), serves as the enacting legislation to list, conserve, and protect threatened and endangered species, and the ecosystems on which they depend, from extinction. In addition, for those wildlife species listed as federally endangered, FESA provides for the ability to designate critical habitat, defined as that habitat considered “essential to the conservation of the species” and that “may require special management considerations or protection.”

Under FESA Section 7, if a project that would potentially result in adverse impacts to threatened or endangered species includes any action that is authorized, funded, or carried out by a federal agency, that agency must consult with the U.S. Fish and Wildlife Service (USFWS) to ensure that any such action is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat (DCH) for that species. FESA Section 9(a)(1)(B) prohibits the taking, possession, sale, or transport of any endangered fish or wildlife species. “Take” is defined to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC 1532[19]). With respect to any endangered species of plant, Sections 9(a)(2)(A) and 9(a)(2)(3) prohibit the possession, sale, and import or export, of any such species, and prohibits any action that would “remove and reduce to possession any such species from areas under federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any State or in the course of any violation of a State criminal trespass law.” Pursuant to FESA Section 10(a)(1)(3), USFWS may issue a permit for the take of threatened or endangered species if such taking is “incidental to, and not the purpose of, the carrying out of an otherwise lawful activity” (USFWS 2023b).

Designated Critical Habitat

The FESA also enables USFWS to designate critical habitat, which is defined specific geographic areas, whether occupied by listed species or not, that contain “physical or biological features essential to the conservation of the species” and that “may require special management considerations or protection” (50 CFR 424.12). Designated critical habitat units, published in the Federal Register by USFWS, are often large and may contain areas that do not provide habitat for the species; only areas within the critical habitat units that support the species’ *primary constituent elements* (PCEs) are subject to ESA consultation and analysis of critical habitat effects. PCE was a term introduced in the critical habitat designation regulations to describe aspects of “physical or biological features.” On May 12, 2014, the Services proposed to revise these regulations to remove the use of the term “primary constituent elements” and replace it with the statutory term “physical or biological features” (79 FR 27066). However, the shift in terminology does not change the approach used in conducting a “destruction or adverse modification” analysis, which is the same regardless of whether the original designation identified PCE, physical or biological features, or both (81 FR 7220, 2/11/16).

3.1.4 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50, Section 10.13 of the CFR. The MBTA is an international treaty for the conservation and

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management of bird species that migrate through more than one country and is enforced in the United States by USFWS. Hunting of specific migratory game birds is permitted under the regulations listed in Title 50, Section 20 of the CFR. The MTA was amended in 1972 to include protection for migratory birds of prey (raptors) (USFWS 2023c).

3.1.5 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BGEPA) (16 USC 668 et seq.) provides for the protection of both bald and golden eagles. Specifically, BGEPA prohibits take of eagles, which is defined as any action that would “pursue, destroy, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb” bald and golden eagles, including parts, nests, or eggs. The term “disturb” is further defined by regulation as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, injury to an eagle, a decrease in productivity, or nest abandonment” (50 CFR 22.3). Under BGEPA, it is also illegal to “sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle or any golden eagle, or the parts, nests, or eggs” of these birds. Pursuant to 50 CFR 22.26, and as of the latest amendment to BGEPA in December 2016, a permit may be obtained that authorizes take of bald eagles and golden eagles where the take is “compatible with the preservation of the bald eagle and the golden eagle; is necessary to protect an interest in a particular locality; is associated with, but not the purpose of, the activity; and cannot practically be avoided” (USFWS 2023d).

3.2 State

3.2.1 Porter-Cologne Water Quality Control Act

As detailed above in Section 3.1.2, Clean Water Act, Section 401, the Porter–Cologne Act, CFGC Sections 1601-1607, delegates responsibility to SWRC3 for water rights and water quality protection and directs the nine statewide RWQCBs to develop and enforce water quality standards within their jurisdiction. The Porter–Cologne Act requires any entity discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state to file a “report of waste discharge” with the appropriate RWQCB. The appropriate RWQCB then must issue a permit, referred to as a Waste Discharge Requirement. Waste Discharge Requirements implement water quality control plans and take into consideration the beneficial uses to be protected, the water quality objectives required for that purpose, other waste discharges, and the need to prevent nuisances (SWRC3 2023).

SWRC3 defines a water of the state as “any surface water or groundwater, including saline waters, within the boundaries of the state” (California Water Code Section 13050[e]). As of April 2019, SWRC3 has defined “wetland” to include the following (SWRC3 2023):

1. Natural wetlands,
2. Wetlands created by modification of a surface water of the state,
3. Artificial wetlands that meet any of the following criteria:
 - a) Approved by an agency as compensatory mitigation for impacts to other Waters of the State, except where the approving agency explicitly identifies the mitigation as being of limited duration;
 - b) Specifically identified in a Water Quality Control Plan as a wetland or other water of the state;

- c) Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or
- d) Greater than or equal to one acre in size unless the artificial wetland was constructed and is currently used and maintained, primarily for one or more of the following purposes: industrial or municipal wastewater treatment or disposal; settling of sediment; detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial permitting program; treatment of surface waters; agricultural crop irrigation or stock watering; fire suppression; industrial processing or cooling water; active surface mining – even if the site is managed for interim wetlands functions and values; log storage; treatment, storage, or distribution of recycled water; maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or fields flooded for rice growing.

All waters of the United States are waters of the state. Wetlands, such as isolated seasonal wetlands, that are not generally considered waters of the United States are considered waters of the state if, "under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation" (SWRCB 2023).

3.2.2 California Endangered Species Act

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW) has the responsibility of maintaining a list of threatened and endangered species. CESA prohibits the take of state-listed threatened or endangered animals and plants unless otherwise permitted pursuant to CESA. "Take" under CESA is defined as any of the following: "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (CFGC Section 86). Species determined by the state to be candidates for listing as threatened or endangered are treated as if listed as threatened or endangered and are, therefore, protected from take. Pursuant to CESA, a state agency reviewing a project within its jurisdiction must determine whether any state-listed endangered or threatened species, or candidate species, could be potentially impacted by that project (CDFW 2023a).

3.2.3 California Fish and Game Code

Divisions of the California Fish and Game Code (CFGC) establish the basis of fish, wildlife, and native plant protections and management in the state.

3.2.3.1 California Fish and Game Code, Section 1940

Section 1940 of the CFGC requires CDFW to develop and maintain a vegetation mapping standard for the state. More than half of the vegetation communities in the state have been mapped through the Vegetation Classification and Mapping Program

Natural vegetation communities are evaluated by CDFW and are assigned global (G), and state (S) ranks based on rarity of and threats to these vegetation communities in California. Sensitive natural communities are defined by CDFW as vegetation alliances with state ranks of S1-S3 (S1: critically imperiled, S2: imperiled, S3: vulnerable), as

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identified in the 2010 List of Vegetation Alliances and Associations and subsequent updates. Natural communities with ranks of S1–S3 are considered sensitive natural communities to be addressed in the environmental review processes of CEQA and its equivalents. Additionally, all vegetation associations within the alliances with ranks of S1–S3 are considered sensitive habitats. CEQA requires that impacts to sensitive natural communities be evaluated and mitigated to the extent feasible.

Sensitive natural communities are communities that have a limited distribution and are often vulnerable to the environmental effects of projects. These communities may or may not contain special-status species or their habitats. For purposes of this assessment, sensitive natural communities are considered to include vegetation communities listed in CDFW's California Natural Diversity Database (CNDD3) and communities listed in the California Natural Community List with a rarity rank of S1– S3 (CDFW 2023c).

3.2.3.2 Lake and Streambed Alteration Program

Under Sections 1600–1616 of the CFGC, CDFW regulates activities that would alter the flow, bed, channel, or bank of streams and lakes. The limits of CDFW's jurisdiction are defined in the code as the "bed, channel or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit." In practice, CDFW usually marks its jurisdictional limit at the top of the stream or bank, or at the outer edge of the riparian vegetation, whichever is wider (CDFW 2023b).

3.2.3.3 Native Plant Protection Act

The Native Plant Protection Act was enacted in 1977 and is administered by CDFW, per CFGC Section 1900 et seq. The Native Plant Protection Act prohibits take of endangered, threatened, or rare plant species native to California, apart from special criteria identified in the CFGC. A "native plant" means a plant growing in a wild uncultivated state that is normally found native to the plant life of the state. A "rare" species can be defined as species that are broadly distributed but never abundant where found, narrowly distributed, or clumped yet abundant where found, and/or narrowly distributed or clumped and not abundant where found. If potential impacts are identified for a project activity, then consultation with CDFW, permitting, and/or other mitigation may be required (CLI 2023).

3.2.3.4 Nesting Migratory Birds and Raptors

Section 3503 of the CFGC states that it is unlawful to take, possess, or needlessly destroy the nests or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 protects all birds of prey (raptors) and their eggs and nests. Section 3511 states that fully protected birds or parts thereof may not be taken or possessed at any time. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA.

3.2.3.5 Non-game Mammals

CFGC Section 4150 states a mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a non-game mammal. A non-game mammal may not be taken or possessed under this code. All bat species occurring naturally in California are considered non-game mammals and are therefore prohibited from take as stated in CFGC Section 4150.

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3.2.3.6 Fully Protected Species

Sections 3511, 4700, 5050, and 5515 of the CFGC outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. CDFW cannot issue permits or licenses that authorize the “take” of any fully protected species, except under certain circumstances, such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock. On July 10, 2023, Senate Bill 147 (SB147) was signed into law and amends the Fish and Game Code to allow a 10-year permitting mechanism for a defined set of projects within the renewable energy, transportation, and water infrastructure sectors. Furthermore, it is the responsibility of CDFW to maintain viable populations of all native species. Toward that end, CDFW has designated certain vertebrate species as Species of Special Concern, because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.

3.2.4 California Environmental Quality Act

CEQA, PRC Section 21000 et seq., requires public agencies undertaking discretionary actions to approve a project to first determine whether a project may have a significant effect on the environment, and then to prepare an environmental impact report if there is substantial evidence that the project may have a significant effect on the environment. Where an environmental impact report has been prepared, CEQA further requires public agencies to adopt findings with respect to each significant effect that “changes or alterations have been required in, or incorporated, into the project which mitigate or avoid the significant effects on the environment; that those changes are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report” (PRC Section 21081[a]).

The California Natural Resources Agency has adopted regulations (i.e., guidelines) to implement CEQA. Pursuant to CEQA Guidelines Section 15380, protection is provided for federal and/or state-listed species, as well as species not listed federally or by the state that may be considered rare, threatened, or endangered. Species that meet these criteria can include candidate species, species proposed for listing, and Species of Special Concern (SSC). Plants listed in the California Native Plant Society (CNPS) Rare Plant Program are considered to meet CEQA’s Section 15380 criteria as well. Section 15380 also addresses a potential situation in which a public agency is to review a project that may have a significant effect on, for example a candidate species, which has not yet been listed by USFWS or CDFW. Therefore, CEQA enables an agency to protect a species from significant project impacts until the respective government agencies have had an opportunity to list the species as protected, if warranted. Impacts to these species would therefore be considered significant, requiring mitigation (CDFW 2023c).

3.2.5 California Energy Commission – Assembly Bill 205

Assembly Bill (AB) 205 is an emergency regulation expanding the CEC’s siting authority for renewable energy projects constructed on or before June 30, 2029. AB 205 was signed into law on June 30, 2022 and allows renewable and energy storage projects to apply for direct state permits through the CEC. CEC certification opt-in statute (specifically 25545.1(b)(1)) says “the issuance of a certificate by the commission for a site and related facility pursuant to this chapter shall be in lieu of any permit, certificate, or similar document required by any state, local, or regional agency [except California Coastal Commission, San Francisco Bay Conservation and Development

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Commission, and State/Regional Water Quality Control Board] ... for the use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency....”

The application for certification process is in lieu of CDFW 2081 ITP or CFGC Section 1600 et seq. LSAA. However, applications for both of these permits will be submitted to the CEC for informational purposes. The CEC Certification will include conditions and mitigation that would otherwise be requirements in these CDFW permits.

3.3 County of Alameda

3.3.1 East Alameda County Conservation Strategy

The County of Alameda (County), along with other local land use jurisdictions and resource agencies, developed the East Alameda County Conservation Strategy (EACCS) to provide a framework for natural resource conservation and to streamline the environmental permitting process within the eastern portion of the county (ICF 2010). The EACCS is not a formal Habitat Conservation Plan (HCP) in that it does not require local agencies to conserve species and habitat prior to approving projects that impact listed species and/or their habitat, nor does it have a corresponding programmatic incidental take permit from USFWS. Instead, it is intended to streamline state and local permitting by providing guidance on avoidance, minimization, and mitigation for project-level impacts on selected focal special-status species and sensitive habitats. USFWS and CDFW participated in the development of the Conservation Strategy with the intent that it would become the blueprint for all mitigation and conservation in the region. Both agencies still refer to the EACCS when reviewing project-level impacts on focal species and their habitat.

The EACCS includes standardized mitigation ratios for each of the focal species that can be used by local jurisdictions and resource agencies as guidance to determine appropriate mitigation to offset project impacts on focal species habitat. These are based on an evaluation of the habitat quality on a PSA scored using Focal Species-Impact/Mitigation Score Sheets¹ for each of the focal species assumed present or potentially present. Mitigation ratios are then calculated based on application of the same scoring sheet to the proposed mitigation site. Project-specific mitigation ratios may vary depending on the quality and location of the habitat being lost and the quality and location of proposed mitigation.

The EACCS includes avoidance and minimization measures (AMMs) for all focal species covered by the EACCS. These include general AMMs applicable to all focal species, as well as species- or taxon-specific AMMs. The standardized mitigation ratios discussed above are only valid if a project application is in compliance with all applicable AMMs. The general AMMs and project applicable specific AMMs are detailed below.

General

GEN - 01 Employees and contractors performing construction activities will receive environmental sensitivity training. Training will include review of environmental laws and Avoidance and Minimization Measures (AMMs) that must be followed by all personnel to reduce or avoid effects on covered species during construction activities.

GEN - 02 Environmental tailboard trainings will take place on an as - needed basis in the field. The environmental tailboard trainings will include a brief review of the biology of the covered species and guidelines that must be followed by all personnel to reduce or avoid negative effects to these species during construction activities.

¹ Available at http://www.eastalco-conservation.org/documents/eaccs_appx_oct2010.pdf.

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Directors, Managers, Superintendents, and the crew foremen and forewomen will be responsible for ensuring that crewmembers comply with the guidelines.

GEN - 03 Contracts with contractors, construction management firms, and subcontractors will obligate all contractors to comply with these requirements, AMMs.

GEN - 04 The following will not be allowed at or near work sites for covered activities: trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets (except for safety in remote locations).

GEN - 05 Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

GEN - 06 Off - road vehicle travel will be minimized.

GEN - 07 Vehicles will not exceed a speed limit of 15 mph on unpaved roads within natural land - cover types, or during off - road travel.

GEN - 08 Vehicles or equipment will not be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.

GEN - 09 Vehicles shall be washed only at approved areas. No washing of vehicles shall occur at job sites.

GEN - 10 To discourage the introduction and establishment of invasive plant species, seed mixtures/straw used within natural vegetation will be either rice straw or weed - free straw.

GEN - 11 Pipes, culverts, and similar materials greater than four inches in diameter, will be stored so as to prevent covered wildlife species from using these as temporary refuges, and these materials will be inspected each morning for the presence of animals prior to being moved.

GEN - 12 Erosion control measures will be implemented to reduce sedimentation in wetland habitat occupied by covered animal and plant species when activities are the source of potential erosion problems. Plastic mono - filament netting (erosion control matting) or similar material containing netting shall not be used at the project. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

GEN - 13 Stockpiling of material will occur such that direct effects to covered species are avoided. Stockpiling of material in riparian areas will occur outside of the top of bank, and preferably outside of the outer riparian dripline and will not exceed 30 days.

GEN - 14 Grading will be restricted to the minimum area necessary.

GEN - 15 Prior to ground disturbing activities in sensitive habitats, project construction boundaries and access areas will be flagged and temporarily fenced during construction to reduce the potential for vehicles and equipment to stray into adjacent habitats.

GEN - 16 Significant earth moving - activities will not be conducted in riparian areas within 24 hours of predicted storms or after major storms (defined as 1 - inch of rain or more).

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GEN - 17 Trenches will be backfilled as soon as possible. Open trenches will be searched each day prior to construction to ensure no covered species are trapped. Earthen escape ramps will be installed at intervals prescribed by a qualified biologist.

Amphibians: California tiger salamander, CRLF

AMPH-1. Habitat: Streams, wetlands, ponds, vernal pools.

- If aquatic habitat is present, a qualified biologist will stake and flag an exclusion zone prior to activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry.

AMPH-2. Habitat: Riparian habitat and grasslands within 2-miles of aquatic habitat.

- A qualified biologist will conduct preconstruction surveys prior to activities define a time for the surveys (before groundbreaking). If individuals are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFG approved relocation site.
- A Service - approved biologist should be present for initial ground disturbing activities.
- If the work site is within the typical dispersal distance (contact USFWS/CDFG for latest research on this distance for species of interest) of potential breeding habitat, barrier fencing will be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing will be removed within 72 hours of completion of work.
- No monofilament plastic will be used for erosion control.
- Construction personnel will inspect open trenches in the morning and evening for trapped amphibians.
- A qualified biologist possessing a valid ESA Section 10(a)(1)(A) permit or Service approved under an active biological opinion, will be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area.
- Work will be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1" or greater, to May 1.

Golden Eagle

BIRD-1. Habitat: Cliff and large trees surrounded by open grassland.

- If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (February 1 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no - activity zone will be established by a qualified biologist. The no - activity zone will be large enough to avoid nest abandonment and will at a minimum be 250 - feet radius from the nest.
- If an effective no - activity zone cannot be established in either case, an experienced golden eagle biologist will develop a site - specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles.

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Burrowing Owl

BIRD-2. *Habitat: Grasslands or ruderal areas with burrows.*

- If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no - activity zone will be established by a qualified biologist. The no - activity zone will be large enough to avoid nest abandonment and will at a minimum be 250 - foot radius from the nest.
- If burrowing owls are present at the site during the non - breeding period, a qualified biologist will establish a no - activity zone of at least 150 feet.
- If an effective no - activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site - specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.

Tricolored Blackbird

BIRD-3. *Habitat: Wetlands, ponds with emergent vegetation.*

- If an active nest colony is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).

Mammals: San Joaquin Kit Fox, American Badger

MAMM-1. *Habitat: Grassland, generally with ground squirrel burrows.*

- If potential dens are present, their disturbance and destruction will be avoided.
- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFG. If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (USFWS 2011).
- Exclusion zones will be implemented following USFWS procedures (U.S. Fish and Wildlife Service 1999) or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den—50 feet; Known Den—100 feet; Natal or Pupping Den—to be determined on a case - by - case basis in coordination with USFWS and CDFG.
- Pipes will be capped, and trenches will contain exit ramps to avoid direct mortality while construction areas is active.

3.3.2 Alameda County General Plan

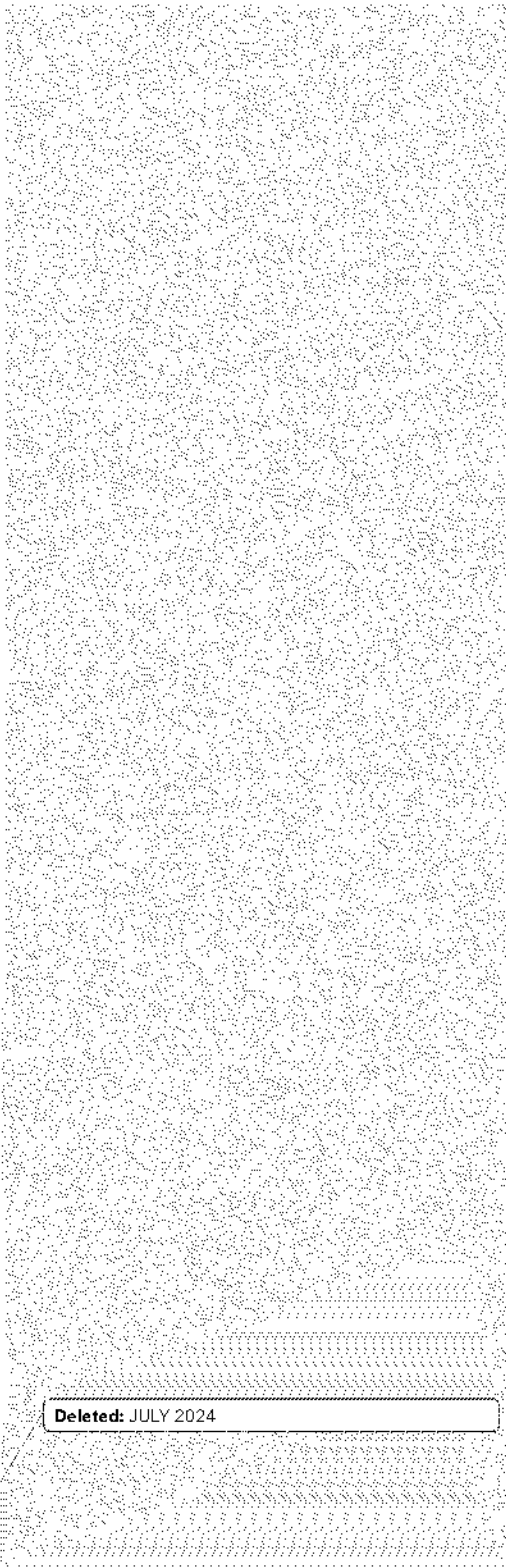
The County maintains a General Plan, which provides guidelines for development within the County. The PSA is located within the East County Area Plan (ECAP) (Alameda County 1994). General Plan policies that are relevant to the Project are outlined below.

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Policy 123: Where site-specific impacts on biological resources resulting from a proposed land use outside the Urban Growth Boundary are identified, the County shall encourage that mitigation is complementary to the goals and objectives of the ECAP. To that end, the County shall recommend that mitigation efforts occur in areas designated as "Resource Management" or on lands adjacent to or otherwise contiguous with these lands to establish a continuous open space system in East County and to provide for long term protection of biological resources.

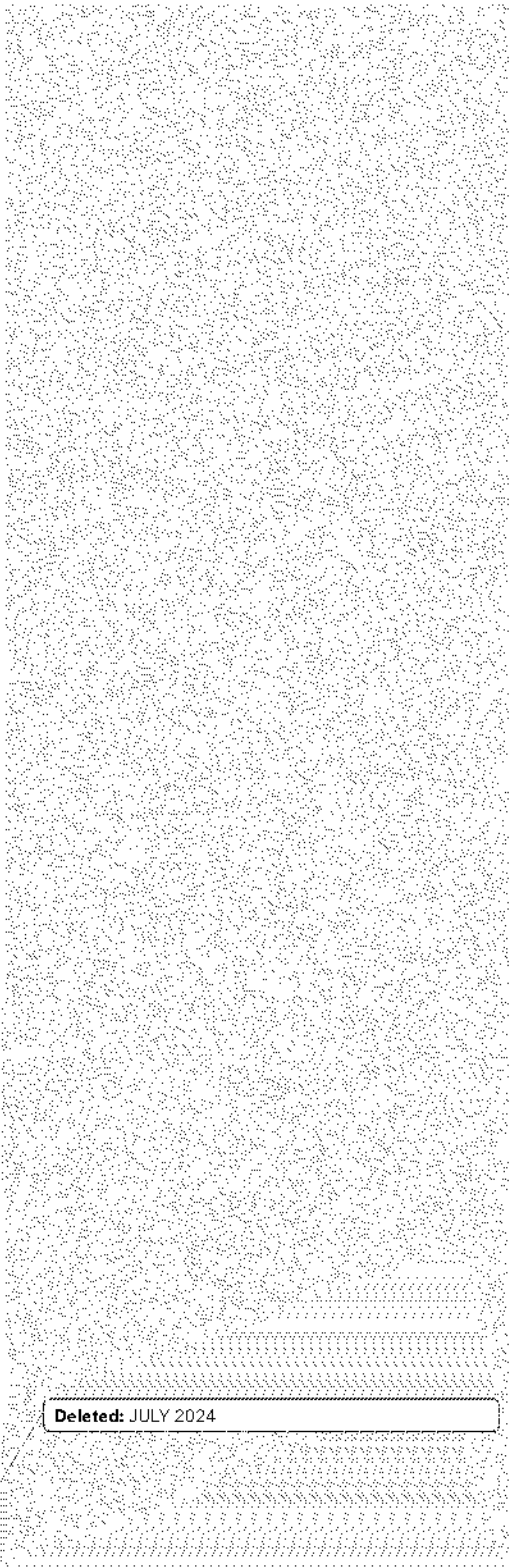
Policy 125: The County shall encourage preservation of areas known to support special status species.

Policy 126: The County shall encourage no net loss of riparian and seasonal wetlands.



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4 Methods

4.1 Key Definitions

~~Special-Status Species~~

For the purposes of this analysis, special plant species are defined as plants that are legally protected or that are otherwise considered sensitive by federal, state, or local resource conservation agencies. These species fall into one or more of the following categories:

- Listed by the federal government under the FESA of 1973 or the State of California under the CESA of 1970 as endangered, threatened, or rare.
- A candidate for federal or state listing as endangered or threatened.
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation.
- Population(s) in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California; and
- Taxa strongly associated with a habitat that is declining in California at a significant rate (e.g., wetlands, riparian, vernal pools, old growth forests, desert aquatic systems, native grasslands, valley shrubland habitats).

Taxa considered to be "rare, threatened, or endangered in California" as defined by CDFW are assigned a California Rare Plant Rank (CRPR). The CDFW system includes six rarity and endangerment ranks for categorizing plant species of concern, as follows:

- **CRPR 1A:** Plants presumed to be extinct in California.
- **CRPR 1B:** Plants that are rare, threatened, or endangered in California and elsewhere.
- **CRPR 2A:** Plants presumed to be extinct in California, but more common elsewhere.
- **CRPR 2B:** Plants that are rare, threatened, or endangered in California, but more common elsewhere.
- **CRPR 3:** Plants about which more information is needed (a review list).
- **CRPR 4:** Plants of limited distribution (a watch list).

Plants ranked as CRPR 1A, 1B, 2A, or 2B may qualify as endangered, rare, or threatened species within the definition of CEQA Guidelines Section 15380. CDFW recommends that potential impacts to CRPR 1 and 2 species be evaluated in CEQA review documents. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to CEQA Guidelines Section 15380, but these species may be evaluated on a case-by-case basis (CDFW 2018).

Special-status wildlife species include species that meet any of the following criteria (some species may meet several criteria):

- Listed, proposed for listing, or candidates for listing as threatened or endangered under FESA.
- Listed or candidates for listing as threatened or endangered under CESA.

- Designated as Species of Special Concern by the CDFW.
- Designated as a fully protected species by the California Fish and Game Code.
- Meet the definition of rare, threatened, or endangered as described in the CEQA Guidelines, Section 15380.

Sensitive Natural Communities

Natural vegetation communities are evaluated by CDFW and are assigned global (G), and state (S) ranks based on rarity of and threats to these vegetation communities in California. Sensitive natural communities are defined by CDFW as vegetation alliances with state ranks of S1–S3 (S1: critically imperiled, S2: imperiled, S3: vulnerable), as identified in the 2010 List of Vegetation Alliances and Associations and subsequent updates. Natural communities with ranks of S1–S3 are considered sensitive natural communities to be addressed in the environmental review processes of CEQA and its equivalents. Additionally, all vegetation associations within the alliances with ranks of S1–S3 are considered sensitive habitats. CEQA requires that impacts to sensitive natural communities be evaluated and mitigated to the extent feasible.

Sensitive natural communities are communities that have a limited distribution and are often vulnerable to the environmental effects of projects. These communities may or may not contain special-status species or their habitats. For purposes of this assessment, sensitive natural communities are considered to include vegetation communities listed in CDFW’s California Natural Diversity Database (CNDD3) and communities listed in the California Natural Community List with a rarity rank of S1- S3 (CDFW 2023d).

4.2 Database and Literature Review

Dudek conducted an initial database and literature review as part of the Biological Constraints Analysis drafted in April 2023 (Dudek 2023a). An updated database and literature review was conducted as part of the Biological Technical Report drafted in September 2023 (Dudek 2023b). To reflect recent changes in the Project site boundaries and new genetic alignment, updated database and literature reviews for the revised PSA were conducted in January 2024. Special-status biological resources present or potentially present within the PSA were identified through an extensive updated literature search using the following sources: USFWS Information for Planning and Consultation (IPaC) online tool (USFWS 2024), CDFW California Natural Diversity Database (CNDD3) (CDFW 2024), and California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Vascular Plants (CNPS 2024). The Soil Survey Geographic Database for California (USDA 2024) was also reviewed to identify soil associations potentially supporting special-status plants (e.g., alkaline soils). Native plant community classifications used in this report follow a Manual of California Vegetation Online (CNPS 2023a) and California Natural Community List (CDFW 2023d). The search area for the IPaC query was based on the site boundary. The CNDD3 and CNPS databases were queried for the nine U.S. Geological Survey (USGS) 7.5-minute quadrangles containing and immediately surrounding the site (Byron Hot Springs, Clifton Court Forebay, Union Island, Altamont, Midway, Tracy, Mendenhall Springs, Cedar Mountain, Lone Tree Creek). Database search results are presented in Appendix B, Database Search Results. Following the updated database review, Dudek biologists determined the potential for special-status plant and wildlife species to occur on site. Determinations were based on a review of habitat types, soils, and elevation preferences, as well as the known geographic range and nearest occurrence records of each species.

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4.3 Field Surveys

Dudek qualified biologists conducted biological field surveys in 2023 and 2024 to evaluate the PSA for special-status species and habitat. These included reconnaissance surveys and focused surveys for rare plants, burrows, Crotch’s bumble bee (*Bombus crotchii*) habitat, protocol-level burrowing owl surveys, and California tiger salamander (CTS) and California red-legged frog (*Rana draytonii*; CRLF) habitat assessments. Additionally, a formal aquatic resource delineation was conducted concurrently with the reconnaissance and focused surveys in 2024. The field surveys are summarized in Table 1 and discussed further below. Resumes for staff are included as Appendix C.

Table 1. Field Survey Summary

Date	Survey Type(s)	Biologists	Time	Survey Conditions
03/31/2023	Reconnaissance (original Project site boundary only, excludes gen-tie)	Emily Scricca Erin Fisher- Colton	9:30 a.m.– 11:30 a.m.	58°F–61°F, 75%– 90% cloud cover, 1– 4 mph wind
05/16/2023	<ul style="list-style-type: none"> ▪ Protocol-Level Botanical ▪ Focused Burrow Surveys ▪ Focused Crotch’s Bumble Bee Habitat Assessment 	Kelsey Higney Lorna Haworth	8:41 a.m.– 11:15 a.m.	80°F–85°F, 0% cloud cover, 0–6 mph wind
08/02/2023	<ul style="list-style-type: none"> ▪ Reconnaissance (gen-tie alignment only) ▪ Protocol-Level Botanical ▪ Focused Burrow Surveys ▪ Focused Crotch’s Bumble Bee Habitat Assessment ▪ Protocol-level California Red-Legged Frog (CRLF) Habitat Assessment 	Kelsey Higney Erin Fisher- Colton	9:23 a.m.– 4:54 p.m.	71°F–80°F, 0% cloud cover, 5–20 mph wind
01/18/2024	<ul style="list-style-type: none"> ▪ Reconnaissance (adjusted gen-tie alignment only) ▪ Protocol-Level Botanical (adjusted gen-tie alignment only) ▪ Focused Burrow Surveys (adjusted gen-tie alignment only) ▪ Focused Crotch’s Bumble Bee Habitat Assessment (adjusted gen-tie alignment only) ▪ Aquatic Resources Delineation 	Mikaela Bissell Erin Fisher- Colton	9:16 a.m.– 2:30 p.m.	50°F–58°F, 80%– 100% cloud cover, 1– 4 mph wind
04/12/2024	<ul style="list-style-type: none"> ▪ Protocol-level Burrowing Owl Survey – Pass 1 ▪ Follow-up burrow assessment for San Joaquin Kit Fox and American Badger ▪ Protocol-level rare plant survey 	Mikaela Bissell Tara Johnson- Kelly	8:30 a.m. – 2:00 p.m.	55°F–60°F, 0%–10% cloud cover, 10–14 mph wind

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Table 1. Field Survey Summary

Date	Survey Type(s)	Biologists	Time	Survey Conditions
05/03/2024	<ul style="list-style-type: none"> Protocol-level Burrowing Owl survey - Pass 2 	Kelsey Higney Tara Johnson-Kelly	7:00 a.m. – 12:00 p.m.	56°F–71°F, 0% cloud cover, 10-15 mph wind
05/24/2024	<ul style="list-style-type: none"> Protocol-level Burrowing Owls Survey - Pass 3 	Tara Johnson-Kelly Paul Keating	7:00 a.m. – 12:00 p.m.	57°F–64°F, 0%-10% cloud cover, 10 mph wind
06/17/2024	<ul style="list-style-type: none"> Protocol-level Burrowing Owl Survey - Pass 4 Protocol-level rare plant survey 	Paul Keating	3:00 p.m. – 7:00 p.m.	82°F–78°F, 0% cloud cover, 15-20 mph wind

All plant species encountered during the field surveys were identified to lowest possible taxonomic rank and recorded. Latin and common names for plant species with a California Rare Plant Rank (CRPR) follow the CNPS Online Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2024). For plant species without a CRPR, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2023), and common names follow the U.S. Department of Agriculture Natural Resources Conservation Service Plants Database (USDA 2023b). Wildlife species detected during field surveys by sight, calls, tracks, scat, or another sign were recorded. Binoculars (8-times magnification) were used to identify observed wildlife. A list of observed plant and wildlife species is presented in Appendix D, Plant and Wildlife Species Compendium, and representative site photographs are presented in Appendix E, Photo Record.

4.3.1 Reconnaissance Surveys

A reconnaissance-level field survey was conducted on March 31, 2023, to identify vegetation communities and assess the original BESS Project site boundary and vicinity for suitable habitat for special-status plant and wildlife species. This survey was conducted on foot and by vehicle to provide complete visual coverage of the original Project site. No protocol-level surveys were conducted at this time.

A follow-up reconnaissance-level field survey was conducted for the updated PSA which included the BESS Project site and buffered gen-tie alignment of the Project area on August 2, 2023, in conjunction with the surveys for rare plants, burrows, and Crotch's bumble bee habitat. This survey was conducted on foot to identify vegetation communities in the updated PSA boundaries. During the August reconnaissance survey, a reconnaissance-level wetland assessment was done for the site. The focus was to determine if there were any potential jurisdictional waters on the site that would require further protocol jurisdictional delineations.

A second follow-up reconnaissance-level field survey was conducted for the adjusted buffered gen-tie alignment on January 18, 2024. This survey was conducted on foot to identify vegetation communities along the adjusted gen-tie alignment and included surveys for rare plants, burrows, and Crotch's bumble bee habitat within the adjusted buffered gen-tie alignment.

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4.3.2 Protocol-Level Botanical Surveys

Protocol-level rare plant surveys were conducted on May 16, 2023, August 2, 2023, and January 18, April 12, and June 17, 2024, to identify special-status rare plant species within the updated PSA boundaries. Dudek qualified biologists surveyed the entire PSA on foot in approximately 20-meter parallel transects to provide complete visual coverage within the updated PSA boundaries and gen-tie alignment. Rare plants surveys were conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000), the Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), and the CNPS Botanical Survey Guidelines (CNPS 2001). Rare plants occurrences were mapped using ArcGIS Field Maps (Esri).

4.3.3 Focused Burrow Surveys

Focused burrow surveys were conducted on May 16, 2023, August 2, 2023, and January 18, 2024, to identify a variety of animal burrows within the updated PSA boundaries. Additional surveys to assess burrow suitability for San Joaquin kit fox and American badger were conducted on April 12, 2024. The subsequent assessment for San Joaquin kit fox and American badger followed recommendations outlined in the *San Joaquin Kit Fox Survey Protocol for the Northern Range* (USFWS 1999). Dudek qualified biologists surveyed the entire PSA on foot in approximately 20-meter parallel transects to provide complete visual coverage within the updated PSA boundaries and gen-tie alignment. Burrows of all sizes were mapped using ArcGIS Field Maps (Esri).

4.3.4 Protocol-level Burrowing Owl Surveys

Surveys for western burrowing owl were conducted by Dudek qualified biologists on April 12, May 3, May 24, and June 17, 2024. Surveys followed recommended protocol outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Surveys utilized data collected during the focused burrow surveys (Section 4.3.3) to walk transect no more than 20 meters apart within the PSA. Biologists documented any sight or sign of western burrowing owl during the survey.

4.3.5 Focused Crotch's Bumble Bee Habitat Assessment

Focused Crotch's bumble bee habitat assessments were conducted on May 16, 2023, August 2, 2023, and January 18, 2024, to identify foraging and nesting habitat for Crotch's bumble bees within the updated PSA boundaries. Dudek qualified biologists surveyed the entire PSA on foot in approximately 20-meter parallel transects to provide complete visual coverage within the updated PSA boundaries and gen-tie alignment. Bumble bee habitat was identified following CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023e), which includes plant species that provide floral (nectar) resources and nesting substrates such as bare ground, rodent burrows, thatched grass, or rock piles. Potential bumble bee floral resources and nesting substrates were mapped using ArcGIS Field Maps (Esri).

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4.3.6 Protocol-Level California Red-Legged Frog Habitat Assessment

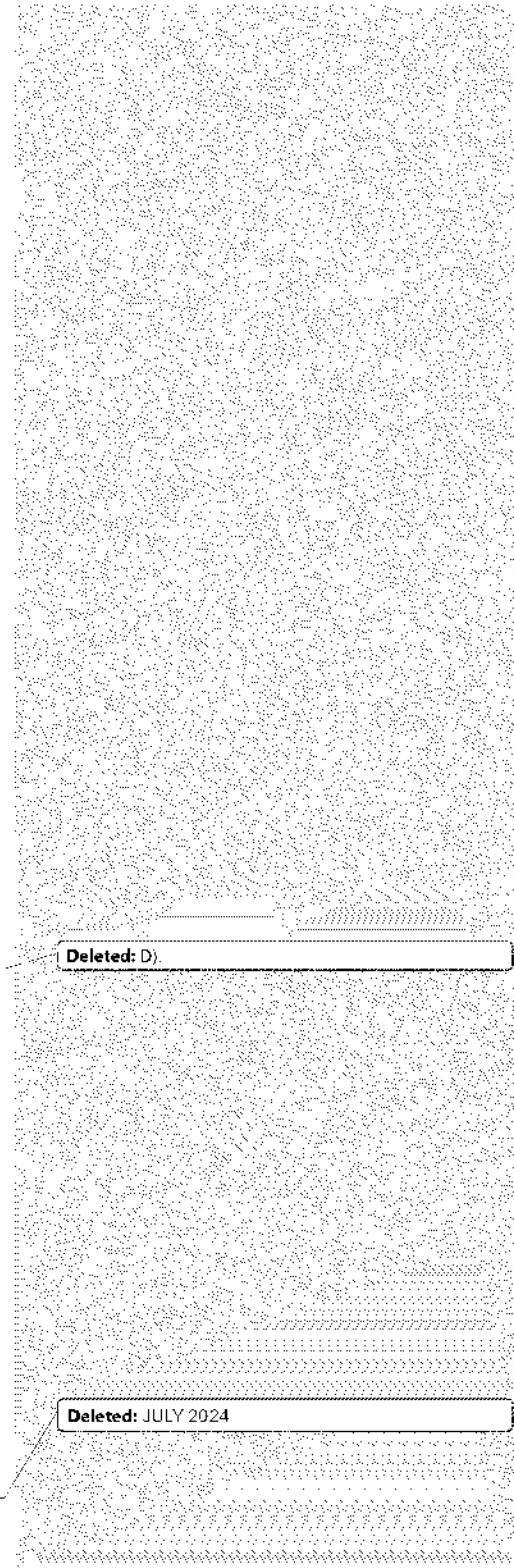
A protocol-level habitat assessment for CRLF was conducted on August 2, 2023, for suitable aquatic habitats identified within, and in the vicinity of, the PSA to identify potential aquatic breeding sites within dispersal distance of the PSA. Not all aquatic habitats within 1 mile were able to be surveyed due to access restrictions. Habitat assessments were conducted in accordance with the USFWS *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005). Aquatic features were coarsely mapped along top of bank using ArcGIS Field Maps (Esri).

4.3.7 Protocol-Level California Tiger Salamander Habitat Assessment

Concurrently with the CRLF habitat assessment (4.3.6), a protocol-level habitat assessment for California tiger salamander was conducted on August 2, 2023, for suitable aquatic habitats identified within, and in the vicinity of, the PSA to identify potential aquatic breeding sites within dispersal distance of the PSA. Not all aquatic habitats within 1.24 miles were able to be surveyed due to access restrictions. Habitat assessments were conducted in accordance with the USFWS *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003). Aquatic features were coarsely mapped along top of bank using ArcGIS Field Maps (Esri).

4.3.8 Aquatic Resources Delineation

A preliminary wetland assessment was conducted during the reconnaissance survey on August 2, 2023, to generally identify and coarsely map aquatic resources that may require further protocol jurisdictional delineations. Dudek then conducted a complete aquatic resources delineation concurrent with the reconnaissance-level biological field survey on January 18, 2024, to identify and map the extent of aquatic resources within the entire PSA that are potentially subject to regulation under federal CWA Sections 401 and 404, CFGC Section 1602, or under the Porter-Cologne Act. The results of the aquatic resources delineation have been incorporated into this report. Representative photographs were collected for each of the aquatic resources (Appendix E) and wetland delineation datasheets were completed (Appendix I).



5 Results

5.1 Vegetation Communities

Only one vegetation community was mapped in the PSA: wild oats and annual brome grassland (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance; CNPS 2023a; Figure 2). This community, often referred to as California annual grassland, is characterized by an herbaceous layer dominated by non-native grass species including wild oats (*Avena* spp.), bromes (*Bromus* spp.), and barleys (*Hordeum* spp.). The herbaceous layer is less than 1.2 meters in height and cover is open to continuous (CNPS 2023a). Annual grassland covers the entire PSA outside of the aquatic features (88.24 acres).

5.2 Aquatic Resources

A formal aquatic delineation was conducted on January 18, 2024. There is one seasonal channel (EPH-01; 0.37 acre, 846.07 linear feet), Patterson Run, within the PSA where the along the gen-tie alignment, which parallels Patterson Pass Road (Figure 3). This seasonal channel flows southwest to northeast. The channel had moderate flow during the March 2023 and February 2024 surveys and was dry during the May and August 2023 surveys. One swale-like area was surveyed along the gen-tie alignment at the southwest corner of the PG&E substation. This feature exhibited cracked clay and sandy wash type soils during the August 2023 survey, with patchy grassland habitat along the margins and herbaceous plants such as dove weed (*Croton setiger*), curly dock (*Rumex crispus*), and big tarplant (*Blepharizonia plumosa*). However, the survey determined that this feature did not contain hydric soils, vegetation, or hydrology and, thus, is not a jurisdictional aquatic resource.

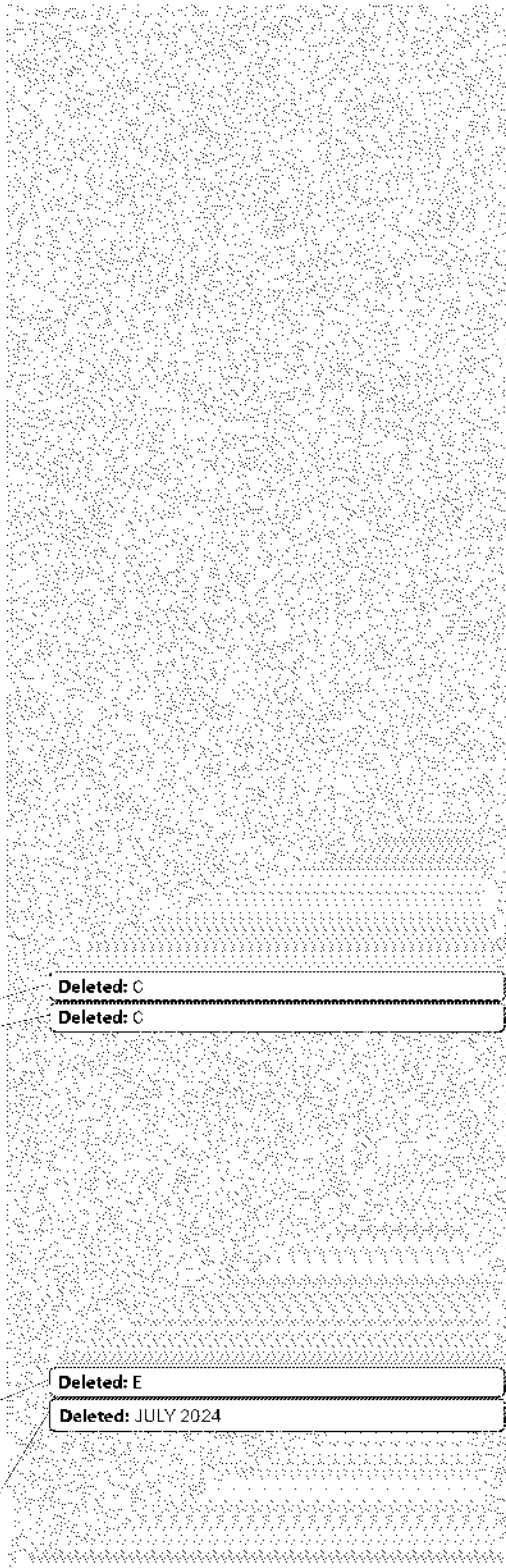
5.3 Observed Plant and Wildlife Species

A total of 42 plant species, consisting of 19 (45%) native species and 23 (55%) non-native species, were observed within or in the immediate vicinity of the PSA during the rare plant surveys and reconnaissance-level biological field surveys (Appendix D). A total of 20 native and 1 non-native wildlife species were recorded within or in the immediate vicinity of the PSA during the biological field surveys (Appendix D). Big tarplant was observed during the rare plant survey on August 2, 2023 (Refer to Section 5.4.1 for further information). No other special-status plant species were observed during the 2023 or 2024 surveys, and the surveys were coincident with the timing when many special-status plant species are detectable. A detailed account of special-status wildlife on site is provided in Section 5.4.2 below. Tricolored blackbird was observed foraging within the PSA during the January 18, 2024 site survey. No other special-status wildlife species or their sign were observed during the biological field surveys.

5.4 Special-Status Species

5.4.1 Special-Status Plants

Based on the updated literature review and database searches, a total of 42 special-status plants have been recorded within 5 miles of the PSA and/or within the 9 quadrangles in the vicinity of the PSA (Appendix A: Figure 4, Special-Status Species Occurrences; Appendix E, Special-Status Species' Potential to Occur within the PSA) (CJFW



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2024; CNPS 2024). Of these species, 24 were removed from further consideration due to lack of suitable habitat within or adjacent to the PSA, no known occurrences within 5 miles of the PSA, and/or because the PSA is outside of the species' known geographic or elevation range. An additional 7 species were determined to have a low potential to occur based on the lack of suitable microhabitat (e.g., mesic areas, serpentine soils) and recent occurrences in the site vicinity, including heartscale (*Atriplex cordulata* var. *cordulata*), lesser saltscale (*Atriplex minuscula*), big-scale balsamroot (*Balsamorhiza macrolepis*), Mt. Diablo fairy-lantern (*Calochortus pulchellus*), palmate-bracted bird's-beak (*Chloropyron palmatum*), California alkali grass (*Puccinellia simplex*), and saline clover (*Trifolium hydrophilum*). None of these species are further addressed in this report.

Eleven special-status plants have a moderate or high potential to occur or were directly observed: big tarplant (*Blepharizonia plumosa*), brittle-scale (*Atriplex depressa*), Lemmon's jewelflower (*Caulanthus lemmonii*), Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), recurved larkspur (*Delphinium recurvatum*), spiny-sealed button-celery (*Eryngium spinosepalum*), diamond-petaled California poppy (*Eschscholzia rhombipetala*), San Joaquin sparscale (*Etriplex joaquinana*), showy golden madia (*Madia radiata*), shining navarretia (*Navarretia nigelliformis* ssp. *radiata*), and caper-fruited tropidocarpum (*Tropidocarpum capparideum*) (Table 2 and Appendix D). All the special-status plant species are found in valley and foothill grassland, often with alkaline and/or clay soils.

Table 2. Special-Status Plant Species with Moderate or High Potential to Occur

Species Name	Common Name	Status (Federal/State/CRPR/EACCS) ¹	Potential to Occur ²
<i>Atriplex depressa</i>	brittle-scale	None/None/1B.2/No	Moderate
<i>Blepharizonia plumosa</i>	big tarplant	None/None/1B.1/C	Known
<i>Caulanthus lemmonii</i>	Lemmon's jewelflower	None/None/1B.2/No	Moderate
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	None/None/1B.1/C	Moderate
<i>Delphinium recurvatum</i>	recurved larkspur	None/None/1B.2/C	Moderate
<i>Eryngium spinosepalum</i>	spiny-sealed button-celery	None/None/1B.2/No	Moderate
<i>Eschscholzia rhombipetala</i>	diamond-petaled California poppy	None/None/1B.1/C	Moderate
<i>Etriplex joaquinana</i>	San Joaquin sparscale	None/None/1B.2/C	Moderate
<i>Madia radiata</i>	showy golden madia	None/None/1B.2/No	Moderate
<i>Navarretia nigelliformis</i> ssp. <i>radiata</i>	shining navarretia	None/None/1B.2/No	Moderate
<i>Tropidocarpum capparideum</i>	caper-fruited tropidocarpum	None/None/1B.1/C	High

Notes: Additional information on determining potential to occur is in Appendix E. Special-Status Species Potential to Occur within the Project study area.

¹ **Status:**
 None= Not listed/no conservation status.
 CRPR =California Rare Plant Rank. Plants ranked as CRPR 1A, 1B, 2A, or 2B may qualify as endangered, rare, or threatened species within the definition of CEQA Guidelines Section 15380.

California Rare Plant Rank (CRPR) Status
 1B: plants rare, threatened, or endangered in California and elsewhere.

Threat Rank
 0.1: Seriously threatened in California (over 90% of occurrences threatened/high degree and immediacy of threat).
 0.2: Moderately threatened in California (20% - 90% occurrences threatened/moderate degree and immediacy of threat).
 C= 'Covered' under the East Alameda County Conservation Strategy (EACCS)

² **Potential to Occur:**
 Known to Occur= Known occurrences recorded within the PSA.

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High Potential to Occur. The species has not been documented in the PSA but is known to occur in the vicinity and species habitat is present.
Moderate Potential to Occur. The species has not been documented in the vicinity, but the PSA is within the known range of the species, and habitat for the species is present.

Protocol-Level Botanical Survey Results

Land surrounding the PSA is predominantly private property. As such, reference populations for focal plant species with moderate to high potential to occur were not available or were greater than 10 miles from the PSA. In addition to CHDR records, Dudek biologists reviewed available herbarium records and research-grade observations documented in iNaturalist (Consortium of California Herbaria 2023 and iNaturalist 2023, respectively). Based on the review of available information, all focal plant species would have been evident and identifiable during the survey windows. Early-blooming species such as diamond-stalled California poppy and caper-fruited *tridactylum* were verified to be evident and identifiable in April based on regional collections (California Consortium of Herbaria, 2023). Protocol-level botanical surveys were conducted in May and August 2023, and in April and June 2024. The surveys coincided with the period when all special-status species would be evident and identifiable.

Three individuals of big tarplant were observed during protocol-level botanical surveys conducted on August 2, 2023 (Figure 5).

Big tarplant is an annual herb that endemic to California, with limited distribution throughout the state. This species has a CRPR rank of 13.1 (rare, threatened or endangered in California and elsewhere), and is a covered species under the EACCS. This species prefers habitats in valley grassland vegetation communities, as well as in foothill woodlands and chaparral (Caffora 2023). Threats to this species include urbanization, disking, residential development, and encroachment by non-native plant species (CNPS 2023b).

Only one plant was flowering, therefore allowing a qualified Dudek botanist (Laura Burris) to definitively key the plant to species based on descriptions, measurements, and photos taken in the field. All three individuals are located near the southwest corner of the PG&E substation in an area of sparse grassland that shows evidence of drainage patterns from the surrounding hills, including cracked soils, reduced grass cover and increased scrub species cover, and increased bare ground.

5.4.2 Special-Status Wildlife

Based on the updated literature review and database searches, a total of 41 special-status wildlife species have been recorded within 5 miles of the Project site and/or within the 9 quadrangles in the vicinity of the PSA (Figure 4; Appendix E) (CJFW 2024; USFWS 2024). Of these species, 21 were removed from further consideration due to lack of suitable habitat within or adjacent to the PSA, no known occurrences within 5 miles of the PSA, and/or because the PSA is outside of the species' known geographic or elevation range. An additional 11 species were determined to have a low potential to occur based on the lack of suitable microhabitat (e.g., vernal pools, aquatic habitat, host plants), including Grotch's bumble bee (*Bombus grotchii*), western spadefoot (*Spea hammondi*), California glossy snake (*Arizona elegans occidentalis*), western pond turtle (*Emys marmorata*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), Blainville's horned lizard (*Phrynosoma blainvillii*), grasshopper sparrow (*Ammodramus savannarum*), short-eared owl (*Asio flammeus*), Swainson's hawk (*Buteo swainsoni*), loggerhead shrike (*Lanius ludovicianus*), and pallid bat (*Antrozous pallidus*). None of these species are further addressed in this report.

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Nine special-status wildlife species were determined to have a moderate or high potential to occur within the PSA: California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*). These special-status wildlife species are known to occur in open grassland habitats and are discussed in further detail below.

5.4.2.1 Crotch's Bumble Bee (*Bombus crotchii*)

Crotch's bumble bee is a state candidate for listing as endangered under CESA and is not covered under the EACCS. The species has low potential to occur within the PSA. The CBB occurs almost exclusively in California, currently primarily in the Central Valley, but has been described as having historically occupied grasslands and shrublands in southern to central California. Bumble bees are known to be generalist pollinators but have preferences based on flower color including purple, blue, and yellow. Specifically, this species is found in grasslands with food plant genera that include *Antirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Eschscholzia*, and *Eriogonum*, among others (USFS 2012). The queen flight season for this species is February to March, and the colony active period (highest detection probability) is April to August (CDFW 2023a). Additionally, suitable habitat may contain any of the following: 1) areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows and forage plants; 2) potential nest habitat (late February through late October) containing underground abandoned small mammal burrows, perennial bunch grasses and/or thatched annual grasses, brush piles, old bird nests, dead trees or hollow logs; 3) overwintering sites (November through early February) utilized by mated queens in self-excavated hibernacula potentially in soft, disturbed soil, sandy, well-drained, or loose soils, under leaf litter or other debris with ground cover requisites such as barren areas, tree litter, bare patches within short grass in areas lacking dense vegetation. There are no CNDD3 records within 5 miles of the PSA (CDFW 2024). One occurrence is documented within a nine-grid search (Occurrence number 19). This occurrence was documented in 1959 and the exact location of this occurrence was unknown and recorded to CNDD3 to demonstrate the general vicinity (CDFW, 2024).

Crotch's Bumble Bee Focused Habitat Assessment Survey Results

Focused Crotch's bumble bee habitat assessments were conducted on May 16 and August 2, 2023, and January 18, 2024. Scattered floral resources were observed including lupines (*Lupinus* spp.), Mexican whorled milkweed (*Asclepias fascicularis*), and exerted Indian paintbrush (*Castilleja exserta*), along with potential nesting substrates such as bare cracked soil, small rocky areas, and small rodent burrows. Both *Lupinus* sp. and *Asclepias* sp. are example food plants utilized by this species (Williams et al. 2014). No bumble bee species were seen during the field surveys, however, presence is assumed due to suitable foraging floral resource presence.

5.4.2.2 California Tiger Salamander (*Ambystoma californiense*)

The central California distinct population segment (DPS) of California tiger salamander is a federally and state threatened species and is covered under the EACCS. This species has moderate potential to occur within the PSA. This species is found in annual grassland, valley-foothill hardwood, and valley-foothill riparian habitats and breeds in vernal pools, ephemeral pools, stock ponds, and (infrequently) along streams and human-made water bodies if predatory fishes are absent. The nearest documented occurrence is approximately 1.6 miles southwest of the PSA from 2012 (Occ. No. 1003), but there are numerous other records within 5 miles of the PSA (CDFW 2024). The habitat on the PSA is suitable upland refuge and dispersal habitat for this species, consisting of grassland with

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small mammal burrows. Two nearby stock ponds provide suitable aquatic breeding habitat approximately 0.3 miles from the PSA (Figure 6). No California tiger salamanders were observed during the field surveys, but this species is extremely difficult to detect without focused surveys in accordance with USFWS and CDFW-sanctioned protocols (USFWS and CDFG 2003).

A protocol-level habitat assessment for California tiger salamander was conducted on August 2, 2023, for suitable aquatic habitats identified within, and in the vicinity of, the PSA to identify potential aquatic breeding sites within dispersal distance of the PSA. Three aquatic features were assessed for habitat suitability for CTS: Patterson Run, a seasonal stream paralleling Patterson Pass Road, and two stock ponds approximately 0.3 miles northwest (Pond 1) and west (Pond 2) of the PSA (Figure 6). Of these aquatic features, Ponds 1 and 2 were determined to provide high-quality breeding habitat for California tiger salamander. ~~Neither of these features would be impacted by the proposed project.~~ Patterson Run lacked large pools suitable for breeding. No CTS were observed during the field surveys or habitat assessment. Grasslands surrounding the aquatic features, including within the PSA, contain suitable upland refuge and overland migration habitat.

5.4.2.3 California Red-Legged Frog (*Rana draytonii*)

California red-legged frog (CRLF) is a federally threatened species and a California Species of Special Concern and is covered under the EACCS. The PSA is also located within critical habitat for California red-legged frog (refer to Section 5.6.1: 75FR12816 12959). The species has a moderate potential to occur within the PSA. This species is found in lowland streams, wetlands, riparian woodlands, and livestock ponds with dense, shrubby, or emergent vegetation and deep, still, or slow-moving water. They will use adjacent upland habitats for refuge during dry seasons. The nearest documented occurrences are approximately 1.5 miles east, south, and west of the PSA (Occ. Nos. 822 from 2001, 1079 from 2008, 1759 from 2012, and 44 from 1993); there are numerous other records within 5 miles of the PSA (CDFW 2024). The habitat on the PSA is suitable upland refuge and dispersal habitat for this species, consisting of abundant grassland with small mammal burrows.

A protocol-level habitat assessment for CRLF was conducted on August 2, 2023, for suitable aquatic habitats identified within, and in the vicinity of, the PSA to identify potential aquatic breeding sites within dispersal distance of the PSA. Three aquatic features were assessed for habitat suitability for CRLF: Patterson Run, a seasonal stream paralleling Patterson Pass Road, and two stock ponds approximately 0.3 miles northwest (Pond 1) and west (Pond 2) of the PSA (Figure 6; Appendix G, CRLF Habitat Assessment Datasheets). Of these aquatic features, only Pond 2 was determined to provide high-quality breeding habitat for CRLF, consisting of a large, deep stock pond with perennial water and a large quantity of emergent vegetation (bulrush [*Schoenoplectus* sp.] along with alkali bulrush [*Boiboschoenus maritimus*]) and surrounded by grazed grassland. Patterson Run lacked large pools suitable for breeding ~~but could provide non-breeding aquatic habitat when water is present or dispersal habitat.~~ Pond 1 lacked suitable emergent or ~~margin~~ ~~vegetation and would not provide breeding habitat.~~ No CRLF were observed during the field surveys or habitat assessment.

5.4.2.4 Tricolored Blackbird (*Agelaius tricolor*)

Tricolored blackbird (nesting colony) is state threatened and a California Species of Special Concern that is covered under the EACCS and is known to forage within the PSA. This species was observed during the field survey on January 18, 2024, foraging in the grassland within the gen-tie buffer area. Tricolored blackbird nests colonially near freshwater, often in emergent wetlands of cattail or tule, but will also nest in dense, thorny vegetation such as Himalayan blackberry (*Rubus armenicus*) or thistles (*Cirsium* spp., *Silybum* spp., etc.). ~~A desktop level habitat~~

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assessment was conducted for suitable breeding habitat potential within 0.5 miles of the PSA, and an aquatic habitat within 0.5 miles was visited in the field concurrently with the CTS habitat assessment. Per the CDFW CNDDDB database, there has not been any documented occurrences of this species within 0.5 miles. The National Wetland Inventory (NWI) has mapped data of the following three features that have been evaluated for tricolored blackbird breeding habitat suitability:

- **PUBHh** – Approximately 0.40 miles west of the PSA there is a 0.21-acre feature mapped by NWI categorized as a freshwater pond PUBHh [(P) Palustrine, (U) unconsolidated bottom, (H) permanently flooded, (h) diiked/impounded] (NWI, 2024). On March 31, 2023, Dudek biologist Emily Soroca conducted an evaluation of this aquatic feature. Representative photos were captured of this feature and display a lack of suitable foliage required for this species to nest (Appendix E).
- **PUBHh** – Approximately 0.40 miles northwest of the PSA there is a 0.24-acre feature mapped by NWI categorized as a freshwater pond PUBHh. On March 31, 2023, Dudek biologist Emily Soroca conducted an evaluation of this aquatic feature, and this feature presented similar lacking suitable nesting species required for this species to nest. Representative photos were captured of this feature (Appendix E).
- **PEM1A** – Approximately 0.25 miles northwest of the PSA there is a 5.00-acre feature mapped by NWI categorized as a freshwater emergent wetland PEM1A [(P) palustrine, (EM) emergent, (1) persistent, (A) temporary flooded] (NWI, 2024). On January 18, 2024, Dudek biologist Erin Lofgren-Fisher conducted an evaluation of this aquatic feature for habitat suitability for tricolored blackbird. Representative photos were captured of this feature display a lack of standing water and suitable nesting foliage required for this species (Appendix E).

Tricolored blackbird forage in grasslands, woodlands, and in agricultural areas. The nearest documented occurrence is 1.8 miles east of the PSA, a historical record from 1938 (Occ. No. 418), and six occurrences are recorded within 5 miles of the PSA as recently as 2015 (CDFW 2024). The six documented occurrences of tricolored blackbird within a five-mile radius from the PSA are detailed below:

- **Occurrence number 989**: This occurrence of tricolored blackbird was northwest of the PSA within a five-mile radius and documented in 1992. The observation notes for this occurrence detail that a breeding colony was observed in tall green mustard. No nearby aquatic features are visible through satellite imagery on Google Earth and CNDDDB notes document that this occurrence was an approximate location. The following year, 1994, no tricolored blackbirds were observed at this location. Coordinates: (27.7218, -121.6974).
- **Occurrence number 942**: This occurrence of tricolored blackbird was northwest of the PSA within a five-mile radius and documented in 2005. The observation notes for this occurrence detail that the habitat was comprised of milk thistle, mustard, and poison hemlock in a wet meadow. Records indicate that groups of 25-30 nesting birds were observed on June 04, 2005. The wet meadow was eventually drained in 2008 and no observations were documented from 2008 through 2014. Coordinates: (37.7996, -121.6714).
- **Occurrence number 455**: This occurrence of tricolored blackbird was southeast of the PSA within a five-mile radius and documented in 2015. The observation notes for this occurrence detail that the habitat consisted of grasslands with freshwater emergent wetlands and seeps. The vegetation that was dominant in the freshwater emergent wetlands entail dense cattails and nettles. This differs from the PSA due to the

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freshwater emergent wetlands within 0.5 miles lacking dense suitable nesting vegetation. Per this occurrence record, tricolored blackbird was documented in this area as an explosive test site from 100's nesting in 1993 to observing 300 birds in 2015. Coordinates: (37.65630, -121.52776)

- * **Occurrence number 418:** This occurrence of tricolored blackbird is the closest occurrence of this species in proximity to the PSA within a five-mile radius and was documented in 1938. The observation notes for this occurrence detail that the habitat consisted of patches of milk thistle with cattle presence, however, no suitable habitat was present in 2011. In 1998, approximately 1,500 individual tricolored blackbirds were observed coming and going with food and/or fecal sacs being carried by adults. A secondary site visit on April 17, 2011, revealed that 0 individual tricolored blackbirds were observed within the area documented in 1938. Coordinates: (37.71521, -121.53471)
- * **Occurrence number 235:** This occurrence of tricolored blackbird was southeast of the PSA within a five-mile radius and documented in 1992. The observation notes of this occurrence detail that the habitat consisted of an artificially impounded pond grown over with a heavy stand of cattails (*Typha* sp.). This observation habitat differs from the PSA due to lacking heavy stands of nesting vegetation. The observation notes also detail that 3 individual male tricolored blackbirds were within a group of nesting redwinged blackbirds and that nesting habitat was assumed. Coordinates: (37.69438, -121.51829)
- * **Occurrence number 190:** This occurrence of tricolored blackbird was southeast of the PSA within a five-mile radius and documented in 1992. The observation notes of this occurrence detail that the habitat was within non-native annual grassland. The colony that was observed was split into two parts. The first colony was in a patch of Italian thistle near a creek. The second colony was in a patch of mustard approximately 0.2 miles away from the first colony. Approximately 45 individual tricolored blackbirds were observed nesting between the two locations on May 01, 1992. Follow up site visits occurred on the following dates: April 26, 2011; April 17, 2011, and April 30, 2014. Of the site visits, no individuals were observed spread between the two previous colony sites. Coordinates: 37.74481, -121.64051

Although this species was observed foraging on the PSA, it is unlikely to form a nesting colony as there is no suitable nesting habitat present within the PSA. Further, data on tricolored nesting on lands surrounding the PSA provided by Westovelt Ecological Services (2024) shows that tricolored blackbird are not utilizing the aquatic habitat nearest to the PSA. Aquatic habitat within 0.5 mile of the PSA does not include stands of emergent vegetation or dense riparian vegetation that provide suitable nesting substrates preferred by this species (Shuford et al, 2008) (refer to photographs in Appendix E). Additionally, although this species may also utilize upland vegetation for nesting (Upoh and Toft, 2005), they prefer dense stands of vegetation that offer protection from predators. The grasslands within the PSA are dominated by bromes and wild cat, and do not contain appropriate stands of vegetation for nesting colonies. Other than one observation of this species utilizing the PSA for winter foraging, this species has not been observed within the PSA during regular surveys associated with burrowing owl, which occurred every three weeks during the bird nesting season. Thus, although this species may utilize the PSA for foraging, it does not breed within the PSA.

5.4.2.5 Golden Eagle (*Aquila chrysaetos*)

Golden eagle is federally protected by the Bald and Golden Eagle Protection Act and is a California fully protected species that is covered under the EACCS with moderate potential to occur within the PSA. The golden eagle was formerly considered common within suitable habitats in California (Ginnell and Miller 1944) and is now considered

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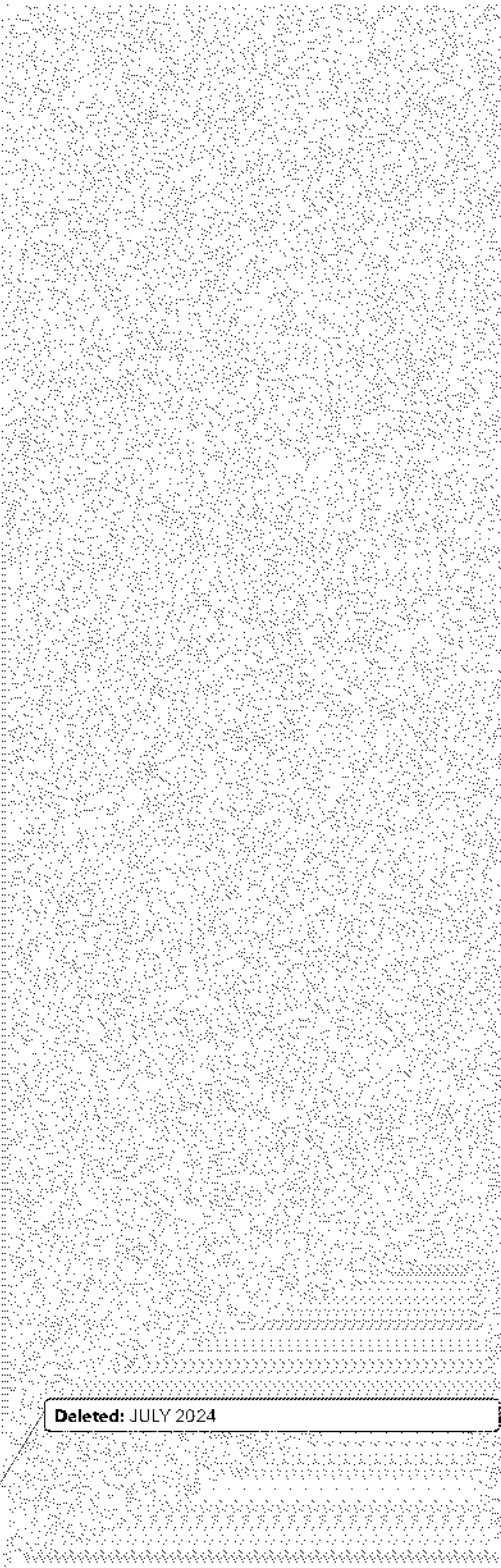
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an uncommon resident throughout California (Garrett and Dunn, 1991). This species requires rolling foothills, mountain terrain, and wide arid plateaus deeply cut by streams and canyons, open mountain slopes and cliffs, and rock outcrops (Zeiner et al. 1930). In central California, the golden eagle nests primarily in open grasslands and oak savannah and, to a lesser degree, in oak woodlands and open shrublands (Hunt et al. 1995, 1999). The PSA has a vegetation community of wild cats and annual biome along with an ephemeral drainage located in the southeast. The project site lacks mountain terrain, wide arid plateaus deeply cut by streams and canyons, open mountain slopes and cliffs, and rock outcrops. The only trees onsite that may provide potential nesting locations for golden eagle are concentrated in the southeastern portion of the PSA along Patterson Run. However, these trees are relatively short in stature, located within a low-lying area associated with the channel of Patterson Run, and do not contain factor nests. An assessment of potentially suitable golden eagle nesting habitat was conducted within 2 miles of the PSA, where access and land ownership allowed. Potentially suitable nesting habitat within 2 miles of the PSA includes trees associated with residences, transmission towers, and vegetation associated with Patterson run south of the PSA. While some stick nests were observed within transmission towers, they were most likely associated with ravens (*Corvus corax*). Additionally, most of the potentially suitable nesting habitat is blocked from visual range of the PSA by terrain. No golden eagles were observed during the nest habitat assessment.

The nearest documented occurrence is approximately 4.9 miles south of the PSA from 2014, a record of a nest in a tower (Occ. No. 323; CDFW 2024). There are a total of 14 documented occurrences of golden eagle occurring in a USGS nine quad search surrounding the PSA (CDFW 2024). Of the 14 documented occurrences of golden eagle occurring, 5 occurrences have been documented within a 10-mile radius of the project site.

- Occurrence No. 71 located approximately 8.15 miles northwest from the project site – nest was found on north-facing slope on a 40 ft valley oak located mid-slope in a canyon with mixed riparian habitat and was documented to occur in 2000.
- Occurrence No. 324. Located approximately 6 miles south from the project site. Comments recorded in CNDDB state that there “may” have been a nest located within power poles and comments state a need for field work. Occurrence was documented in 1996.
- Occurrence No. 323, located approximately 4.9 miles southeast of the project site – record of a nest in a tower, described in above text. Occurrence was documented in 2014. (Figure 4, Special-Status Species Occurrences).
- Occurrence No. 124 located approximately 5.04 miles southeast of the project site and nesting substrate was located on a power pole. Occurrence was last seen in 1996, and the surrounding topography shows steep bluffs from aerial imagery, which is lacking on the project site.
- Occurrence No. 147 located approximately 9.75 miles northwest of the project site and nest was located within blue oak savannah and annual grazed grassland within a protected watershed. Comments state that coordinates provided to CDFW are erroneous and do not represent nest site. This occurrence offers potential to occur outside a 10-mile radius from the project site due to that reasoning. Observance of occurrence was documented in 2006.

The remaining 9 occurrences documented of golden eagle within the USGS 9 quad search are concentrated to occur near Los Vaqueros Reservoir approximately 11 miles northwest of the PSA. The Los Vaqueros Reservoir provides high quality suitable nesting habitat for this species due to having a steep bluff terrain, various nesting



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locations, and a reservoir resource to support this species. The grassland foraging habitat on the PSA is of moderate quality, with low-quality nesting habitat provided by transmission towers surrounding the site, and the trees associated with Patterson Run. No eagles or potential nests were observed during the field surveys.

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5.4.2.6 Burrowing Owl (*Athene cunicularia*)

Burrowing owl is a candidate for listing as a protected species under the CESA, and is also covered under the EACCS with moderate potential to occur on the PSA. This species nests and forages in grassland, open scrub, and agricultural lands that contain ground squirrel burrows or burrow surrogates (e.g., concrete debris piles, culverts, riprap) for nesting and shelter. There are three documented occurrences adjacent or overlapping with the PSA, from 1982, 2002, and 2006 (Occ. Nos. 48, 468, and 1229). Multiple other documented occurrences are within 5 miles of the PSA, most recently from 2015 (CDFW 2024).

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Focused Burrow Survey Results

Focused burrow surveys were conducted on May 16 and August 2, 2023, and January 18, 2024, to identify a variety of animal burrows within the updated PSA boundaries, including for burrowing owl. There is abundant grassland habitat within the PSA, but it is currently of moderate suitability for burrowing owls because it lacks extensive ground squirrel burrows and the vegetation is generally tall and dense (burrowing owls prefer areas with short, sparse vegetation). Burrows present on the site were generally small and not suitable for burrowing owls. Higher-quality habitat with low, grazed vegetation and ground squirrel colonies were observed throughout the surrounding landscape. No burrowing owls were observed during the field surveys.

Protocol-level Burrowing Owl Survey Results

Protocol-level burrowing owl surveys were conducted on April 12, May 3, May 24, and June 17, 2024. Results of the focused burrow survey were used to identify areas of potential breeding habitat (burrows). No burrowing owls or their sign were observed during the field surveys. In general, CDFW considers sites occupied if BUOW and/or their sign (e.g. burrows with whitewash feathers, pellets, prey debris) have been observed on the site in the last 2 years, therefore, based on the lack of documented occurrences and survey results, this species is not present within the PSA.

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5.4.2.7 Northern Harrier (*Circus hudsonius*)

Northern harrier is a California Species of Special Concern that is not covered under the EACCS with a moderate potential to occur within the PSA. This species nests in open wetlands (such as wet meadows, old fields, and marshes) and in dry grassland and grain fields, and forages in open habitats including grassland, scrub, rangelands, and emergent wetlands. The nearest documented occurrence is approximately 2.2 miles northeast of the PSA from 2001 (Occ. No. 49; CDFW 2024). There is moderate-quality grassland habitat on the PSA of sufficient height and density for nesting. No northern harriers were observed during the field surveys.

5.4.2.8 White-Tailed Kite (*Elanus leucurus*)

White-tailed kite is a California fully protected species that is not covered under the EACCS with a low potential to occur within the PSA. This species nests in woodland, riparian, and individual trees near open land, and forages opportunistically in grassland, meadows, scrubs, agriculture, emergent wetland, savannah, and disturbed lands.

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The nearest documented occurrence is approximately 3.7 miles south of the PSA, a historical record from 1996 (Occ. No. 152; CDFW 2024). There is moderate-quality grassland habitat present within the PSA, with a few scattered cottonwood trees (*Populus* sp.) associated with Patterson Run suitable for nesting. No raptor nests were noted within the trees associated with Patterson Run during any of the site surveys. No white-tailed kites were observed during the field surveys.

5.4.2.9 Swainson's hawk (*Buteo swainsonii*)

Swainson's hawk is a California state threatened species that is not covered under the EACCS with a low potential for nesting and foraging within the PSA. Swainson's hawks are primarily a grassland bird, but they are also found in sparse shrubland and small open woodlands (Bachard et al. 2019). In Central California, Swainson's hawks are primarily associated with grain and hay croplands that mimic native grasslands with respect to prey density and availability (Estep 1989, Babcock 1965). Within a USGS nine quad search, a total of 55 occurrences of Swainson's hawk have been reported. Within a 10-mile radius of the PSA, a total of 59 occurrences of Swainson's hawk have been reported (CDFW 2024). Most of the documented observations within 5 miles are located approximately 4 miles or greater north and east of the PSA, primarily east of the Diablo Range (CDFW 2024). Four occurrences of this species are documented within 5 miles, but none are closer than 3.8 miles to the PSA. The occurrence located approximately 3.8 miles northeast of the PSA is a historic record documented in 1994 (CDFW 2024). Additionally, information provided by CDFW (2024) coincides with bird records and shows this species overflying the PSA and sometimes displaying courtship behavior.

An assessment of potentially suitable nesting habitat within 0.5 mile of the PSA was conducted in December 2024. Potential nesting habitat within 0.5 mile of the PSA includes trees associated with residences, transmission towers, and riparian vegetation associated with Patterson Run south of the PSA. No raptor stick nests were noted in any of this habitat during the nest habitat assessment. Although the PSA presents grassland foraging habitat for this species, suitable nesting habitat within 0.5 mile of the PSA is limited and includes trees associated with homes and development. Trees onsite are short in stature and do not provide high quality nesting substrates for raptors. No Swainson's hawks or raptor stick nests were observed during field surveys.

5.4.2.10 American Badger (*Taxidea taxus*)

American badger is a California Species of Special Concern and is covered under the EACCS, with moderate potential to forage within the PSA. This species occurs on dry, open, treeless areas such as grasslands, coastal scrub, agriculture, and pastures, especially with friable soils for burrowing. The nearest documented occurrences are approximately 0.2 miles north (Occ. No. 520 from 2014) and south (Occ. No. 250, unknown date prior to 2004) of the PSA, with multiple other records within 5 miles of the PSA, the most recent from 2015 (CDFW 2024). Although there is abundant moderate-quality grassland for foraging, no suitable den habitat was documented within the PSA during the focused burrow surveys, as described below.

Focused Burrow Survey Results

Focused burrow surveys were conducted on May 16 and August 2, 2023, January 18, 2024, and additional burrow assessment was conducted during protocol-level burrowing owl surveys on April 12, May 3, May 24, and June 17, 2024, to identify a variety of animal burrows within the updated PSA boundaries, including for American badger. Several large burrow tailings were observed on the eastern side of the PSA along Patterson Pass Road, evidence of highly suitable soils for burrowing and hunting. Burrows were also investigated for sign of American badger

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occupancy, including prey remains, scat, tracks, and claw/scratch marks. The burrows were not greater than 4 inches in diameter and are associated with active ground squirrel colonies and are not suitable denning structures for American badgers. No American badgers or their sign were observed during the field surveys.

5.4.2.11 San Joaquin Kit Fox (*Vulpes macrotis mutica*)

San Joaquin kit fox is a federally endangered and state threatened species and is covered under the EACCS, with low potential to occur on the PSA. This species occurs on grassland and scrublands, oak woodland, alkali sink scrubland, vernal pools, and alkali meadows. The PSA is in the northern range of this species, in the S1 (Alameda, Contra Costa, and San Joaquin Counties) San Joaquin kit fox satellite population recovery area (USFWS 2010), where there have been no confirmed observations since 2002 (USFWS 2020). Extensive surveys using scent dogs between 2001 and 2003 did not detect any San Joaquin kit foxes in surveyed portions of Alameda County (Smith et al. 2006).

The nearest documented occurrence is approximately 0.3 miles southwest of the PSA, a historical record from 1984 (Occ. No. 6); multiple other historical records are within 5 miles of the PSA, all prior to 1992 (CDFW 2024). Although there is abundant moderate-quality grassland present on the site, none of the burrows onsite are suitable for this species (see burrow survey results, below), and it is highly unlikely this species utilizes the PSA for denning habitat.

Focused Burrow Survey Results

Focused burrow surveys were conducted on May 16 and August 2, 2023, January 18, 2024, and additional burrow assessment was conducted during protocol-level burrowing owl surveys on April 12, May 3, May 24, and June 17, 2024, to identify a variety of animal burrows within the updated PSA boundaries, including for San Joaquin kit fox. Several large burrow tailings were observed on the eastern side of the PSA along Patterson Pass Road, evidence of highly suitable soils for burrowing. Burrows were also investigated for sign of San Joaquin kit fox occupancy, including prey remains, scat, tracks, and claw/scratch marks. The burrows onsite were not greater than 4 inches in diameter and are associated with active ground squirrel colonies and are not suitable denning structures for San Joaquin kit fox. No San Joaquin kit fox or their sign were observed during the field surveys.

5.5 Nesting Birds

The PSA provides habitat for nesting birds protected by the federal Migratory Bird Treaty Act (MFTA) and California Fish and Game Code (CFGC). Red-tailed hawk (*Buteo jamaicensis*), common raven (*Corvus corax*), and American kestrel (*Falco sparverius*), and other bird species were observed foraging on site and the vicinity. While no nests were observed during the surveys, there are suitable trees along Patterson Pass Road, transmission towers for large raptors and ravens, and grassland for ground-nesting species such as western meadowlark (*Sturnella neglecta*).

5.6 Other Sensitive Resources

5.6.1 Designated Critical Habitat

Designated Critical Habitat (DCH) is designated by USFWS when a species is federally listed and represents areas of the species' range (or potential range) that contain essential features for the species' conservation (USFWS

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2017). There is DCH for multiple species within 5 miles of the PSA; however, only DCH for CRLF overlaps with the Study Area (Appendix A: Figure 5. Critical Habitat and Essential Fish Habitat).

California Red-Legged Frog

There is DCH for CRLF overlapping the PSA and extending to the north and southwest (USFWS 2023e), in areas of undeveloped or rural agricultural lands. Critical habitat for CRLF consists of four primary constituent elements (PCEs), which support different components of the species' life history, as last updated by USFWS in 2010 (75 FR 12816-12959):

1. **Aquatic Breeding Habitat:** Standing bodies of fresh water including natural and manmade (e.g., stock) ponds, slow-moving streams, pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a minimum of 20 weeks in most years.
2. **Aquatic Non-Breeding Habitat:** Freshwater aquatic habitats that may not hold water long enough for the species to complete its aquatic life cycle, but which provide for shelter, foraging, predator avoidance, and aquatic dispersal of juvenile and adult CRLF. These may include breeding habitat as described above, as well as plunge pools within intermittent creeks, seeps, quiet water refugia within streams, and flowing springs.
3. **Upland Habitat:** Upland areas adjacent to or surrounding breeding and non-breeding aquatic and riparian habitat up to 1 mi (1.6 km), depending on surrounding landscape and dispersal barriers. Upland habitat may include grassland, woodland, forest, wetland, or riparian areas that provide shelter, forage, and predator avoidance with structural features such as boulders, rocks and organic debris (e.g., downed trees, logs), small mammal burrows, or moist leaf litter.
4. **Dispersal Habitat:** Accessible upland or riparian habitat within and between occupied locations within a minimum of 1 mi (1.6 km) of each other and that support movement between such sites. Dispersal habitat includes various natural or moderately altered habitats (such as agricultural fields) that do not contain dispersal barriers. Dispersal habitat does not include moderate- to high-density urban or industrial developments, nor does it include large (>50 ac) lakes or reservoirs.

PCEs 3 and 4 (upland and dispersal habitat) are present on the PSA, and PCEs 1 and 2 (aquatic breeding and non-breeding habitat) are present within dispersal distance (1 mile) of the PSA.

5.6.2 Essential Fish Habitat

Essential Fish Habitat (EFH) on the west coast is managed by the National Oceanic and Atmospheric Administration (NOAA) and the Pacific Fishery Management Council (PFMC) under the Magnuson-Stevens Act of 1976 to protect habitat for federally managed fish species across life stages (NOAA 2021). EFH is broadly mapped as the geographic area wherein a fish species may occur at any time in its life and is designated at the watershed level of the USGS 4th field hydrologic unit to account for variability in freshwater habitats over time (PFMC 2014, 2022). Thus, mapped EFH may encompass terrestrial habitats that do not currently provide appropriate conditions for target fish species but are within the same watershed as the species' known distribution and may become suitable habitat as environmental conditions change (e.g., droughts, floods, etc.).

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The PSA overlaps with designated freshwater EFH for Pacific coast salmon. Specifically, the Pacific Salmon Fishery Management Plan (PFMC 2014, 2022) identifies freshwater EFH for Chinook salmon (*Oncorhynchus tshawytscha*) in the San Joaquin Delta hydrologic unit (HUC-8 18040003), which includes the PSA within the Old River watershed. Freshwater EFH for Chinook salmon consists of four major activities: (1) spawning and incubation; (2) juvenile rearing; (3) juvenile migration corridors; and (4) adult migration corridors and adult holding habitat (PFMC 2014, 2022). Chinook salmon EFH includes all freshwater habitat currently or historically occupied in Washington, Oregon, Idaho, and California (PFMC 2014, 2022). There are currently no aquatic habitats with flowing water suitable for salmonids within the PSA.

5.6.3 Sensitive Natural Communities

Sensitive natural communities are communities that have a limited distribution and are often vulnerable to the environmental effects of projects. These communities may or may not contain special-status species or their habitats. For purposes of this assessment, sensitive natural communities include vegetation communities listed in CDFW's California Natural Diversity Database (CNDDB; CDFW 2024) and communities listed in the California Natural Community List (CDFW 2023d) with a rarity rank of S1, S2, or S3 (S1: critically imperiled; S2: imperiled; S3: vulnerable). Additionally, all vegetation associations within the alliances with ranks of S1–S3 are considered sensitive habitats. CEQA requires that impacts to sensitive natural communities be evaluated and mitigated to the extent feasible. There are no sensitive natural communities within the PSA.

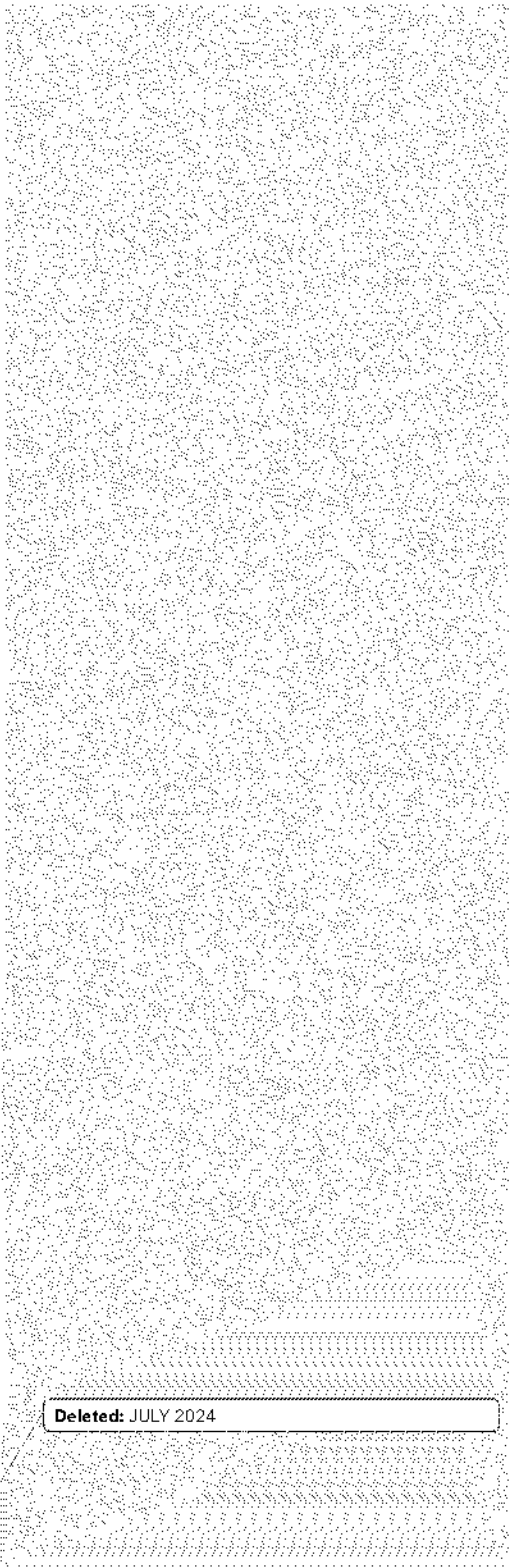
5.6.4 Wildlife Corridors and Habitat Linkages

Wildlife movement corridors have been recognized by federal and state agencies as important habitats worthy of conservation. Wildlife corridors provide migration channels seasonally (i.e., between winter and summer habitats), and provide non-migrant wildlife the opportunity to move within their home range for food, cover, reproduction, and refuge. Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals and may also serve as primary habitat for smaller animals, such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as steppingstones for dispersal.

The PSA does not overlap with any California Essential Habitat Connectivity Areas (CDFW 2014), but is considered part of the large contiguous Natural Landscape Block that extends from Alameda County south through the Diablo Range and Southern Coastal Ranges, terminating north of the Transverse Ranges (CDFW 2017). Given that the existing vegetation is surrounded on three sides by similar annual grassland habitat and is close to the existing PG&E substation, the PSA likely provides movement habitat for local wildlife but is not recognized as an important regional wildlife corridor by any state agency or jurisdiction and is of limited linkage value on a landscape scale. Furthermore, although local wildlife may utilize the PSA as movement habitat, regional connectivity is highly limited by Patterson Pass Road, an unnamed gravel road directly to the north of the PSA, Interstates (I) 580 and I-5 to the north and east, respectively, and the railroad south of the PSA. Thus, the project would not impose significant barrier to wildlife movement.

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6 Summary of Findings

6.1 Biological Impact Overview

The Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Incorporation of mitigation measures ensures that these impacts will be less than significant.

A total of 1 special-status plant species and 6 special-status wildlife species are known to occur within the PSA, were observed or detected during field surveys, or have a moderate to high potential to occur on the PSA and could therefore be impacted by eventual Project implementation. Big tarplant was observed on the site. Tricolored blackbird was observed foraging on the site and five other special-status wildlife species have a moderate or high potential to occur on the PSA, including California tiger salamander, California red-legged frog, golden eagle, northern harrier, ~~burrowing owl~~, and white-tailed kite. Special-status plant and wildlife resources may be subject to agency jurisdiction pursuant to regulations under FESA, CESA, California FGC, CEQA guidelines, the Alameda County General Plan, and the EACCS. Species-specific AMMs will be provided for all special-status species to reduce potential impacts to less than significant under CEQA.

The Project would not have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

No CDFW sensitive natural communities were identified within the PSA, and no impacts are anticipated.

Designated Critical Habitat for California red-legged frog overlaps with the PSA. Removal of upland refuge and dispersal habitat associated with construction of the BESS site will be mitigated through purchase of appropriate credits at an agency-approved mitigation bank.

The PSA overlaps with designated freshwater EFH for Pacific coast salmon. Specifically, the Pacific Salmon Fishery Management Plan (PFMC 2014, 2022) identifies freshwater EFH for Chinook salmon (*Oncorhynchus tshawytscha*) in the San Joaquin Delta hydrologic unit (HUC-8 18040003), which includes the PSA within the Old River watershed. There are currently no aquatic habitats with flowing water suitable for salmonids within the PSA and no impacts are anticipated.

The Project could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Incorporation of mitigation measures ensures that these impacts will be less than significant.

A USACE-level jurisdictional delineation of aquatic resources was conducted in January 2024. There are no aquatic resources present on the BESS facility portion of the PSA. The gen-tie alignment crosses one seasonal channel (EPH-Q1, Patterson Run), which parallels Patterson Pass Road and flows southwest to northeast on a seasonal basis. AMMs, including obtaining a CWA Section 404 Nationwide Permit from the USACE and CWA Section 401 Water Quality Certification from the CVRWQCB, are recommended to reduce potential impacts to less than significant under CEQA.

The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

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Undeveloped grasslands on the PSA may provide nursery and dispersal habitat for wildlife species. According to the California Essential Habitat Connectivity Project, the PSA does not overlap with any California Essential Habitat Connectivity Areas (CDFW 2014) but is considered part of a Natural Landscape Block (CDFW 2017). Given that the existing vegetation is surrounded on three sides by similar open, undeveloped annual grassland habitat and is close to the existing PG&E substation, the PSA likely provides habitat value but is of limited linkage value in the landscape. The PSA plan and recommended avoidance and minimization measures to protect special-status species ensure this impact is less than significant.

The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

There are no tree preservation policies or ordinances in Alameda County. The Alameda County General Plan and Code of Ordinances have policies for protecting riparian, wetland, and watercourse habitats. The PSA plan and recommended avoidance and minimization measures to protect aquatic resources ensure this impact is less than significant.

The Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Incorporation of mitigation measures ensures that the Project will not conflict with the EACCS.

The EACCS provides a framework for natural resource conservation and to streamline the environmental permitting process within the eastern portion of the county. The PSA is in Conservation Zone (CZ) 10 of the EACCS. This CZ emphasizes conservation priorities that may conflict with the Project implementation, such as protection of all big tarplant occurrences, protection of critical habitat for California red-legged frog (including annual grasslands near ponds), and protection and restoration of Patterson Run. The impacts to the EACCS CZ-10 from Project development are a very small percentage of the inventory of those lands in CZ-10.

The Project will obtain applicable permits and other approvals from USFWS, USACE, CDFW, and RWQCB, and will minimize and mitigate impacts on natural resources to comply with the regulatory standards of these agencies. These are the same regulatory standards applied by USFWS and the other environmental agencies in their review and approval of the EACCS. The Project will adhere to AMMs that comply or exceed EACCS guidelines, so development of this PSA will not conflict with implementation of the EACCS, and Project effects on EACCS Covered Species, if present, would be avoided and minimized. Further, the Project will provide compensatory mitigation for impacts to aquatic resources and specific EACCS covered species through the acquisition of credits from existing mitigation banks and other compensatory mitigation.

The EACCS defines standardized mitigation ratios for each of the focal species to be utilized by local jurisdictions and resource agencies to determine the level of mitigation necessary to offset project impacts. These are based upon an evaluation of the habitat quality on the PSA scored using species-specific "habitat units." Mitigation ratios are then calculated based on the acreage of habitat affected, the location of the site, and the species-specific mitigation ratio table (Appendix 4). Total mitigation acreages may vary depending on the location of selected mitigation areas the total habitat acreage affected by the Project.

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6.2 Regulations and Permitting Overview

Federal: USACE, USFWS

- Under FESA, USFWS regulates species listed as threatened or endangered, including DCH. Since the Project “may affect” several federally listed species and their habitat, formal consultation with USFWS should be initiated to identify the appropriate FESA permitting pathway.
 - Section 7 consultation would occur if a federal CWA Section 404 were required (see next bullet). Section 7 of the FESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat critical to such species’ survival. To ensure that its actions do not result in jeopardy to listed species or in the adverse modification of critical habitat, each federal agency must consult with USFWS and/or NMFS regarding actions that may affect listed species, including issuance of CWA Section 404 permits by USACE. Consultation begins when the federal agency submits a written request for initiation to USFWS or NMFS, along with the agency’s biological assessment (BA) of its proposed action, and when USFWS or NMFS accepts that biological assessment as complete. If USFWS or NMFS concludes that the action is not likely to adversely affect a listed species, the action may be conducted without further review under FESA. Otherwise, USFWS or NMFS must prepare a written biological opinion (BO) describing how the agency’s action will affect the listed species and its critical habitat.
 - Section 10 consultation would occur if there were no federal land, funding, or authorization (e.g., CWA permit issuance) required. Private landowners, corporations, state agencies, local agencies, and other nonfederal entities must obtain a Section 10(a)(1)(3) incidental take permit for take of federally listed fish and wildlife species “that is incidental to, but not the purpose of, otherwise lawful activities.” Section 10(a)(1)(3) incidental take permits are issued upon completion of an approved habitat conservation plan (HCP).
- USFWS regulates the take of golden eagle under BGEPA. If a golden eagle nest became established on or within 0.5 miles of the PSA and there was reasonable likelihood that the Project would result in take (including disturbance resulting in nest abandonment), the applicant would need to obtain an eagle incidental take permit.
- Federal waters of the United States are regulated through Section 404 of the CWA and fall under the authority of USACE. For impacts to waters of the United States, permitting would be achieved through a technical study and a USACE verified Aquatic Resources Delineation, and either through a Nationwide Permit (NWP) (i.e., for impacts less than or equal to 0.5 acres, 300 linear feet), or through a Standard Permit (SP) such as an individual permit.

State: CDFW, CEQA, RWQCE

- Under the CESA, CDFW regulates species listed as threatened or endangered. Note that unlike the FESA, CESA does not include indirect impacts (e.g., habitat degradation, harassment, harm) in its definition of “take.” In addition, compliance with the CFGC Section 1900 as it relates to the NPPA, Section 3503 regulating “take” of nesting migratory birds and raptors as designated by the MBTA, and Section 4150 regulating the “take” of non-game mammals, including bat species, apply to state-listed and other species. Additionally, CFGC Section 1940 requires sensitive habitat and sensitive natural communities that have

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the potential to be impacted by a project, to be addressed through the CEQA process (see below). If the Project potentially impacts a listed special-status species and/or suitable habitat of that species that may potentially occur and/or are known to occur in the PSA, then CESA permitting may be achieved through a technical study and the preparation of this BRA, CFGC Section 2081 Incidental Take Permit (ITP), and/or through CFGC Section 1602 Lake and Streambed Alteration Agreement (LSAA).

- Pursuant to CEQA Guidelines Section 15380, protection is provided for federal and/or state-listed species, as well as species not listed federally or by the state that may be considered rare, threatened, or endangered. Under the CEQA guidelines, protection is also provided to aquatic resources and surface waters. Species that meet these criteria can include "candidate species," species "proposed for listing," and "SSC." Plants listed in the CNPS Rare Plant Program are considered to meet CEQA's Section 15380 criteria as well. CEQA requires that impacts to sensitive natural communities be evaluated and mitigated to the extent feasible. CEQA must be completed prior to the issuance of any federal or state permits.
- SWRC3 has authority over waters of the state, including wetlands, through Section 401 of the CWA, as well as the Porter-Cologne Act, California Code of Regulations Section 3831(k), and California Wetlands Conservation Policy. In California CWA Section 404 and Porter-Cologne Act compliance are achieved through an Aquatic Resources Delineation (preferably USACE verified), and Section 404 permitting with the RWQCB and obtaining WQC and/or a WDR for impacts to waters of the state. Note that aquatic resources may meet criteria for both waters of the United States and waters of the state.

Local: Alameda County

- The EACCS provides a framework for natural resource conservation and helps streamline the environmental permitting process within the eastern portion of Alameda County. The EACCS defines standardized mitigation ratios for each of the focal species to be utilized by local jurisdictions and resource agencies to determine the level of mitigation necessary to offset project impacts. These are based upon an evaluation of the habitat quality on the PSA scored using species-specific "habitat units." Mitigation ratios are then calculated based on the acreage of habitat affected, the location of the site, and the species-specific mitigation ratio table. The EACCS also provides approved mitigation measures for focal species covered under the plan, along with general biological AMMs applicable to all projects. Although not an HCP per se, the EACCS was developed with the intention of streamlining the FESA regulatory process and could therefore facilitate the formal consultation process with USFWS described above, especially if Section 10 is identified as the only permitting mechanism.
- The General Plan includes limited policies to help preserve and restore biological resources and aquatic resources throughout Alameda County. The PSA is not overlaid with any special designations according to the General Plan and is designated "Large Parcel Agriculture," so most of the policies related to preservation and restoration of habitat do not directly apply. The limited policies that do apply focus on protection and mitigation of watercourses and riparian areas. General Plan compliance as it relates to these resources is expected to be achieved through the CEQA process.

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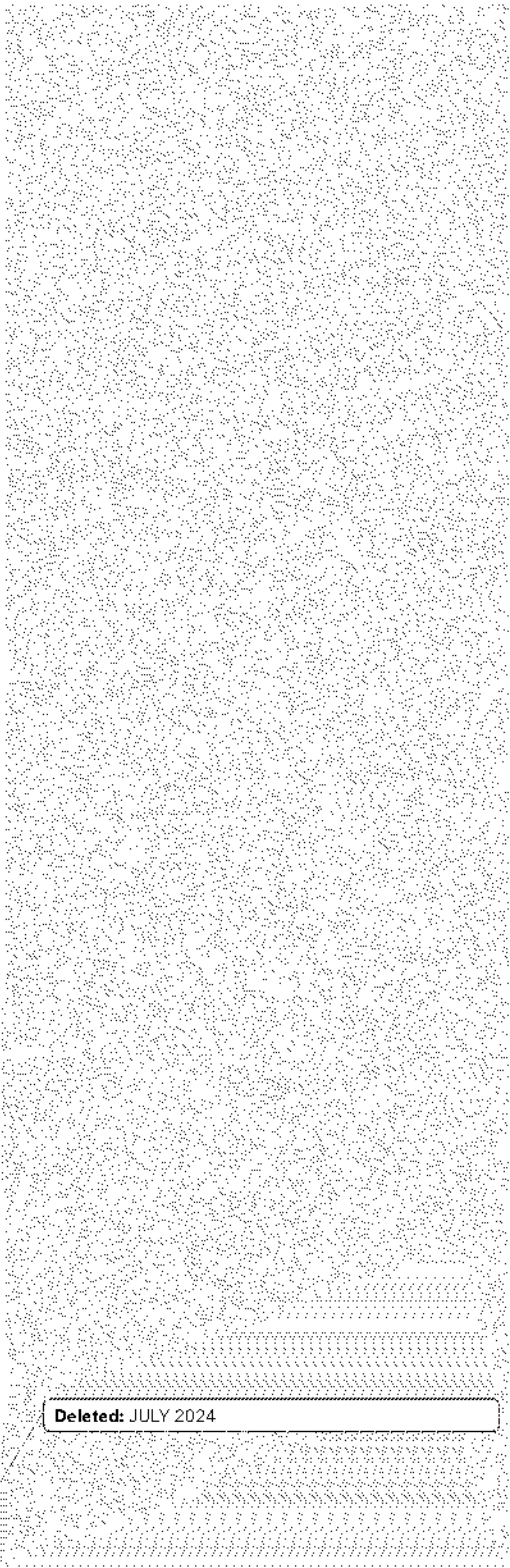
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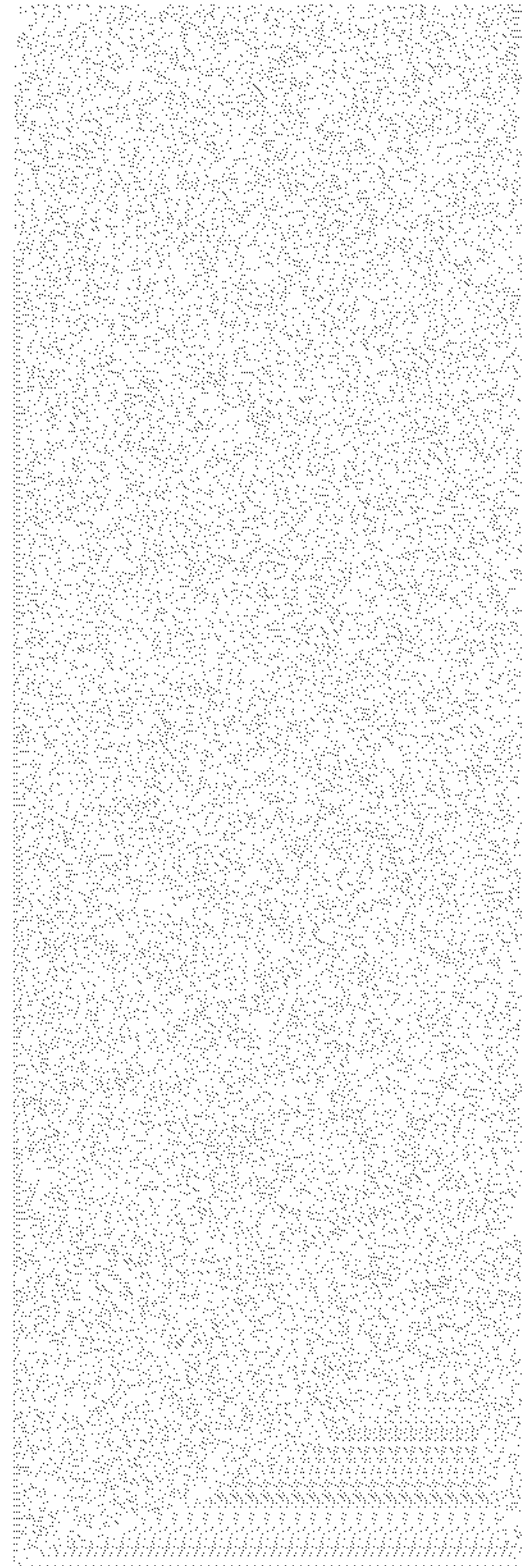
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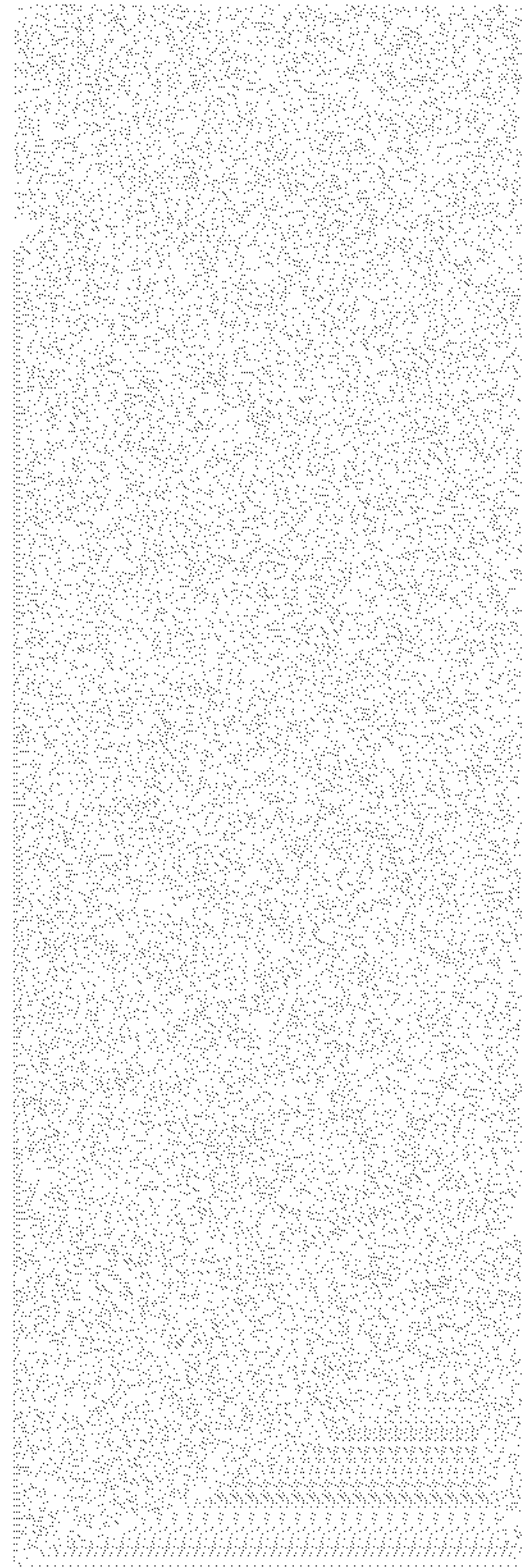
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Appendix A

Figures 1-6



Appendix B
Database Search Results



Appendix C

Staff Resumes

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Appendix D
Plant and Wildlife Species Compendium

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Appendix E

Photo Record

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Appendix D

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Appendix F
Special-Status Species Potential to Occur within the
Project Study Area

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Appendix E

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Appendix G

CRLF Habitat Assessment Datasheets

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Appendix F

Appendix H

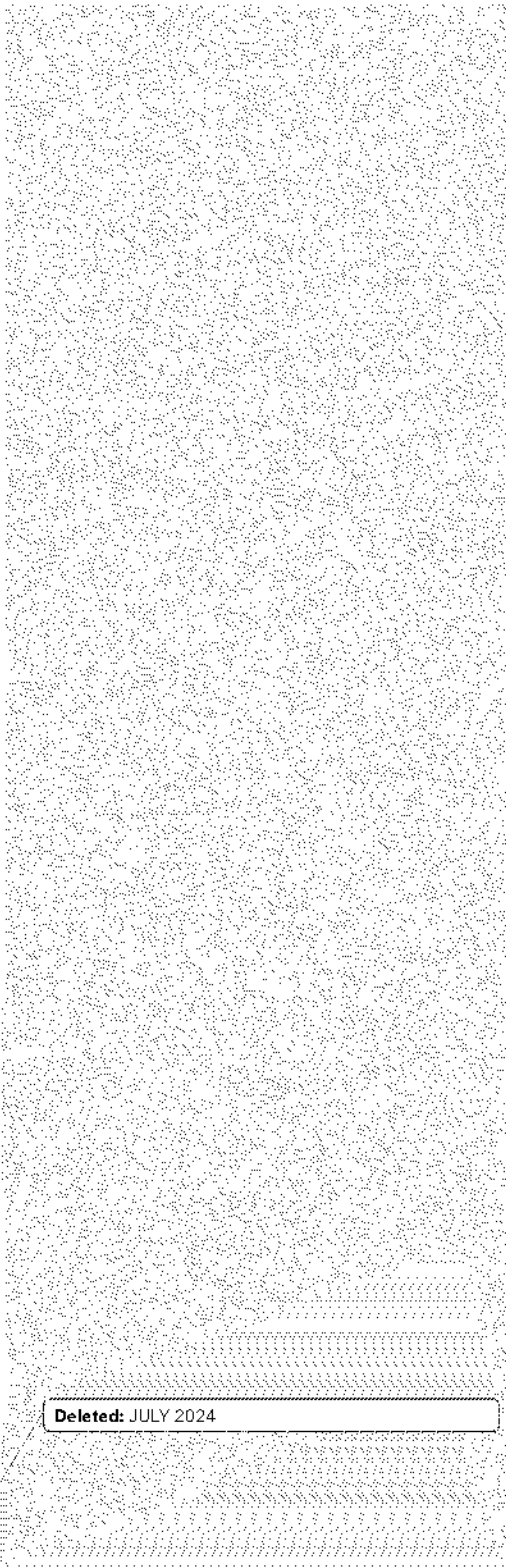
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Appendix I

Wetland Delineation Forms



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Nesting Bird Management Plan

Potentia-~~Virdi~~ Battery Energy Storage System Facility Project

JANUARY 2025

Prepared for:

LEVY ALAMEDA, LLC

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024

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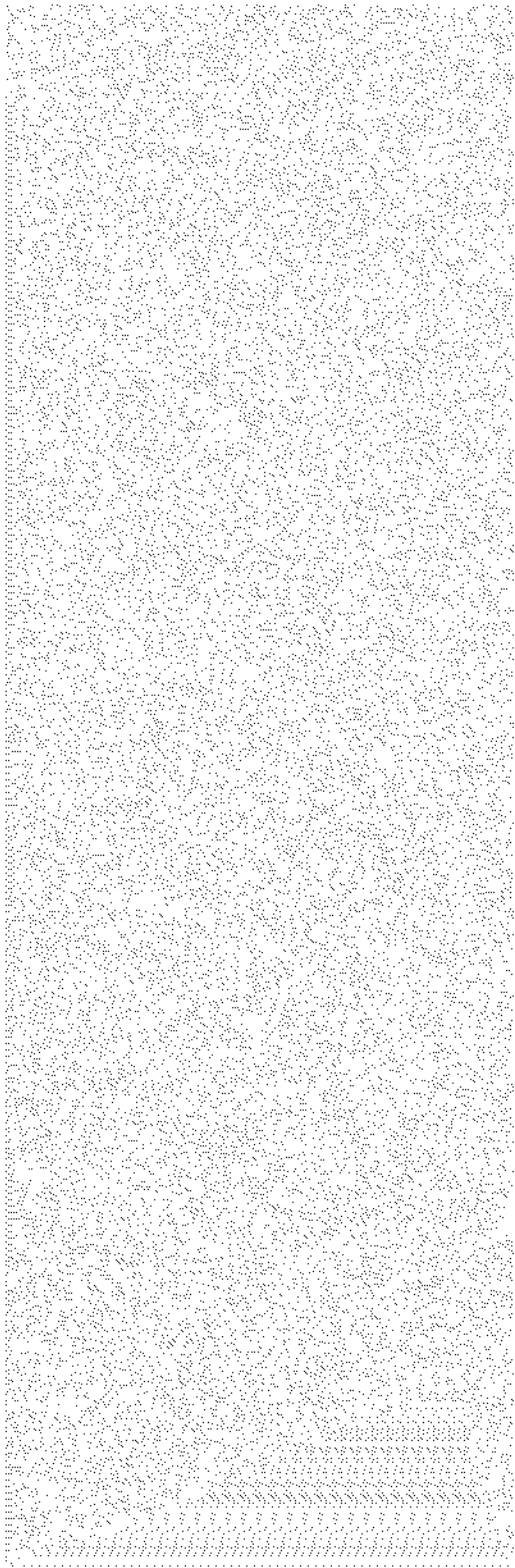
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Toronto, Ontario M5V 3H1, Canada¶
CALIFORNIA ENERGY COMMISSION¶
Load Agency¶
715 P Street, ¶
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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
BESS	Battery Energy Storage
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
cy	Cubic yards
kV	Kilovolt
HVAC	Heating, ventilation, and air conditioning
MBTA	Migratory Bird Treaty Act
MM	Mitigation Measure
MV	Medium voltage
MW	Megawatt
NML	Nest Management Log
O&M	Operations and maintenance
POCO	Point of Change of Ownership
PCS	Power Conversion System
PG&E	Pacific Gas and Electric
Project	Potentia-Viridi Battery Energy Storage System
Plan	Nesting Bird Management Plan

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1 Introduction

This Nesting Bird Management Plan (Plan) describes the measures to be taken by Levy Alameda, LLC and its contractors to avoid impacts to migratory birds and raptors in accordance with federal, state, and local regulations during construction of the Potencia-Viridi Battery Energy Storage System Project (Project).

The Plan identifies nest survey protocols and methodologies, management considerations to avoid nesting birds and their nests, eggs, and chicks, and monitoring and reporting requirements to document compliance with federal, state, and local regulations.

Migratory birds and raptors are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MFTA) and the California Fish and Game Code (CFGC). This Plan was developed to assist with compliance pursuant to those standards.

1.1 Purpose of the Nesting Bird Management Plan

The purpose of this Plan is to provide by Levy Alameda, LLC and its contractors with the process and protocol that will be implemented to comply with the measures outlined in MM-BIO-2 and MM-BIO-3. This Plan provides specific information for implementing MM-BIO-5 and MM-BIO-6 as well as the means of monitoring the effectiveness of the Plan during Project construction. The management practices and activities in this Plan are intended to accomplish the following objectives:

- Avoid impacts to migratory birds and raptors
- Maintain consistency with the MFTA and the CFGC

1.2 Project Description

Levy Alameda, LLC (Applicant), a wholly owned subsidiary of Obra Maestra Renewables, LLC, proposes to construct, operate, and eventually repower or decommission the 400-megawatt (MW) Potencia-Viridi Battery Energy Storage System (Project) on approximately 85 acres in eastern Alameda County. The primary components of the Project include an up to 3,200 megawatt-hour (MWh) battery energy storage system (BESS) facility, an operations and maintenance (O&M) building, a project substation, a 500 kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric (PG&E) owned and operated Tesla Substation.

The Project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed. The Project would provide several benefits to the power grid, including reducing the need to operate natural gas power plants to balance intermittent renewable generation and serving as an additional capacity resource that would enhance grid reliability. The Project would be remotely operated and monitored year-round and be available to receive or deliver energy 24 hours a day and 365 days a year.

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1.3 Project Location

The Project site is located at 17257 Patterson Pass Road, Tracy, CA 95377. The property is southwest of Interstate 580 and Interstate 205 on a portion Alameda County Assessor's Parcel Number 993-7890-002-04. The Project area consists of approximately 60 acres. The gen-tie line would extend southeast from the Project substation, crossing Patterson Pass Road, and then proceed east to the Tesla Substation. The Project's gen-tie line would be sited on APNs 993-7890-2-4, 99B-7890-2-6, and 99B-7885-12. The Project site has land use and zoning designation of Agriculture. The area surrounding the Tesla Substation is sparsely developed for residential use, with the nearest residence, which is also owned by the same landowner leasing the area for the Project's gen-tie line, is approximately 1,500 feet southeast of the Project site and 560 feet south of the proposed gen-tie line.

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1.4 Project Components

Project components include the Battery Energy Storage System (BESS) Enclosures, Power Conversion Systems (PCS), Medium voltage (MV) Collection System, Project Substation, Control Building, and Telecommunications Facilities, Access Roads, Laydown Yards, Stormwater Facilities and Outfall, Site Security and Fencing, including fire detection system, and an Operations and Maintenance Building. This section provides details of each component.

- **Battery Energy Storage System (BESS).** The energy storage facility would utilize a modular and containerized BESS. The initial Project concept has been developed assuming lithium iron phosphate (LFP) cells. It is anticipated ESS enclosure height will not exceed 12 feet. The structures may also have a heating, ventilation, and air conditioning (HVAC) system for optimal performance and safety.
- **Power Conversion Systems (PCS).** The PCS would convert electric energy from AC to DC when the energy is transferred from the grid to the battery, and from DC to AC when the energy is transferred from the battery to the grid.
- **Project Substation.** A Project substation is anticipated to be constructed adjacent to the BESS facilities. The power to and from the BESS would be passed through a final interconnection step-up transformer to convert it from 34.5 kV to 500-kV high-voltage for delivery to the PG&E Tesla Substation.
- **Telecommunications Facilities.** Fiber-optic cables will be used to connect the Project site switchyard with the PG&E point of interconnection and to existing fiber-optic lines for remote monitoring. Fiber optic cable may require trenching for installation or it may be placed on poles or a combination of both.
- **Access Roads.** Access to the Project site would be provided via new private driveways to the north of the site, off of Patterson Pass Road and to the southeast of the site, off of Patterson Pass Road.
- **Laydown Yards.** One laydown yard would be maintained just north of the central project substation area. This yard would be used during both construction and operation of the BESS facility.
- **Site Security, Lighting, and Fencing.** The Project would be enclosed at the perimeter by a 6-foot to 8-foot-tall security fence. Lighting would only be in areas where it is required for safety, security, or operations. Security cameras will be placed on site and monitored 7 days a week and 24 hours per day.
- **Fire detection system.** Multiple fire detection systems will be installed on-site and within the individual BESS enclosures including an infrared camera system and an onboard battery management system (BMS). In the event of an anomaly, the system will shut down and mitigate the hazard. The BESS enclosures are designed and constructed in such a way that fire would not propagate from one enclosure to a neighboring enclosure in the event of a thermal runaway.

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- **Operations and Maintenance Building.** An O&M building would be constructed within the primary laydown yard for the Project's anticipated three full-time operations staff
- **Generation Tie-Line.** Electrical energy would be transmitted to and from the Project substation to the existing Tesla PG&E Substation through a proposed 500-kV gen-tie line. The gen-tie line would extend southeast from the facility to the Tesla PG&E Substation.

1.5 Project Schedule

Initial mobilization and site preparation is anticipated to begin no later than Q1 2026 and testing and commissioning is anticipated to conclude no later than Q2 2028. It is anticipated that construction crews would work 8 to 10 hours per day, with work occurring Monday through Friday. Environmental clearance surveys would be performed at the Project site prior to commencement of construction activities. Construction activities would include the following:

- **Site preparation.** Prior to construction, environmental clearance surveys would be performed. Erosion and sediment control measures will be installed prior to the start of major earthworks activities. Rough grading and grubbing/vegetation removal would be performed. Detention basins and stormwater facilities would be created for hydrologic control. Stabilized construction entrances and exits would be installed.
- **Site Grading and Civil Work.** Grading is anticipated to include up to approximately 588,018 cubic yards (cy) of cut and up to approximately 344,900 cy of fill, resulting in up to approximately 243,118 cy of export material. The BESS facility site access roads and driveways would be graded, compacted, and surfaced with gravel or aggregate. The project perimeter fence and access gates would then be constructed.
- **Foundations and Underground Equipment Installation.** A grounding grid and underground conduit would be installed below grade beneath the project substation area and BESS components. The main power transformers (MPTs) foundations within the substation area are anticipated to be concrete slab foundations poured into excavations up to 10 feet deep. Foundations for the control building, static masts, other aboveground substation equipment, O&M building, BESS enclosures, PCS units, DC/DC converters, and BESS auxiliary transformers and panels are anticipated to be pile foundations embedded up to 40 feet below ground level. Additional underground work would include trenching for the placement of underground electrical and communications lines.
- **BESS and Project Substation Equipment Installation.** Major equipment would be delivered and offloaded directly into place with a crane or heavy equipment when possible or stored at one of the laydown areas near its permanent location and installed at a later date. Electrical wiring would be installed underground, at-grade, and above ground, depending on the application and location.
- **Gen-Tie Structure Erection.** The transmission structure access path may be bladed, compacted, and surfaced with gravel where necessary to facilitate access. Cast-in-place concrete foundations would be installed. Fiber optic utility poles would be direct embedded in holes up to 8 feet deep.
- **Gen-Tie Stringing and Pulling.** Conductors would be strung between transmission structures and cables would be pulled through one segment of the transmission line at a time.
- **PG&E-Owned Gen-Tie Segment and Interconnection Facilities within Tesla Substation Footprint.** PG&E would construct the segment of the gen-tie between the POCO and the POI within the Tesla Substation, and the fiber optic routes between the POCO and the PG&E control building within the Tesla Substation footprint.
- **Testing and Commissioning.** After installation, equipment will be tested and commissioned. Commissioning work will be completed by qualified personnel.

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2 Regulatory Framework

Several laws and regulations have been enacted in the United States and in California that provide protections for avian species; these are described in the following sections.

2.1 Federal

2.1.1 Migratory Bird Treaty Act

The federal MBTA makes it unlawful, except as formally permitted, to “take” (pursue, hunt, take, capture, or kill) migratory birds except under permits for special situations such as imminent threat to human safety or scientific research. The law currently applies to more than 1,000 species, including most native birds, and covers the destruction or removal of active nests of those species.

2.1.2 Bald and Golden Eagle Protection Act

Bald and golden eagles, their eggs, and their nests receive additional protection under the Bald and Golden Eagle Protection Act (16 United States Code 668 - 668d, 54 Stat. 250 and Amendments). The Bald and Golden Eagle Protection Act states, “no person shall take, possess, sell, purchase, barter, offer for sale, transport, export, or import any bald or golden eagle alive or dead, or any part, nests or eggs, thereof without a valid permit to do so.”

2.2 State

The California Environmental Quality Act and CFGC wildlife protection laws require that government agencies develop standards and procedures necessary to maintain, protect, restore, and enhance environmental quality (including fish and wildlife populations and plant and animal communities), and to ensure that projects comply with these laws. CFGC sections that relate to protection of avian and wildlife resources and are relevant to the Project are listed below:

- **Bird Nests or Eggs, Fish and Game Code 3503; Birds of Prey and Their Eggs, Fish and Game Code section 3503.5; Migratory Birds, Fish and Game Code Section 3513:** These CFGC sections protect all birds, birds of prey, and all nongame birds, as well as their eggs and nests, for species that are not already listed as fully protected and that occur naturally within the state. Sections 3503 and 3503.5 of the CFGC stipulate the following regarding eggs and nests: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by CFGC or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by CFGC or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

- **Fully Protected Species, Fish and Game Code Section 3511:** The legislature of the State of California designated certain species as "fully protected" prior to the creation of California Endangered Species Act. Section 3511 states that "fully protected" birds or parts thereof may not be taken or possessed at any time. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction and included fish, mammals, amphibians and reptiles, and birds.

2.3 Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8

Primarily, this Plan is intended to comply with the measures outlined in MM-BIO-5, MM-BIO-6, MM-BIO-7, and MM-BIO-8, which state the following:

MM-BIO-5 Pre-Construction Northern Harrier, White-Tailed Kite, and Nesting Bird Surveys and Avoidance.

Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the Study Area, including northern harrier and white-tailed kite.

If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project Boundary and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests.

The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703-712) and California Fish and Game Code Sections 3503, 3503.5, and 3513.

If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest.

If any active nests are observed during surveys, the nest area shall be demarcated in the field with flagging and stakes or construction fencing, and mapped on the construction plans along with a species appropriate buffer established by a qualified biologist. The buffer distance will range from 25 to 500 feet dependent upon factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction to avoid active nests should be established in the field with flagging, fencing, or other appropriate barriers and should be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. The qualified biologist should be responsible for monitoring all nests that are found within the Project Study Area once construction work is initiated. Nests should be monitored within the following distances until the final nest outcome is determined (i.e., fledged or failed):

- a. 150 feet for passerines and other non-raptors
- b. 500 feet for raptors and owls
- c. 250 feet for occupied burrowing owl burrows
- d. 500 feet for federally and/or state-listed species unless otherwise specified by protocol-level surveys described in BIO-MM-6, -7, and -8.

If the qualified biologist determines that the recommended buffer may not avoid disturbance that could cause a nest failure, the biologist should recommend additional measures (e.g.,

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increased buffer width, noise or visual barriers, work intervals, stopping work as needed, or allowing only specific work types). These measures should be implemented on a case-by-case basis to minimize impacts to nesting birds and may be based on site-specific conditions and work requirements. The qualified biologist should use behavioral cues that indicate nest disturbance (e.g., time off the nest, hesitation approaching the nest, incessant chattering, bill swiping, or other unusual behavior) to determine the buffer's effectiveness. All potential sources of nest disturbance should be assessed and documented, including non-construction activities (e.g., interspecific, and conspecific interactions and depredation) and non-Project-related activities (e.g., traffic and recreational activities).

If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest should be halted as needed until the Project biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged, limitations on construction activities that generate substantial vibration and/or noise levels, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

~~Vegetation or trees planned for removal should be removed during the period of September through January, to avoid the nesting season. If the season cannot be avoided, measures should be implemented to avoid take of birds or nests prohibited by the MBTA and the FGC. Any trees that are to be removed during the nesting season, which is February through August, should be surveyed by a qualified biologist and should only be removed if no nesting migratory birds are found. If vegetation removal activities are delayed, additional nest surveys should be conducted such that no more than 7 days elapse between the survey and vegetation removal activities.~~

MM-BIO-6 Pre-Construction Golden Eagle Surveys and Avoidance:

If nesting golden eagles are determined to be present within the Study Area or within 2 miles of the Study Area during construction of the Project, work should be conducted outside of the nesting season (February 1 to September 1).

- ~~a) Pre-construction surveys for nesting golden eagle will be conducted within 2 miles of the Study Area where accessible. The survey will be performed by a qualified biologist familiar with golden eagle biology and will follow recommendations outlined in the USFWS Interim Golden Eagle Inventory and Monitoring Protocols, and Other Recommendations (Papel et al. 2010).~~
- b) If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone should be established by a qualified biologist. The no-activity zone should be large enough to avoid nest abandonment and alleviate any impacts (e.g., noise, dust) and should be a minimum of 500 feet and up to 1 mile from the nest. Ongoing monitoring by a qualified biologist may be required to ensure no impacts to this species and its habitat.
- c) If an effective no-activity zone cannot be established in either case, an experienced raptor biologist should develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of

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If burrowing owls are present at the site during the non-breeding period, a qualified biologist will establish a no-activity zone of at least 150 feet (EACCS AMM BIRD-2).
If an effective no-activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls (EACCS AMM BIRD-2).~~

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the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles.

MM-BIO-7 Pre-Construction Swainson's Hawk Surveys and Avoidance. Implementation of the following pre-construction survey and nest avoidance buffers will avoid potential adverse effects to Swainson's hawk that may breed in the project vicinity:

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- a) Pre-construction surveys for nesting Swainson's hawk will be conducted within 0.5 mile of the Study Area where accessible. The survey will be performed by a qualified biologist familiar with Swainson's hawk biology and will follow recommendations outlined in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SHTAC 2000).
- b) If active Swainson's hawk nests are identified, an avoidance buffer of 0.5 mile shall be established around active nests, consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994). No construction within avoidance buffers shall be allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). If it is not feasible to maintain a 0.5-mile buffer for an active Swainson's hawk nest to reasonably accommodate construction, maintenance, or decommissioning activities, the established buffer distance may be reduced through coordination with CDFW. Project activities within the reduced buffer shall be monitored at the discretion of a qualified biologist and based on coordination with CDFW.

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3 Nest Survey Protocol

Nest surveys will be conducted by visually inspecting all ground, shrubs, trees, cliffs, rock outcrops, and artificial structures suitable for nesting. The survey area will be inspected by qualified biologists using visually overlapping pedestrian transects, spaced approximately 30 to 100 feet apart based on existing topography, conditions, and vegetation to identify nesting birds and their nests.

Surveys will be conducted within 72 hours of the start of construction scheduled to occur during the avian nesting season (February 1 to September 1).

Surveys will be conducted within the specified survey areas detailed above in MM-010-5 through MM-010-8 for passerines and raptors, respectively, from all areas proposed for construction activities. A survey for golden eagles will also be conducted within 2-miles of the project. All nests discovered during these surveys will be logged on a Nest Monitoring Log (NML) and updated per the nest management details described in Section 3.

The NML will include a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. For all nests discovered, a qualified biologist will determine if construction activities could potentially disturb nesting birds and will implement appropriate impact avoidance measures (for example, on-site monitoring, setbacks, timing restrictions) to adequately protect nesting birds as described in Section 3. Nest status will be designated as follows:

- **Active** – Incubating or chick-rearing behavior are observed and/or eggs or nestling/fledgling chicks are observed.
- **Inactive** – No sign of activity as described for active nests.
- **Undetermined** – Status cannot be determined for any reason (for example, conditions unsafe to assess, view into nest not available, length of time nest observed insufficient to document status). Undetermined nests will be monitored as active until otherwise determined inactive.

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4 Nest Management

If active or undetermined status nests are detected during the preconstruction survey, a no-disturbance buffer will be established, and site-specific nest monitoring will be implemented. Standard buffer widths are based on a nesting bird management plan created by the California Public Utilities Commission (CPUC) in collaboration with a Technical Working Group consisting of members of the BLM, USFWS, CDFW, Southern California Edison, and Aspen Environmental Group for a large project in the same region (CPUC 2019). The standard buffer size for specific avian groups is defined in Table 1 below and can be increased or decreased in the field, determined by a qualified avian biologist (avian biologist).

Recommended standard nest buffers will be applied to each active or undetermined-status nest; however, the biologist may expand or reduce this limit based on factors such as nesting chronology of the species, existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise), type and extent of construction activity disturbance (noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations), visibility of construction activity disturbance, duration and timing of construction activity disturbance, influence of other environmental factors, and the species' site-specific level of habituation to the construction activity disturbance. For nesting avian species, buffers may be reduced to smaller buffers through the following process:

1. The construction contractor will request a buffer reduction to the on-site biologist, describing the proposed work activity within the default nest buffer, reason the work activity must be completed while the nest remains active, and approximate period of proposed buffer reduction.
2. Once the request for a buffer reduction is received from the construction contractor, the biologist will review the nest status and the need for the reductions with the contractor. Potential avoidance of the buffer reduction will be evaluated (e.g., by staging equipment in a different location). Wherever feasible, proposed work activities and locations will be adjusted to avoid or minimize incursion into the buffer area.
3. The biologist and Project team will evaluate the request and determine whether a reduced buffer can be applied. The decision will be based on the documented nest information and site-specific conditions such as distance to construction, type of construction activity disturbance, anticipated duration of construction activity disturbance, microhabitat at the nest location that may provide visual and acoustic barriers, behavior of the pair, its reproductive stage, the species' natural history, species' known tolerances to human presence and construction activities, proposed buffer reduction distance and start and end dates, and anticipated work activities and durations.

An NML will be completed for each active nest, and a map or aerial photograph identifying the location of the nest and the boundaries of the no-disturbance buffer zone around the nest will be generated.

Active/undetermined-status nests will be monitored as regularly and logged in the NML until such time that the avian biologist determines that the nestlings have fledged and dispersed or that the nest is otherwise no longer active. Nests detected in areas causing significant delays to construction may be monitored at shorter intervals to potentially expedite construction in those areas. Bird nest locations will be mapped using a GPS unit and will be recorded in the NML. All construction activities that might, in the opinion of the biologist, disturb nesting activities will be prohibited within the nest buffer. If the biologist determines that certain construction activities are allowed within the nest buffer (i.e., walking within buffer, equipment/tool drop off, etc.), the biologist will monitor the nest

during these activities to ensure activities are not impacting the nesting birds. Construction activities will cease if the biologist determines that the nesting birds are agitated. At the completion of construction activities within the buffer, the nest buffer will be restored to its original distance,

Any nests found in or adjacent to disturbance areas will be flagged and the area around the nest will be protected by a nest buffer from construction equipment and disturbance, per the appropriate nesting buffer width for the species, with high-visibility flagging tape to demarcate sensitive habitat. No work activities will be conducted within the designated nest buffers as identified by the biologist. Application of the appropriate buffer width should minimize any disturbance to the nesting behavior and avoid the potential for Project-related nest abandonment and failure of fledging. Each nest buffer will be maintained until construction activities have been completed, or until nesting is complete, and would then be removed.

If Project activities cause or contribute to a bird being flushed from the nest, the buffer will be increased and actions taken will be documented in the NML. Likewise, if activities cause nest failures, the standard buffer width for that species may be increased.

Table 1. Standard Buffers for Avian Groups

Avian Group		Standard Buffer for Ground Construction
Waterfowl and rails	Canada goose, wood duck, mallard, cinnamon teal, ruddy duck, Virginia rail, Sora, American coot, pied-billed grebe	150 feet
Quail	California quail, Gambel's quail	150 feet
Hérons	Great blue heron, great egret, snow egret, cattle egret, black-crowned night-heron	250 feet
Birds of prey (Category 1)	American kestrel, barn owl, western screech owl	300 feet
Birds of prey (Category 2)	Osprey, Cooper's hawk, red-tailed hawk (some urban/suburban), red-shouldered hawk, great horned owl, burrowing owl	300 feet (burrowing owl buffers will be based upon the CDFW 2012 Staff Report on Burrowing Owl Mitigation)
Birds of prey (Category 3)	Turkey vulture, red-tailed hawk (some rural/ranchland), white-tailed kite, northern harrier, long-eared owl	500 feet
Birds of prey (Category 4)	Peregrine falcon, prairie falcon	Consult CDFW and USFWS
Eagles	Golden eagle	1 mile line of sight; 0.5 mile no line of sight
Shorebirds	Killdeer	200 feet
Pigeons	Band-tailed pigeon	150 feet
Doves	Mourning dove, white-winged dove, common ground-dove	150 feet
Roadrunners	Greater roadrunner	300 feet
Nighthawks	Lesser nighthawk, common poorwill	150 feet
Swifts	White-throated swift	200 feet
Hummingbirds	Black-chinned hummingbird, Anna's hummingbird, Costa's hummingbird, Allen's hummingbird	100 feet

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Table 1. Standard Buffers for Avian Groups

Avian Group		Standard Buffer for Ground Construction
Woodpeckers	Acorn woodpecker, ladder-backed woodpecker, Nuttall's woodpecker, downy woodpecker, northern flicker	150 feet
Passerines (cavity and crevice nesters)	Say's phoebe, ash-throated flycatcher, brown-crested flycatcher, tree swallow, rock wren, canyon wren, house wren, Bewick's wren, mountain chickadee, oak titmouse, western bluebird	100 feet
Passerines (bridge, culvert, and building nesters)	Black phoebe, Say's phoebe, northern rough-winged swallow, cliff swallow, barn swallow, house finch	100 feet
Passerines (ground nesters, open habitats)	Horned lark, rock wren, western meadowlark, orange-crowned warbler, lark sparrow, grasshopper sparrow	150 feet
Passerines (understory and thicket nesters)	Bush-tit, blue-gray gnatcatcher, black-throated gray warbler, yellow-breasted chat, spotted towhee, black-chinned sparrow, sage sparrow, song sparrow, black-headed grosbeak, blue grosbeak, lazuli bunting, American goldfinch	150 feet
Passerines (shrub and tree nesters)	Pacific slope flycatcher, Cassin's kingbird, western kingbird, Hutton's vireo, western scrub-jay, American crow, common raven, verdin, bush-tit, black-tailed gnatcatcher, blue-gray gnatcatcher, American robin, northern mockingbird, Le Conte's thrasher, phainopepla, yellow warbler, black-throated gray warbler, yellow-breasted chat, California towhee, black-throated sparrow, song sparrow, summer tanager, great-tailed grackle, hooded oriole, Bullock's oriole, house finch, Lawrence's goldfinch	150 feet
Passerines (shrub and tree nesters)	Loggerhead shrike, cactus wren	300 feet
Passerines (open scrub nesters)	Wren tit, California thrasher, southern rufous-crowned sparrow, black-throated sparrow, lesser goldfinch	150 feet
Passerines (tower nesters)	Western kingbird, common raven	150 feet
Passerines (marsh nesters)	Common yellowthroat, red-winged blackbird, great-tailed grackle	150 feet
Passerines (marsh nesters)	Trockered blackbird	300 feet
Species not covered under the MBTA	Domestic waterfowl, including domestic mallards, feral (rock) pigeon, ring-necked pheasant, chukar, Eurasian collared-dove, spotted dove, parrots, parakeets, European starling, house sparrow	N/A

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5 Nest Monitoring and Reporting

All nests discovered will be documented in the NMLs as needed (preferably weekly but could be more or less often depending on the proximity of the nest to the work area). Nests will be monitored from an appropriate distance with binoculars until the biologist has determined that the nest has failed or fledged, and approaching the nest will be kept to a minimum. Each nest will be located using GPS, given a unique identification number for tracking purposes, and any action taken to protect the nest will be described, including but not limited to creating a buffer zone. NMLs will be updated at each monitoring event to reflect the status of the nest and any comments, observations, or actions taken. The NMLs will serve as documentation of the Project's compliance with CFGC Sections 3503, 3503.5, 3511, and 3513. Nest failures that occur will be reported in the NMLs. Nest failures that appear to be the direct result of the construction activity will be reported within 48 hours of discovery, via phone call and/or email to the appropriate agency contacts.

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6 Bird Use Deterrent Measures

Construction activities during the nesting season (February 1 through September 15) could adversely affect breeding birds through direct take or indirectly through disruption or harassment. Key avoidance and minimization measures to deter birds from using the site or Project structures during construction include the following:

- **Worker Environmental Awareness Program:** A Worker Environmental Awareness Program training will be conducted for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading. A full-time biological monitor will be onsite during vegetation clearing, grubbing, and grading, verifying that artificial light fixtures are directed away from open space and are shielded, limiting staging to designated areas to reduce the potential for birds to nest within staged materials and equipment, and flushing avian species from occupied habitat areas immediately prior to brush-clearing and earthmoving activities (Note: if brush-clearing and earth-moving activities take place within the bird breeding season, flushing will not occur).
- **Netting or Tarps:** Nets and/or tarps are a very effective way to prevent birds from entering and nesting in small crevices in construction equipment (i.e., excavators, lights, generators). If avian nesting is frequent, a tarp can be placed over equipment at the end of each work day to prevent birds from entering. If possible, netting should be avoided unless tarps are infeasible or unavailable.
- **Best Management Practices:** Best management practices, such as waste containment and capping the ends of construction material (pipe), are very effective in preventing birds from nesting in tight locations. On-site personnel should always place trash and waste in secured bins with closed lids to prevent attraction from birds. Pipe and other material on site (if applicable) should be capped when not in use to prevent birds from entering and nest building.

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7 References

California Public Utilities Commission (CPUC). 2019. West of Devers Upgrade Project Nesting Bird Management Plan. September 2019.

Dudek. 2024. Draft Environmental Impact Report Potential Viridi Battery Energy Storage System Facility Project. June 2024.

Page, J.E., D.M. Whittington, and G.T. Allen. 2010. *Interim Golden Eagle Inventory and Monitoring Protocols and Other Recommendations*. Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Sacramento, California, February 2010.

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Appointment

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Sent: 3/12/2025 12:42:37 AM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Paul Miller [pmiller@therchgroup.com]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Kelene Strain [kstrain@capstoneinfra.com]; DeLano, Kevin@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=de745a362d214bfb777e8fd9d9193da-5e9a22f8-24]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Julie Myrah [jfield@energyveterans.org]; Sinclair, Crystal@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=209edf346f1c429eb714c8c824e6da65-WildlifeCry]; Grefsrud, Marcia@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=76704dafcdd74abd91fec354bda4c0ee-WildlifeMar]; Germinario, Lena@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=56b542cba4f747059f0acb2ea9a17abf-WildlifeLen]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]
CC: Paul Miller [pam@eurowindenergy.com]; Pierre Permingeat [ppermingeat@capstoneinfra.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Daniel Jones [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=352cfed2f4d849749d3d8f98a9563279-082cef18-97]; DeMasi, Tom [tom.demasi@coffman.com]; Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]; Elia, Jared [Jared.Elia@stantec.com]; Tovar, Michelle [Michelle.Tovar@stantec.com]; Joel Moore [jmoore@moore-devservices.com]; Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]; Palmer, Dana [dpalmer@allenmatkins.com]; Cameron Johnson [cjohnson@integral-corp.com]
Subject: Potentia (PoVI), Data Completeness review, follow-up targeted discussion on BIO, Haz./Wildfire, Worker Safety, Geo., Paleo
Attachments: CEC PoVI DataNeeds Follow up Agenda 20250317.docx
Location: Microsoft Teams Meeting
Start: 3/17/2025 3:45:00 PM
End: 3/17/2025 4:30:00 PM
Show Time As: Busy
Required Attendees: Fooks, Brett@Energy; Paul Miller; Chang, Kaycee@Energy; Kelene Strain; DeLano, Kevin@Energy; Abulaban, Abdel-Karim@Energy; Crisp, Ann@Energy; Julie Myrah; Sinclair, Crystal@Wildlife; Grefsrud, Marcia@Wildlife; Germinario, Lena@Wildlife; Blinn, Brenda@Wildlife; Giorgi, Erika@Energy; Deaver, Paul@Energy
Optional Attendees: Paul Miller; Pierre Permingeat; Lauren McLeod; Daniel Jones; DeMasi, Tom; Ronelle Candia; Rocio Perez; Elia, Jared; Tovar, Michelle; Joel Moore; Cabrera, Crystal@Energy; Palmer, Dana; Cameron Johnson

Expanding this Monday discussion to include BIO to overcome some scheduling constraints

Hello,

To cover technical areas not addressed during the March 4, 2025 standing PoVI meeting, I am setting aside a time to discuss 1) Hazards, Hazardous Materials and Wildfire, 2) Worker Safety and Fire Protection, 3) Geological Resources, and 4) Paleontological Resources. I am confident that by next week, the CEC will be able to present any questions or

concerns we have remaining about the data responses in these areas. With any luck, the applicant will be able to provide any clarification needed, verbally during the meeting.

Kelly, please forward this on to whomever else needs to attend.

As I mentioned in our meeting this morning, here are some clarifications needed from the applicant:

- 1) DR BIO-3: References Section 3.1.7.4; however, we are unable to find this Section – please specify where this is located.
- 2) DR BIO-10: Please see attached table and confirm which acreage amounts are correct. I have highlighted the ones I believe are correct but need confirmation from the applicant.
- 3) DR BIO-15: Please confirm work windows. Perhaps include a table specifying activities and work windows to avoid conflicts.
 - LSAA Seasonal Work Period is May 1 – October 31,
 - ITP Seasonal Work Restriction May 1 – October 30,
 - Section 1.1.4.1 built between June 15 – October 15,
 - Golden eagle if present work window Sept. 2 – Jan. 31
 - CTS/RLF work window 9/1 – 10/14
 - Ground Disturbance work 5/1 – 10/31
 - Burrowing Owl work window 9/2 – 3/14
- 4) DR BIO-26: Please confirm the low-water crossing and outfall structure will remain in place after decommissioning.
- 5) DR BIO-31: Please confirm acreage of impacts and amount of fill in Patterson Run. Please identify where the design layouts are for both the outfall structure and low water crossing.
- 6) DR BIO-33 & 35: Please identify where Appendix 1L is located.
- 7) CDFW requests a strikethrough version of the BTR, ITP, LSAA and NBMP for ease of review if readily available.

CDFW requests that all information required in the ITP and LSAA be specifically addressed in the actual ITP and LSAA to avoid having to search through other documents.

Thanks!

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 215 932 907 865

Passcode: DM6cr2qf

Dial in by phone

[+1 916-562-1816,953449562#](#) United States, Sacramento

[Find a local number](#)

Phone conference ID: 953 449 562#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

CEC and Capstone Meeting

Follow up for Potentia-Viridi Data Completeness, focused discussion on BIO, Haz./Wildfire, Worker Safety, GEO, PALEO

March 17 – 8:45 am to 9:30 am

Invitees: CEC- Brett Fooks, Kaycee Chang, Kevin DeLano, Abdel-Karim Abulaban, Ann Crisp, Erika Giorgi, Paul Miller, Julie Myrah, Daniel Jones, Crystal Cabrera, Ronelle Candia

Partner Agencies- Crystal Sinclair, Marcia Grefsrud, Lena Germinario, Brenda Blinn

Capstone- Kelene Strain, Pierre Permingeat, Lauren McLeod, Tom Demasi, Rocio Perez, Elia Jared, Michelle Tovar, Joel Moore, Dana Palmer, Cameron Johnson

Background, and Purpose of Meeting:

The purpose of the meeting is to continue to move toward data completeness for the Potentia-Viridi Opt-In.

Biological Resources

- 1) DR BIO-3: References Section 3.1.7.4; however, we are unable to find this Section – please specify where this is located.
- 2) DR BIO-10: Please see attached table and confirm which acreage amounts are correct. I have highlighted the ones I believe are correct but need confirmation from the applicant.
- 3) DR BIO-15: Please confirm work windows. Perhaps include a table specifying activities and work windows to avoid conflicts.
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 - ITP Seasonal Work Restriction May 1 – October 30,
 - Section 1.1.4.1 built between June 15 – October 15,
 - Golden eagle if present work window Sept. 2 – Jan. 31
 - CTS/RLF work window 9/1 – 10/14
 - Ground Disturbance work 5/1 – 10/31
 - Burrowing Owl work window 9/2 – 3/14

- 4) DR BIO-26: Please confirm the low-water crossing and outfall structure will remain in place after decommissioning.
- 5) DR BIO-31: Please confirm acreage of impacts and amount of fill in Patterson Run. Please identify where the design layouts are for both the outfall structure and low water crossing.
- 6) DR BIO-33 & 35: Please identify where Appendix 1L is located.
- 7) CDFW requests a strikethrough version of the BTR, ITP, LSAA and NBMP for ease of review if readily available.

CDFW requests that all information required in the ITP and LSAA be specifically addressed in the actual ITP and LSAA to avoid having to search through other documents.

Geological Resources/ Paleontological Resources

DR Geo-1: Thank you for providing, Figure 3.4-1, a recent CA Geological Survey geologic map of the project site at 1:45,000 scale in the document CEC Data Request Response No 1 for the Potentia-Viridi Energy Storage Project (TN 260727).

CEC staff follow-up: The CCR Title 20, Div. 2, Ch. 5, Appendix B requires a geologic map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the project site and along proposed facilities. Would you please revise the scale in Figure 3.4-1? If any additional geologic units are within two miles of the project, would you please expand the text in Section 3.4: Geologic Hazards and Resources (TN 258252) to describe them?

DR Paleo-1: Thank you for providing the document DR-1: Revised Paleontological Resources Section (TN 260796). This document discusses the paleontological sensitivity of Quaternary younger alluvium, Quaternary older alluvium, and Neroly Formation.

CEC staff follow-up: The CCR Title 20, Section 1704, Appendix B requires a discussion of the paleontological sensitivity for each geological unit identified on the most recent geologic map at a scale of 1:24,000. If any additional geologic units are within two (2) miles of the project site, would you please expand the Paleontological Resources Section to describe them? Please include rationale as to why the sensitivity was assigned.

Public Benefits

- The net economic analysis does not consider economic benefits from operating potential-irradi until 5 years after construction. I want to know what is happening financially in the first 5 years
- The applicant says the project will not increase needs or costs for fire or emergency services. They state this but do not provide details. I saw that the applicant submitted a master fire plan to the docket; they did not reference this plan in the econ analysis. I think they should at least have a narrative discussion on why their fire mitigation efforts will ensure the project does not cost the county more for fire department services.



February 25, 2025

ATTN: Nicholas Lorenzen

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Application No.: 722261
Plant No.: 203846
Equipment Location: 17257 Patterson Pass Road,
Tracy, CA 95377

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION AND FILES

Dear Applicant:

Your application for an Authority to Construct and/or Permit to Operate the following equipment:

S-1 Emergency Standby Diesel Generator (900 bhp)
S-1 Emergency Standby Diesel Generator (900 bhp)
A-1 Selective Catalytic Reduction System
A-2 Selective Catalytic Reduction System

Has been assigned the above application number and is currently incomplete.

In order to complete our evaluation, we need the following information/clarifications:

- 1) *The project hasn't gone through the CEQA Process yet, we're in the middle of putting together the initial application to the CEC (lead agency) which includes an air quality technical analysis. The generators will be included in the CEQA analysis.*
This is a special situation since CEQA documents are required to deem the application complete. Do you have a timeframe for this process?
- 2) *The spec sheet for the generator notes that the engine family is EPA certified. Do you need more documentation than that?*
Please provide the EPA Family, this is a combination of letters and numbers usually available through the vendor, or in the engine's sticker.
- 3) *There would be fuel tank installed at the base of each generator. See page 5 of attached "global drawings" PDF attached. This is a larger than 260 gallons tank and while exemption in Regulation 2-1-123.1 does not apply, this could still be exempt by Regulation 2-1-123.3.2. Please confirm if you wish to obtain a Certificate of Exemption for this tank (filling and initial fees apply). Otherwise, you are responsible for the burden of proof of this exemption. If you would like to proceed with the Certificate of Exemption please fill out a T form.*

Depending on the responses to the above information requests, the invoice may be adjusted. If the invoice is modified, a revised invoice will be sent out. Your payment options are the following:

a. Follow the link below and put in the invoice # and the last four digits of your customer number. There will be a fee applied.

<https://myaironline.baaqmd.gov/account/findPayInvoice>

b. If you wish to pay by check, send it to the address in the invoice and mark the envelope Attention: Finance.

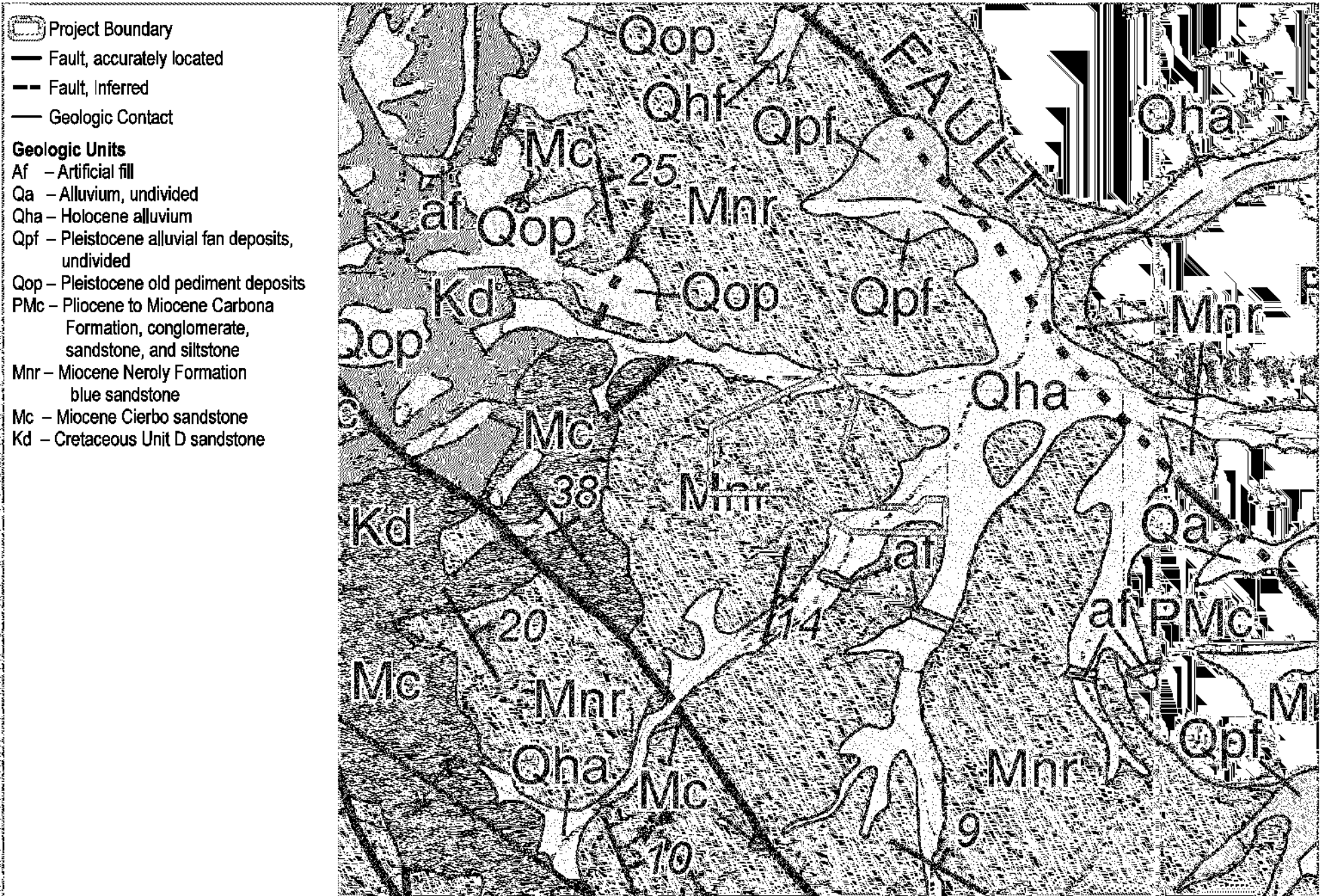
Please submit the requested information and your fees within 90 days, or the application will be canceled.

Depending on the responses to the above information requests, the District may have more questions and reserves the right to ask them at the appropriate time. Please provide all responses in a single file or email.

Let me know if you have any questions.

Sincerely,

Isis Virrueta
Isis Virrueta
Air Quality Engineer



SOURCE: Delabro, et al. 2023

1/23/2023

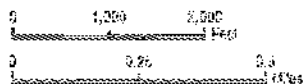
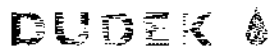


FIGURE 3.4-1

Surface Geology

Potential-Vital BESS Project

Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 3/17/2025 6:30:24 PM
To: Beeler, Heather [Heather_Beeler@fws.gov]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Just checking in to see if you had availability to discuss eagle permits? We also have golden eagle as a potential to occur species on Potentia-Viridi BESS - as far as we know the applicant is going to avoid impacts but we are still working on discussions with CDFW.

<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp
Biological Resources Unit Supervisor
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
916-352-0543

California Energy Commission
Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 10, 2025 7:47 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Good morning Heather,

Thanks for joining the Viracocha BESS meeting last week and providing helpful feedback. Would you have time to meet this month to discuss FWS - CEC staff coordination on golden eagle permitting and other eagle and BCC topics? I don't have staff assigned to this project yet but would like to get up to speed as the new unit supervisor.

Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Wednesday, February 26, 2025 9:24 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,
Yes, I'm available that day and time. Go ahead and include me if that would be helpful.
Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Wednesday, February 26, 2025 7:39 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

We have a meeting with the applicant and CDFW next week from 2-3 PM on 3/6 to discuss spring surveys. Would you be available to join?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, February 24, 2025 12:28 PM
To: 'Heather Beeler' <heather_beeler@fws.gov>
Cc: Ryan_Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

I hope you're doing well. I'm reaching out to introduce myself as the new Biological Resources Unit Supervisor with the CEC. The docket for the 362.8 MWh Viracocha Hill BESS project in Alameda County has been opened.
<https://www.energy.ca.gov/powerplant/energy-storage-system/viracocha-hill-battery-energy-storage-system-project>

POVI 0002076

Reclaimed Wind LLC submitted a partial opt-in application that is missing several technical sections, including biological resources. We immediately filed a notice of receipt for this partial application, stating that we **will not** initiate our 30-day review until the applicant submits the remaining sections. We've been informed that it may take a couple of months to complete the application (e.g., rare plant surveys are planned for late this month or in March).

Late last week, the applicant reached out to coordinate on their spring survey plan, and I have just reached out to CDFW Region staff under our AB 205 MOU to get a meeting scheduled. Attached is the applicant's potential to occur table for wildlife, they are still working on a table for plants.

What is the best way to loop you into these discussions? Would you like to join the meeting with the applicant and CDFW, date/time TBD, but it's looking like the first week or March.

I'm just getting up to speed on this project but understand you have been coordinating with Eric Knight, the Manager of the Siting & Environmental Branch, who was also acting as the BIO Unit Supervisor until I took on this role in December.

Look forward to your thoughts and to working together.

Ann

Ann Crisp
Biological Resources Unit Supervisor
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
916-352-0543

California Energy Commission
Website: www.energy.ca.gov



From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, January 6, 2025 10:25 AM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Eric,

I appreciate your inclusion in this process. I was not previously included in meetings or provided information about this project. We are working with the applicant who has requested a construction permit to consider authorizing take from disturbance that would prevent eagles from successfully breeding while the Viracocha Wind Project is being built. We are also separately considering an application to authorize the take of eagles from direct mortality and injury once the wind project is operational. I look forward to learning more about this proposal and offering suggestions for now to avoid, minimize or possibly consider further take authorizations under the Bald and Golden Eagle Protection Act for this project if relevant.

Below is my availability:

January 7, 2025 9-10:30 2:30-4:30	January 9, 2025 Not available	January 14, 2025 Not available at those times
January 8, 2025 9-11 1-3 2-4	January 10, 2025 9-11 10-noon 1-3 2-4	January 15, 2025 9-11 1:30-3 2-4

As an FYI, our nest buffer no disturbance recommendations are located

here: <https://www.fws.gov/library/collections/eagle-nest-buffers-california-and-nevada>

If disturbance within one mile of golden eagle nests can be implemented for short term construction projects, or the can be constructed outside of the breeding season we typically assume take can be avoided. We will also look at loss of habitat and habitat fragmentation though as golden eagles are sensitive to both. More information on our regulations and permit process is available here: <https://www.fws.gov/program/eagle-management>

Thanks again,
Heather

Heather Beeler (she/her)
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754

From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Sent: Friday, December 20, 2024 3:57 PM
To: Beeler, Heather <Heather.Beeler@fws.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

This email has been received from outside of DOI – Use caution before clicking on links, opening attachments, or responding.

Hi Heather and Ryan – My initial email to you was returned undeliverable. I think I got your email addresses right this time. – Eric

From: Knight, Eric@Energy
Sent: Friday, December 20, 2024 3:43 PM
To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>; Mulligan, Rhiannon@Wildlife <Rhiannon.Mulligan@Wildlife.ca.gov>; Salisbury, Lance@Wildlife <Lance.Salisbury@wildlife.ca.gov>; Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>; Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>; Lopez, Albert, CDA <Albert.Lopez@acgov.org>; ryan.olah@fws.gov; heather.beeler@fws.gov
Cc: Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC

<Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

Subject: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Greetings All –

The California Energy Commission has received a request for a pre-filing meeting for an Opt-In Certification application for the Viracocha Battery Energy Storage System (BESS) project in Alameda County. Some of you may recall attending a pre-filing meeting for this project on July 12, 2023. At that time the project was envisioned as a 90 megawatt (MW)/360 MW-hour BESS on 14 acres of land. Viracocha Wind, LLC (Viracocha Wind) currently plans to construct, own, and operate an up to 400 MW-hour BESS in Alameda County, adjacent to the proposed Sand Hill Wind Repower project (also owned and operated by Viracocha Wind). The proposed BESS project includes an approximately 14-acre fenced BESS yard, an approximately 200-foot access road, and an approximately 1,000- to 1,300-foot-long gen-tie line to the nearby Ralph Substation. If the Ralph Substation is not available, a new 2-acre substation located adjacent to the Ralph Substation would be included as part of the project.

The project area is located approximately 0.8 miles south of the Bethany Reservoir, 0.15 miles north of Altamont Pass Road, and 3.3 miles west of the Tracy city limits.

The applicant intends on filing their application with the CEC by February 15, 2025. Information about the Opt-In Certification Program can be found here [Opt-In Certification Program](#)

Please let me know your availability among the following days/times. This will be a Zoom meeting only.

CDFW/DTSC/Water Boards: I have only sent this invite to primary contacts identified in CEC’s MOU with your agency, so please let me know in addition to yourselves (or instead of yourselves), who will attend for your agency.

Albert Lopez – Same, please let me know of any other Alameda County representatives you’d like to attend.

USFWS – The applicant suggested you may have an interest in this project; CEC welcomes FWS’s participation.

Thanks all and Happy Holidays!

January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4
January 8, 2025 9-11 10-noon 1-3 2-4	January 8, 2025 9-11 10-noon 1-3 2-4	January 14, 2025 1-3 2-4



Eric Knight

Manager
Siting & Environmental Branch
Siting, Transmission & Environmental Protection Division
California Energy Commission
(916) 591-9931

Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 3/18/2025 2:40:01 PM
To: Beeler, Heather [Heather_Beeler@fws.gov]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Thanks for the review and looping in Brenda. I will look at your available dates and aim to get a meeting set up.

Thank you!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, March 17, 2025 3:36 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

Sorry for all the emails. I took a quick glance at the project location it is within 1 mile of a known golden eagle nesting pair's nest that has been used for the past several years (Midway Pair), fyi. I cc'd Brenda so her team is also aware. It would be good to consider the project's potential impacts. The more human infrastructure is put on the landscape, the more golden eagles avoid it, fyi. So, something for us to think about further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:26 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,

I see this is another Alameda County project so I would remain your contact for eagles/birds at the US Fish and Wildlife Service, fyi.

Thanks again,
Heather

From: Beeler, Heather

Sent: Monday, March 17, 2025 3:24 PM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,

I'm currently away from the office. I am available

Wed March 26th: 12-2, 2-4

Thurs. March 27th: 9-12, 1-2, 3-4

I maybe available Friday March 28th too if those date/times won't work for you. I'm not familiar with the Potentia-Viridi BESS project. Where is that one located? Depending on where it is in the state, I may remain your contact or need to pull in a different co-worker. Also, the state considerations and definitions and our federal regulations differ some-what. I look forward to coordinating further.

Thanks,
Heather

Heather Beeler

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, March 17, 2025 11:30 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Just checking in to see if you had availability to discuss eagle permits? We also have golden eagle as a potential to occur species on Potentia-Viridi BESS - as far as we know the applicant is going to avoid impacts but we are still working on discussions with CDFW.

<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission
Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 10, 2025 7:47 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Good morning Heather,

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Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Wednesday, February 26, 2025 9:24 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,
Yes, I'm available that day and time. Go ahead and include me if that would be helpful.
Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

POVI 0002082

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Wednesday, February 26, 2025 7:39 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

We have a meeting with the applicant and CDFW next week from 2-3 PM on 3/6 to discuss spring surveys. Would you be available to join?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, February 24, 2025 12:28 PM
To: 'Heather Beeler' <heather_beeler@fws.gov>
Cc: Ryan Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

I hope you're doing well. I'm reaching out to introduce myself as the new Biological Resources Unit Supervisor with the CEC. The docket for the 362.8 MWh Viracocha Hill BESS project in Alameda County has been opened.
<https://www.energy.ca.gov/powerplant/energy-storage-system/viracocha-hill-battery-energy-storage-system-project>

Reclaimed Wind LLC submitted a partial opt-in application that is missing several technical sections, including biological resources. We immediately filed a notice of receipt for this partial application, stating that we **will not** initiate our 30-day review until the applicant submits the remaining sections. We've been informed that it may take a couple of months to complete the application (e.g., rare plant surveys are planned for late this month or in March).

Late last week, the applicant reached out to coordinate on their spring survey plan, and I have just reached out to CDFW Region staff under our AB 205 MOU to get a meeting scheduled. Attached is the applicant's potential to occur table for wildlife, they are still working on a table for plants.

What is the best way to loop you into these discussions? Would you like to join the meeting with the applicant and CDFW, date/time TBD, but it's looking like the first week or March.

I'm just getting up to speed on this project but understand you have been coordinating with Eric Knight, the Manager of the Siting & Environmental Branch, who was also acting as the BIO Unit Supervisor until I took on this role in December.

Look forward to your thoughts and to working together.

Ann

Ann Crisp
Biological Resources Unit Supervisor
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
916-352-0543



From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, January 6, 2025 10:25 AM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Eric,

I appreciate your inclusion in this process. I was not previously included in meetings or provided information about this project. We are working with the applicant who has requested a construction permit to consider authorizing take from disturbance that would prevent eagles from successfully breeding while the Viracocha Wind Project is being built. We are also separately considering an application to authorize the take of eagles from direct mortality and injury once the wind project is operational. I look forward to learning more about this proposal and offering suggestions for now to avoid, minimize or possibly consider further take authorizations under the Bald and Golden Eagle Protection Act for this project if relevant.

Below is my availability:

January 7, 2025 9-10:30 2:30-4:30	January 9, 2025 Not available	January 14, 2025 Not available at those times
January 8, 2025 9-11 1-3 2-4	January 10, 2025 9-11 10-noon 1-3 2-4	January 15, 2025 9-11 1:30-3 2-4

As an FYI, our nest buffer no disturbance recommendations are located

here: <https://www.fws.gov/library/collections/eagle-nest-buffers-california-and-nevada>

If disturbance within one mile of golden eagle nests can be implemented for short term construction projects, or the can be constructed outside of the breeding season we typically assume take can be avoided. We will also look at loss of habitat and habitat fragmentation though as golden eagles are sensitive to both. More information on our regulations and permit process is available here: <https://www.fws.gov/program/eagle-management/>

Thanks again,
Heather

Heather Beeler (she/her)

Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754

From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Sent: Friday, December 20, 2024 3:57 PM
To: Beeler, Heather <Heather.Beeler@fws.gov>; Olah, Ryan <ryan.olah@fws.gov>
Subject: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Heather and Ryan – My initial email to you was returned undeliverable. I think I got your email addresses right this time. – Eric

From: Knight, Eric@Energy
Sent: Friday, December 20, 2024 3:43 PM
To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>; Mulligan, Rhiannon@Wildlife <Rhiannon.Mulligan@Wildlife.ca.gov>; Salisbury, Lance@Wildlife <Lance.Salisbury@wildlife.ca.gov>; Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>; Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>; Lopez, Albert, CDA <Albert.Lopez@ec.gov.org>; ryan.olah@fws.gov; heather.beeler@fws.gov
Cc: Chappell, Erin@Wildlife <erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>
Subject: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Greetings All –

The California Energy Commission has received a request for a pre-filing meeting for an Opt-In Certification application for the Viracocha Battery Energy Storage System (BESS) project in Alameda County. Some of you may recall attending a pre-filing meeting for this project on July 12, 2023. At that time the project was envisioned as a 90 megawatt (MW)/360 MW-hour BESS on 14 acres of land. Viracocha Wind, LLC (Viracocha Wind) currently plans to construct, own, and operate an up to 400 MW-hour BESS in Alameda County, adjacent to the proposed Sand Hill Wind Repower project (also owned and operated by Viracocha Wind). The proposed BESS project includes an approximately 14-acre fenced BESS yard, an approximately 200-foot access road, and an approximately 1,000- to 1,300-foot-long gen-tie line to the nearby Ralph Substation. If the Ralph Substation is not available, a new 2-acre substation located adjacent to the Ralph Substation would be included as part of the project.

The project area is located approximately 0.8 miles south of the Bethany Reservoir, 0.15 miles north of Altamont Pass Road, and 3.3 miles west of the Tracy city limits.

The applicant intends on filing their application with the CEC by February 15, 2025. Information about the Opt-In Certification Program can be found here [Opt In Certification Program](#)

Please let me know your availability among the following days/times. This will be a Zoom meeting only.

CDFW/DTSC/Water Boards: I have only sent this invite to primary contacts identified in CEC's MOU with your agency, so please let me know in addition to yourselves (or instead of yourselves), who will attend for your agency.

Albert Lopez – Same, please let me know of any other Alameda County representatives you'd like to attend.

USFWS – The applicant suggested you may have an interest in this project; CEC welcomes FWS's participation.

Thanks all and Happy Holidays!

January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4
January 8, 2025 9-11 10-noon 1-3 2-4	January 8, 2025 9-11 10-noon 1-3 2-4	January 15, 2025 9-11 1-3 2-4



Eric Knight

Manager
Siting & Environmental Branch
Siting, Transmission & Environmental Protection Division
California Energy Commission
(916) 591-9931

Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 3/21/2025 12:55:31 AM
To: Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]; Grefsrud, Marcia@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=76704dafcdd74abd91fec354bda4c0ee-WildlifeMar]
CC: Germinario, Lena@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=56b542cba4f747059f0acb2ea9a17abf-WildlifeLen]; Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]
Subject: Fw: PoVI, Data Completeness "Progress Report"
Attachments: 24.06.07 232059 Capstone Outfall Schematic.pdf; 24.06.07 232059 Permit Plan - Crossing-Exhibit.pdf

Hi Brenda and team,

Here are some follow up clarifications from the applicant. We may need to docket these or somehow get in the record.

I will be reviewing the draft follow up DRs tomorrow. Hope to complete and share with you to take a final look, looking like by Monday AM is likely. Hoping to get to Eric Knight for OM review on Tuesday.

Thanks for all the collaboration so far.

Talk soon,

Ann

From: Ronelle Candia <rcandia@dudek.com>
Sent: Thursday, March 20, 2025 3:28 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: RE: PoVI, Data Completeness "Progress Report"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Eric,

Just wanted to follow up and provide some input on a few of the BIO DRs based on our previous meetings.

For DR BIO-3, As noted in the document, the reference to section 3.1.7.4 is incorrect and should be deleted from the responses.

For BIO-26, It was confirmed that these structures would remain in place after decommissioning.

For BIO-31, Please see attached for the outfall and crossing plans.

For DR BIO-33 and 33, Appendix 1L is the Temporary Revegetation Plan, which was revised and submitted as Attachment 4 to Response set 3. As I mentioned on the call on Monday, I uploaded the track changes version of this plan to the docket.

I have also uploaded strikethrough versions of the BTR, ITP, LSAA, and NBMP to the docket on Monday.

Hope this helps respond to a few questions. Let me know if I should send this to anyone else as well.

Thanks,
Ronelle

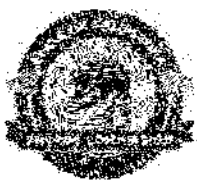
Ronelle Candia
Project Manager II

O: 661 509 2787 C: 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Thursday, March 20, 2025 8:44 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: RE: PoVI, Data Completeness "Progress Report"

Ann and Julie, I should have included you in this.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Veerkamp, Eric@Energy
Sent: Thursday, March 20, 2025 8:31 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,
I spoke yesterday with Ann Crisp about your suggestion to set up another meeting to discuss BIO issues for data completeness. Ann and I both agree that staff time, particularly Julie Myrah, is better spent working to meet today's deadline for determining data completeness and then drafting the 2nd BIO data request for completion (hopefully) by next Friday, the need for which has come into clearer focus.

If there is a specific item that you need clarification on, if you identify it, perhaps we can address it via an email or two. Otherwise, for BIO, may be prudent at this point to wait for the 2nd data request, unless you are adamant that you would prefer to meet again before the end of next week.

Thank you for your ongoing assistance, and I hope you agree with this approach. Contact me at any time.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Wednesday, March 19, 2025 1:52 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@euro-windenergy.com>
Subject: RE: PoVI, Data Completeness "Progress Report"

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Eric,

We would greatly appreciate another meeting with the CEC and CDFW to discuss biological resources. Would you mind setting up a meeting with us next week? This bio meeting will need to be a separate meeting from the battery technology meeting. We believe the meeting may take 45 to 60 minutes to address all of our questions.

Thank you,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct: +1 (310) 639-8340
Facsimile: +1 (310) 612-1335
Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

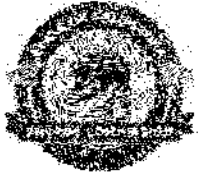
Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 19, 2025 10:49 AM

To: Kelly Strain <kstrain@capstoneentra.com>
Subject: FW: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,
FYI, I sent this to the wrong Kelly yesterday evening by mistake. Her name is not even Kelly, it's Joelle Kelly.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Veerkamp, Eric@Energy
Sent: Tuesday, March 18, 2025 5:34 PM
To: Kelly, Joelle@Energy <joelle_kelly@energy.ca.gov>; Ronelle Candia <rcandia@dudak.com>; Rocio Perez <roe@eurowindenergy.com>
Cc: Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: PoVI, Data Completeness "Progress Report"

Hi Kelly and Ronelle,
As follow up to our call this morning, please find attached information that should provide a preview of an expected forthcoming second data request. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



POTENTIA-VIRIDI
BATTERY ENERGY
STORAGE SYSTEM

LEVY ALAMEDA, LLC

NOT FOR
CONSTRUCTION

REV	DATE	DESCRIPTION

PROJ. NO.	232059
DRAWN	LB
CHECKED	RB
DATE	5/30/24

COFFMAN ENGINEERS, INC.

SHEET TITLE:

CONCEPTUAL CIVIL
HYDROLOGY/
HYDRAULIC
OUTFALL
SCHEMATIC

SHEET NO:

C-1.0

SHEET 4 OF 7

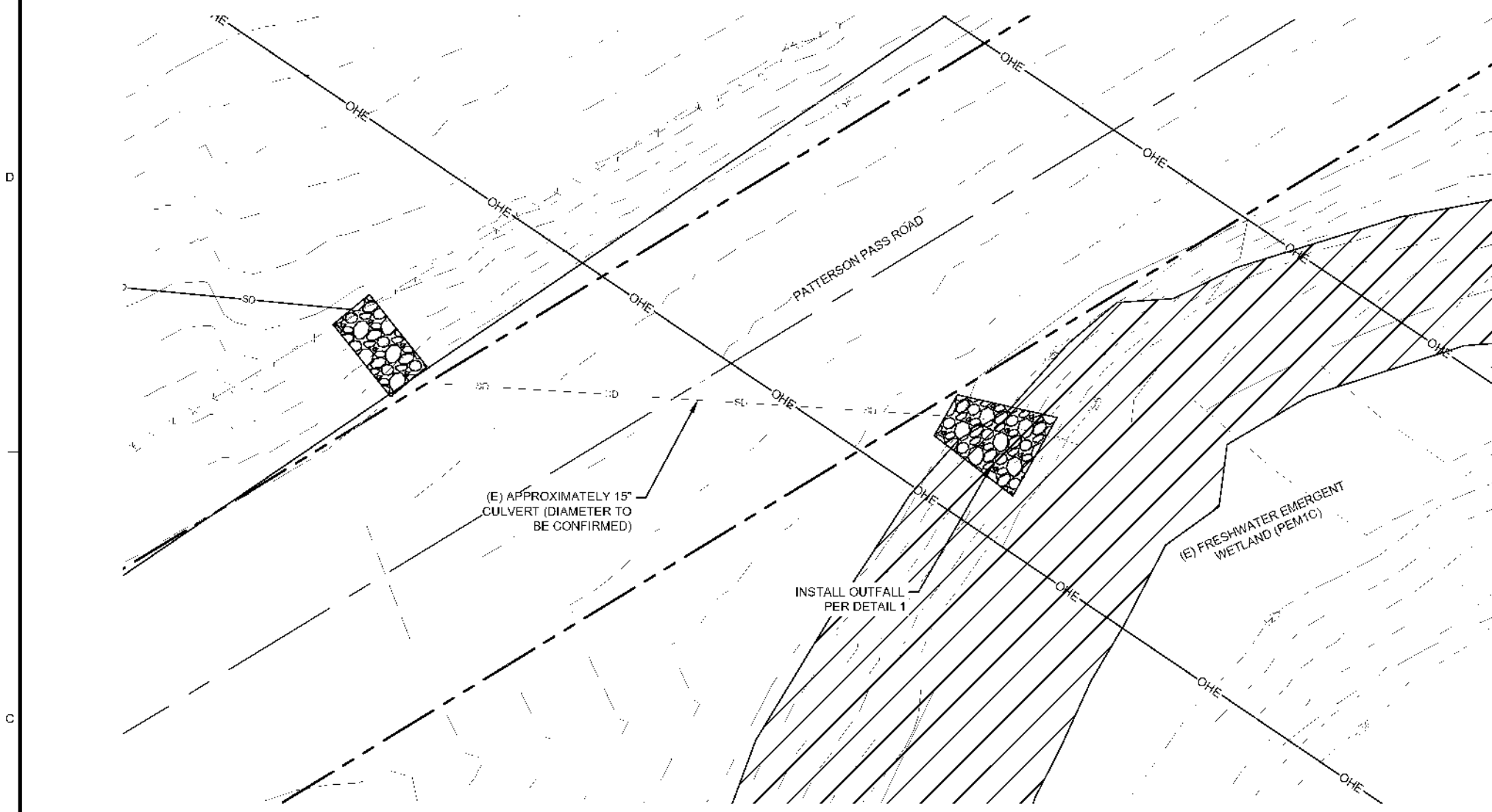
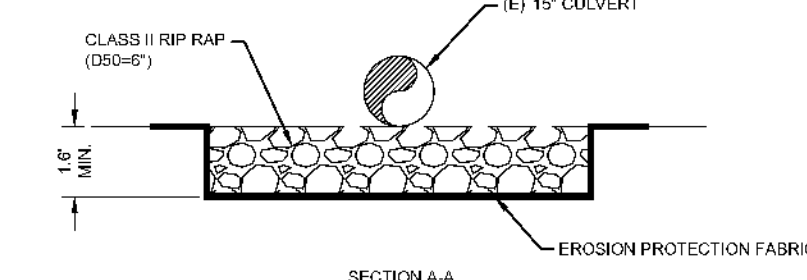
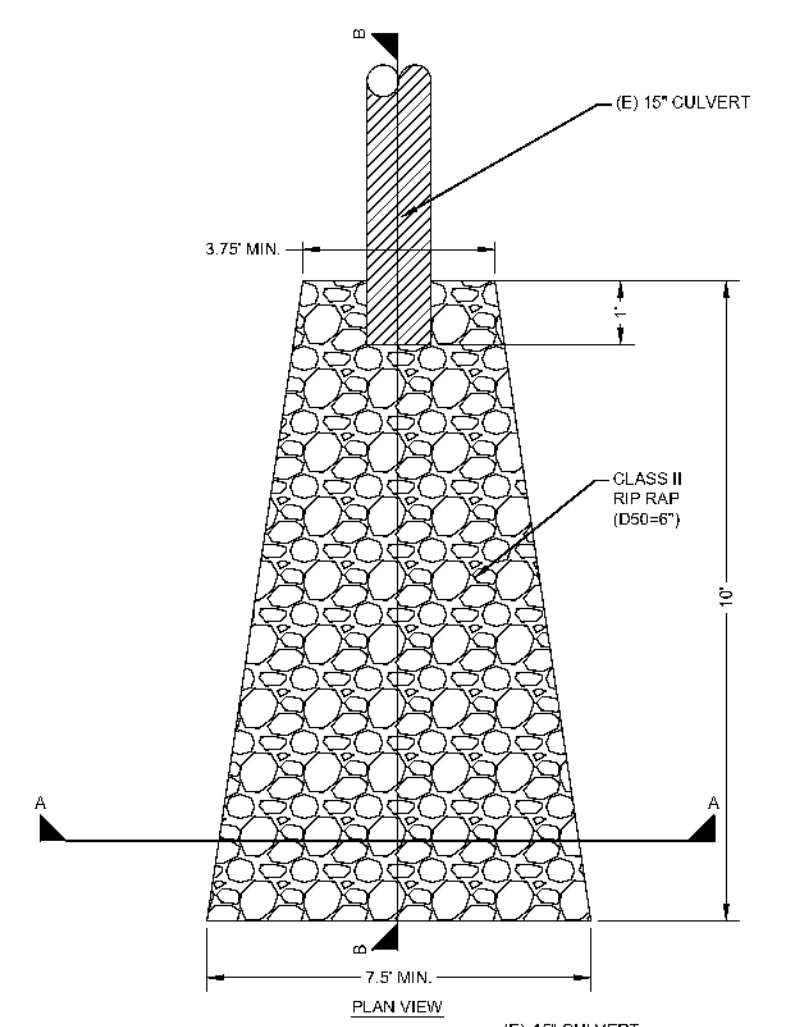
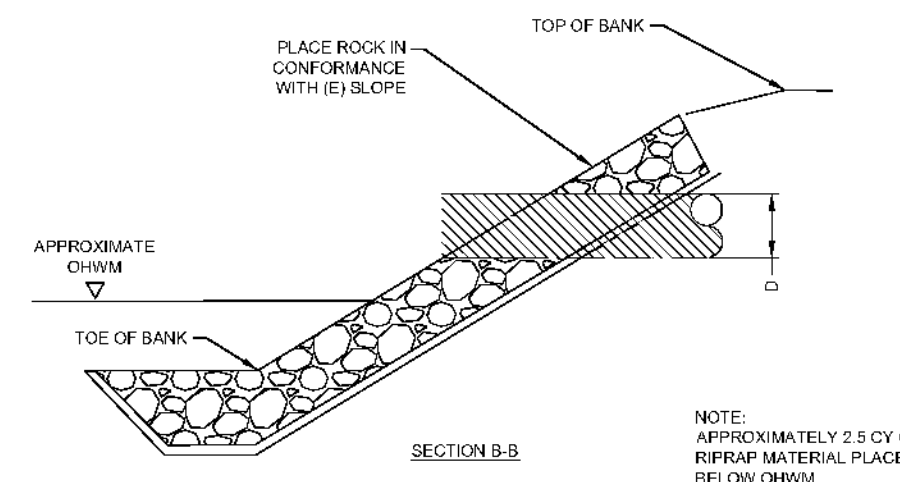


EXHIBIT A
SCALE: 1"=10'



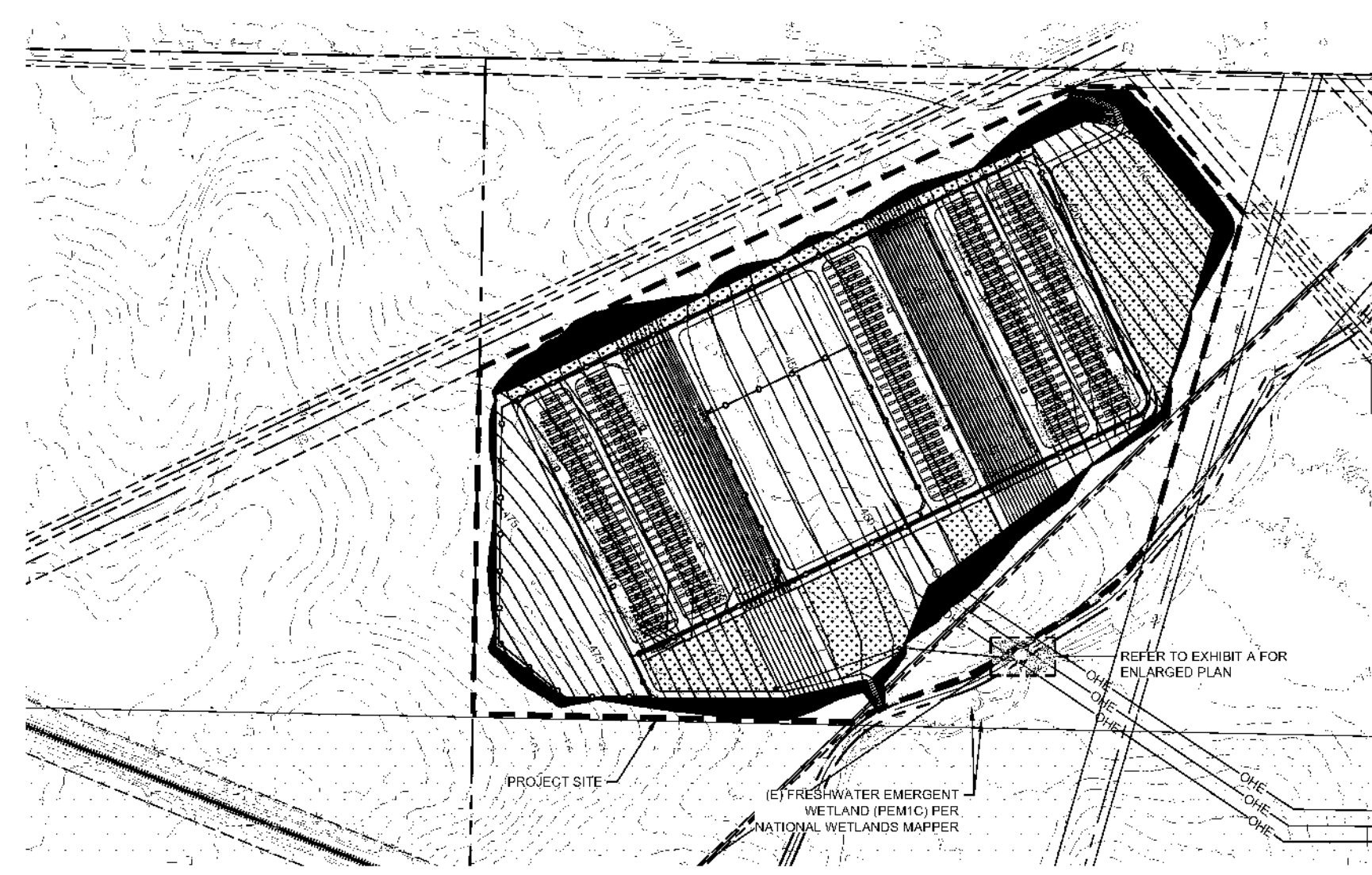
NOTES:
ENERGY DISSIPATER SIZED PER
FEDERAL HIGHWAY ADMINISTRATION
HYDRAULIC ENGINEERING MANUAL



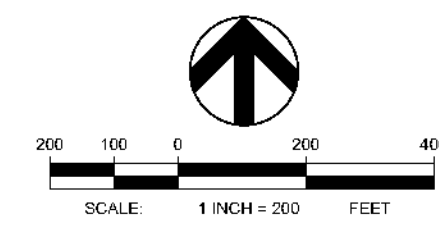
1 OUTFALL DETAIL
SCALE: NTS

LEGEND

	CENTERLINE
	EASEMENT LINE
	PROPERTY LINE
	PROPOSED LEASE LINE
	DRAINAGE MANAGEMENT AREA
	EXISTING CHAIN LINK FENCE
	PROPOSED FENCE
	STORM DRAIN PIPE
	RAILROAD
	EXISTING UTILITY POLE
	EXISTING CONTOURS
	PROPOSED CONTOURS
	ORDINARY HIGH WATER MARK
	STORMWATER/LID AREA



SITE MAP
SCALE: 1"=300'



UTILITY STATEMENT
LOCATION OF EXISTING UNDERGROUND UTILITIES HAVE BEEN TAKEN FROM DRAWINGS AND FIELD LOCATES SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES. UTILITY LOCATIONS SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY. PRIOR TO BEGINNING ANY CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF EACH UTILITY.



Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 3/21/2025 5:47:56 PM
To: Energy - GIS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e6f8ddb65f0f4a3190ad863248c91580-Energy - GI]
CC: Blossom, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8ee69cb49fa4d6e8563734cf9a495b3-Blossom, Ga]; David, Travis@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08b483b8d5464b41b536daf809eb1a0d-David, Trav]; Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
Subject: Fw: PoVI, BIO shapefiles and datasets
Attachments: PVBess_Data_20250317.gdb.zip; PV Results.shp; PV Results.shx; PV Results.dbf

Hi GIS team,

Could you please add these files to the BIO CEQA app for Potentia-Viridi BESS?

Thanks!

Ann

From: Ronelle Candia <rcandia@dudek.com>
Sent: Friday, March 21, 2025 10:40 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

I don't know how to send via kiteworks. Lisa had me set up a Dudek sharesite to transmit raw data. If you have instructions, I can submit that way.

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, March 21, 2025 10:39 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: Re: PoVI, BIO shapefiles and datasets

Hi Ronelle,

Have these been sent via Kiteworks? If so I can route to our GIS staff to get in our internal CEQA app...you do not have access to that.

Thanks!

Ann

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Tuesday, March 18, 2025 10:11 AM
To: Ronelle Candia <rcandia@dudak.com>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

Thanks Ronelle,
If you have not done so already, please upload this information to the CEQA app so that it can be manipulated through the app. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Ronelle Candia <rcandia@dudak.com>
Sent: Tuesday, March 18, 2025 8:26 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

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Citrix Attachments		Expires September 14, 2025
PV Results dbf	1.5 KB	
PV Results shp	1.8 MB	
PV Results.shx	212 B	
PVBoss_Data_20250317.gdb.zip	1.1 MB	



Ronelle Candia uses Citrix Files to share documents securely.

Good Morning,

Please see attached and my responses in purple below:

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package. (see PV Results.dbf, PV Results.shp, and PV Results.shx for the requested files)
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3. (The attached zip file provides the data sets separated out by figure. As such, this includes two project boundary datasets (they are identical, just saved in figure specific folders), the vegetation cover data, BTR control points, and the culvert point)
- Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000. (see attached revised Figure 3.2-6)

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
dudek.com

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Monday, March 17, 2025 3:20 PM
To: Kelly Strain <kstrain@carstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

Thank you. No, in fact. I think I am going to cancel that meeting because I am not sure there is a need for it considering our meeting today. If you are available either this afternoon or in the morning, I would like to call you to ask a couple of questions.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Monday, March 17, 2025 3:09 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@judek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

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Eric,

I've copied Ronelle on this email since her team is in charge of doing the docket upload process. Ronelle will provide the response. Also, are there any additional items you would like us to address prior to tomorrow's meeting with the CEC at 10 AM PST?

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct +1 (310) 399-6340
Facsimile +1 (415) 619-1885
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 17, 2025 3:00 PM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: PoVI, BIO shapefiles and datasets

Hi Kelly,

Please let me know if the following items have been submitted, and if so where I can find them. If they have been submitted, can we please get them added to the CEQA app.

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package.
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3.
Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000.

Thank you.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



Message

From: Veerkamp, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A16598E8714E422FB3216B7B05602C48-VEERKAMP, E]
Sent: 3/17/2025 4:43:48 PM
To: kstrain@capstoneinfra.com
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Field@EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]
Subject: FW: Potentia-Viridi (24-OPT-04)
Attachments: Acreage Comparison Potentia.docx

Hi Kelly,
For your and your team's use, please find an acreage comparison table for PoVI. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Monday, March 17, 2025 9:13 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Subject: FW: Potentia-Viridi (24-OPT-04)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
Here is the email with the acreage comparison table I made – could you forward this to the applicant?
Thanks much, Julie

From: Field @EnergyVeterans.org
Sent: Tuesday, March 4, 2025 12:36 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Eric.Veerkamp@energy.ca.gov
Subject: Potentia-Viridi (24-OPT-04)

Hi Ann and Eric,

As I mentioned in our meeting this morning, here are some clarifications needed from the applicant:

- 1) DR BIO-3: References Section 3.1.7.4; however, we are unable to find this Section – please specify where this is located.
- 2) DR BIO-10: Please see attached table and confirm which acreage amounts are correct. I have highlighted the ones I believe are correct but need confirmation from the applicant.

- 3) DR BIO-15: Please confirm work windows. Perhaps include a table specifying activities and work windows to avoid conflicts.
 - LSAA Seasonal Work Period is May 1 – October 31,
 - ITP Seasonal Work Restriction May 1 – October 30,
 - Section 1.1.4.1 built between June 15 – October 15,
 - Golden eagle if present work window Sept. 2 – Jan. 31
 - CTS/RLF work window 9/1 – 10/14
 - Ground Disturbance work 5/1 – 10/31
 - Burrowing Owl work window 9/2 – 3/14
- 4) DR BIO-26: Please confirm the low-water crossing and outfall structure will remain in place after decommissioning.
- 5) DR BIO-31: Please confirm acreage of impacts and amount of fill in Patterson Run. Please identify where the design layouts are for both the outfall structure and low water crossing.
- 6) DR BIO-33 & 35: Please identify where Appendix 1L is located.
- 7) CDFW requests a strikethrough version of the BTR, ITP, LSAA and NBMP for case of review if readily available.
- 8) CDFW requests that all information required in the ITP and LSAA be specifically addressed in the actual ITP and LSAA to avoid having to search through other documents.

Thanks, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

	IIP APPLICATION ATTACH 6	BTR ATTACH 2	REVISED PROJECT DESC ATTACH 7	SECTION 3.2 ATTACH 1	LSAA ATTACH 7
LEASED AREA – BESS FACILITY (APN 99B-7890- 002-04)	70 ac	60 ac	70 ac	57.7 ac project site	
BESS PERMANENTL Y DISTURBED	58.8 ac		58.8 ac		
GEN-TIE STUDY AREA (3 parcels)	32 ac	20 ac	32 ac	39.19 ac gen tie + 50 ft buffer	
GEN-TIE PERM IMPACTS	1.9 ac		1.9 ac 6.7 ac temp		
TOTAL PROJECT AREA	102 ac	88.24 ac	102 ac	96.89 ac total study area	102 ac
TOTAL DISTURBED AREA	60.7 ac		60.7 ac		60.7 ac Perm 6.7 ac Temp figure 2-3
Perm. Impact Stormwater outfall					0.6 ac
Perm. Impacts Low-water crossing					0.04 ac

Message

From: Beeler, Heather [Heather_Beeler@fws.gov]
Sent: 3/17/2025 10:23:56 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,
I'm currently away from the office. I am available
Wed March 26th: 12-2, 2-4
Thurs. March 27th: 9-12, 1-2, 3-4

I maybe available Friday March 28th too if those date/times won't work for you. I'm not familiar with the Potentia-Viridi BESS project. Where is that one located? Depending on where it is in the state, I may remain your contact or need to pull in a different co-worker. Also, the state considerations and definitions and our federal regulations differ some-what. I look forward to coordinating further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 17, 2025 11:30 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Just checking in to see if you had availability to discuss eagle permits? We also have golden eagle as a potential to occur species on Potentia-Viridi BESS - as far as we know the applicant is going to avoid impacts but we are still working on discussions with CDFW.

<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, March 10, 2025 7:47 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Good morning Heather,

Thanks for joining the Viracocha BESS meeting last week and providing helpful feedback. Would you have time to meet this month to discuss FWS - CEC staff coordination on golden eagle permitting and other eagle and BCC topics? I don't have staff assigned to this project yet but would like to get up to speed as the new unit supervisor.

Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>

Sent: Wednesday, February 26, 2025 9:24 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,

POVI 0002102

Yes, I'm available that day and time. Go ahead and include me if that would be helpful.

Thanks,

Heather

Heather Beeler

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, February 26, 2025 7:39 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

We have a meeting with the applicant and CDFW next week from 2-3 PM on 3/6 to discuss spring surveys. Would you be available to join?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, February 24, 2025 12:28 PM

To: 'Heather Beeler' <heather_beeler@fws.gov>

Cc: Ryan_Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

I hope you're doing well. I'm reaching out to introduce myself as the new Biological Resources Unit Supervisor with the CEC. The docket for the 362.8 MWh Viracocha Hill BESS project in Alameda County has been opened.

<https://www.energy.ca.gov/powerplant/energy-storage-system/viracocha-hill-battery-energy-storage-system-project>

Reclaimed Wind LLC submitted a partial opt-in application that is missing several technical sections, including biological resources. We immediately filed a notice of receipt for this partial application, stating that we **will not** initiate our 30-day review until the applicant submits the remaining sections. We've been informed that it may take a couple of months to complete the application (e.g., rare plant surveys are planned for late this month or in March).

Late last week, the applicant reached out to coordinate on their spring survey plan, and I have just reached out to CDFW Region staff under our AB 205 MOU to get a meeting scheduled. Attached is the applicant's potential to occur table for wildlife, they are still working on a table for plants.

What is the best way to loop you into these discussions? Would you like to join the meeting with the applicant and CDFW, date/time TBD, but it's looking like the first week or March.

I'm just getting up to speed on this project but understand you have been coordinating with Eric Knight, the Manager of the Siting & Environmental Branch, who was also acting as the BIO Unit Supervisor until I took on this role in December.

Look forward to your thoughts and to working together.

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, January 6, 2025 10:25 AM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Eric,

I appreciate your inclusion in this process. I was not previously included in meetings or provided information about this project. We are working with the applicant who has requested a construction permit to consider authorizing take from disturbance that would prevent eagles from successfully breeding while the Viracocha Wind Project is being built. We are also separately considering an application to authorize the take of eagles from direct mortality and injury once the wind project is operational. I look forward to learning more about this proposal and offering suggestions for now to avoid, minimize or possibly consider further take authorizations under the Bald and Golden Eagle Protection Act for this project if relevant.

Below is my availability:

January 7, 2025	January 9, 2025	January 14, 2025
9-10:30 2:30-4:30	Not available	Not available at those times

January 8, 2025	January 10, 2025	January 15, 2025
9-11	9-11	9-11
1-3	10-noon	1-30-3
2-4	1-3	2-4
	2-4	

As an FYI, our nest buffer no disturbance recommendations are located here: <https://www.fws.gov/library/collections/eagle-nest-buffers-california-and-nevada>

If disturbance within one mile of golden eagle nests can be implemented for short term construction projects, or the can be constructed outside of the breeding season we typically assume take can be avoided. We will also look at loss of habitat and habitat fragmentation though as golden eagles are sensitive to both. More information on our regulations and permit process is available here: <https://www.fws.gov/program/eagle-management>

Thanks again,

Heather

Heather Beeler (she/her)

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Sent: Friday, December 20, 2024 3:57 PM

To: Beeler, Heather <heather_beeler@fws.gov>; Olah, Ryan <rvan_olah@fws.gov>

Subject: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Heather and Ryan – My initial email to you was returned undeliverable. I think I got your email addresses right this time. – Eric

From: Knight, Eric@Energy

Sent: Friday, December 20, 2024 3:43 PM

To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>; Mulligan, Rhiannon@Wildlife <Rhiannon.Mulligan@Wildlife.ca.gov>; Salisbury, Lance@Wildlife <Lance.Salisbury@wildlife.ca.gov>; Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>; Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>; Lopez, Albert, CDA <Albert.Lopez@ec.gov.org>; ryan.olah@fws.gov; heather.beeier@fws.gov

Cc: Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

Subject: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Greetings All –

The California Energy Commission has received a request for a pre-filing meeting for an Opt-In Certification application for the Viracocha Battery Energy Storage System (BESS) project in Alameda County. Some of you may recall attending a pre-filing meeting for this project on July 12, 2023. At that time the project was envisioned as a 90 megawatt (MW)/360 MW-hour BESS on 14 acres of land. Viracocha Wind, LLC (Viracocha Wind) currently plans to construct, own, and operate an up to 400 MW-hour BESS in Alameda County, adjacent to the proposed Sand Hill Wind Repower project (also owned and operated by Viracocha Wind). The proposed BESS project includes an approximately 14-acre fenced BESS yard, an approximately 200-foot access road, and an approximately 1,000- to 1,300-foot-long gen-tie line to the nearby Ralph Substation. If the Ralph Substation is not available, a new 2-acre substation located adjacent to the Ralph Substation would be included as part of the project.

The project area is located approximately 0.8 miles south of the Bethany Reservoir, 0.15 miles north of Altamont Pass Road, and 3.3 miles west of the Tracy city limits.

The applicant intends on filing their application with the CEC by February 15, 2025. Information about the Opt-In Certification Program can be found here [Opt-In Certification Program](#)

Please let me know your availability among the following days/times. This will be a Zoom meeting only.

CDFW/DTSC/Water Boards: I have only sent this invite to primary contacts identified in CEC's MOU with your agency, so please let me know in addition to yourselves (or instead of yourselves), who will attend for your agency.

Albert Lopez – Same, please let me know of any other Alameda County representatives you'd like to attend.

USFWS – The applicant suggested you may have an interest in this project; CEC welcomes FWS's participation.

Thanks all and Happy Holidays!

January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4
January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4



Eric Knight

Manager

Siting & Environmental Branch

Siting, Transmission & Environmental Protection Division

California Energy Commission
(916) 591-9931

Message

From: Beeler, Heather [Heather_Beeler@fws.gov]
Sent: 3/17/2025 10:26:05 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,

I see this is another Alameda County project so I would remain your contact for eagles/birds at the US Fish and Wildlife Service, fyi.

Thanks again,
Heather

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:24 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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I'm currently away from the office. I am available

Wed March 26th: 12-2, 2-4

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I maybe available Friday March 28th too if those date/times won't work for you. I'm not familiar with the Potentia-Viridi BESS project. Where is that one located? Depending on where it is in the state, I may remain your contact or need to pull in a different co-worker. Also, the state considerations and definitions and our federal regulations differ some-what. I look forward to coordinating further.

Thanks,
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*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

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To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, March 10, 2025 7:47 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Heather Beeler

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Wednesday, February 26, 2025 7:39 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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To: 'Heather Beeler' <heather_beeler@fws.gov>

Cc: Ryan Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

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California Energy Commission

Website: www.energy.ca.gov



From: Beeler, Heather <Heather_Beeler@fws.gov>

Sent: Monday, January 6, 2025 10:25 AM

To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>

Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Eric,

I appreciate your inclusion in this process. I was not previously included in meetings or provided information about this project. We are working with the applicant who has requested a construction permit to consider authorizing take from disturbance that would prevent eagles from successfully breeding while the Viracocha Wind Project is being built. We are also separately considering an application to authorize the take of eagles from direct mortality and injury once the wind project is operational. I look forward to learning more about this proposal and offering suggestions for now to avoid, minimize or possibly consider further take authorizations under the Bald and Golden Eagle Protection Act for this project if relevant.

Below is my availability:

POVI 0002113

January 7, 2025 9-10:30 2:30-4:30	January 9, 2025 Not available	January 14, 2025 Not available at those times
January 8, 2025 9-11 1-3 2-4	January 10, 2025 9-11 10-noon 1-3 2-4	January 8, 2025 9-11 1-3 2-4

As an FYI, our nest buffer no disturbance recommendations are located here: <https://www.fws.gov/library/collections/eagle-nest-buffers-california-and-nevada>

If disturbance within one mile of golden eagle nests can be implemented for short term construction projects, or the can be constructed outside of the breeding season we typically assume take can be avoided. We will also look at loss of habitat and habitat fragmentation though as golden eagles are sensitive to both. More information on our regulations and permit process is available here: <https://www.fws.gov/program/eagle-management>

Thanks again,

Heather

Heather Beeler (she/her)

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Sent: Friday, December 20, 2024 3:57 PM

To: Beeler, Heather <Heather.Beeler@fws.gov>; Olah, Ryan <ryan.olah@fws.gov>

Subject: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Heather and Ryan – My initial email to you was returned undeliverable. I think I got your email addresses right this time. – Eric

From: Knight, Eric@Energy

Sent: Friday, December 20, 2024 3:43 PM

To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>; Mulligan, Rhiannon@Wildlife <Rhiannon.Mulligan@Wildlife.ca.gov>; Salisbury, Lance@Wildlife <Lance.Salisbury@wildlife.ca.gov>; Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>; Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>; Lopez, Albert, CDA <Albert.Lopez@acgov.org>; ryan.olah@fws.gov; heather.beeler@fws.gov

Cc: Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC <Lori.koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

Subject: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Greetings All –

The California Energy Commission has received a request for a pre-filing meeting for an Opt-In Certification application for the Viracocha Battery Energy Storage System (BESS) project in Alameda County. Some of you may recall attending a pre-filing meeting for this project on July 12, 2023. At that time the project was envisioned as a 90 megawatt (MW)/360 MW-hour BESS on 14 acres of land. Viracocha Wind, LLC (Viracocha Wind) currently plans to construct, own, and operate an up to 400 MW-hour BESS in Alameda County, adjacent to the proposed Sand Hill Wind Repower project (also owned and operated by Viracocha Wind). The proposed BESS project includes an approximately 14-acre fenced BESS yard, an approximately 200-foot access road, and an approximately 1,000- to 1,300-foot-long gen-tie line to the nearby Ralph Substation. If the Ralph Substation is not available, a new 2-acre substation located adjacent to the Ralph Substation would be included as part of the project.

The project area is located approximately 0.8 miles south of the Bethany Reservoir, 0.15 miles north of Altamont Pass Road, and 3.3 miles west of the Tracy city limits.

The applicant intends on filing their application with the CEC by February 15, 2025. Information about the Opt-In Certification Program can be found here [Opt In Certification Program](#)

Please let me know your availability among the following days/times. This will be a Zoom meeting only.

CDFW/DTSC/Water Boards: I have only sent this invite to primary contacts identified in CEC's MOU with your agency, so please let me know in addition to yourselves (or instead of yourselves), who will attend for your agency.

Albert Lopez – Same, please let me know of any other Alameda County representatives you'd like to attend.

USFWS – The applicant suggested you may have an interest in this project; CEC welcomes FWS's participation.

Thanks all and Happy Holidays!

January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4
January 7, 2025 9-11 10-noon 2:30-4:30	January 10, 2025 9-11 10-noon 1-3 2-4	January 14, 2025 1-3 2-4



Eric Knight

Manager

Siting & Environmental Branch

Siting, Transmission & Environmental Protection Division

California Energy Commission
(916) 591-9931

Message

From: Beeler, Heather [Heather_Beeler@fws.gov]
Sent: 3/17/2025 10:36:39 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

Sorry for all the emails. I took a quick glance at the project location it is within 1 mile of a known golden eagle nesting pair's nest that has been used for the past several years (Midway Pair), fyi. I cc'd Brenda so her team is also aware. It would be good to consider the project's potential impacts. The more human infrastructure is put on the landscape, the more golden eagles avoid it, fyi. So, something for us to think about further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:26 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,

I see this is another Alameda County project so I would remain your contact for eagles/birds at the US Fish and Wildlife Service, fyi.

Thanks again,
Heather

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:24 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,

I'm currently away from the office. I am available
Wed March 26th: 12-2, 2-4

Thurs. March 27th: 9-12, 1-2, 3-4

I maybe available Friday March 28th too if those date/times won't work for you. I'm not familiar with the Potentia-Viridi BESS project. Where is that one located? Depending on where it is in the state, I may remain your contact or need to pull in a different co-worker. Also, the state considerations and definitions and our federal regulations differ some-what. I look forward to coordinating further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 17, 2025 11:30 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Just checking in to see if you had availability to discuss eagle permits? We also have golden eagle as a potential to occur species on Potentia-Viridi BESS - as far as we know the applicant is going to avoid impacts but we are still working on discussions with CDFW.

<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, March 10, 2025 7:47 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Good morning Heather,

Thanks for joining the Viracocha BESS meeting last week and providing helpful feedback. Would you have time to meet this month to discuss FWS - CEC staff coordination on golden eagle permitting and other eagle and BCC topics? I don't have staff assigned to this project yet but would like to get up to speed as the new unit supervisor.

Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>

Sent: Wednesday, February 26, 2025 9:24 AM

To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,

Yes, I'm available that day and time. Go ahead and include me if that would be helpful.

Thanks,

Heather

Heather Beeler

POVI 0002120

Eagle Permit Coordinator

Migratory Bird Program, R8

U.S. Fish and Wildlife Service

Cell: 775-508-9754

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Wednesday, February 26, 2025 7:39 AM

To: Beeler, Heather <Heather_Beeler@fws.gov>

Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

We have a meeting with the applicant and CDFW next week from 2-3 PM on 3/6 to discuss spring surveys. Would you be available to join?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Sent: Monday, February 24, 2025 12:28 PM

To: 'Heather Beeler' <heather_beeler@fws.gov>

Cc: Ryan_Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

I hope you're doing well. I'm reaching out to introduce myself as the new Biological Resources Unit Supervisor with the CEC. The docket for the 362.8 MWh Viracocha Hill BESS project in Alameda County has been opened.

<https://www.energy.ca.gov/powerplant/energy-storage-system/viracocha-hill-battery-energy-storage-system-project>

Reclaimed Wind LLC submitted a partial opt-in application that is missing several technical sections, including biological resources. We immediately filed a notice of receipt for this partial application, stating that we **will not** initiate our 30-day review until the applicant submits the remaining sections. We've been informed that it may take a couple of months to complete the application (e.g., rare plant surveys are planned for late this month or in March).

Late last week, the applicant reached out to coordinate on their spring survey plan, and I have just reached out to CDFW Region staff under our AB 205 MOU to get a meeting scheduled. Attached is the applicant's potential to occur table for wildlife, they are still working on a table for plants.

What is the best way to loop you into these discussions? Would you like to join the meeting with the applicant and CDFW, date/time TBD, but it's looking like the first week or March.

I'm just getting up to speed on this project but understand you have been coordinating with Eric Knight, the Manager of the Siting & Environmental Branch, who was also acting as the BIO Unit Supervisor until I took on this role in December.

Look forward to your thoughts and to working together.

Ann

Ann Crisp

Biological Resources Unit Supervisor

Siting and Environmental Branch

Siting, Transmission and Environmental Protection Division

916-352-0543

California Energy Commission

Website: www.energy.ca.gov



From: Beeler, Heather <Heather.Beeler@fws.gov>

Sent: Monday, January 6, 2025 10:25 AM

To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>

Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Heather Beeler (she/her)

Eagle Permit Coordinator

Migratory Bird Program, R8

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ryan.olah@fws.gov; heather.bealer@fws.gov

Cc: Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

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Eric Knight

Manager

Siting & Environmental Branch

Siting, Transmission & Environmental Protection Division

California Energy Commission
 (916) 591-9931

Message

From: Ronelle Candia [rcandia@dudek.com]
Sent: 3/18/2025 3:25:32 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Kelly Strain [kstrain@capstoneinfra.com]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Field@EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: RE: PoVI, BIO shapefiles and datasets
Attachments: Figure 3.2-6 - Bio survey Results_rev1_350000.pdf; Attachments.html

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Citrix Attachments Expires September 14, 2025

PV Results.dbf	1.5 KB
PV Results.shp	1.8 MB
PV Results.shx	212 B
PVBess_Data_20250317.gdb.zip	1.1 MB

[Download Attachments](#)

Ronelle Candia uses Citrix Files to share documents securely.

Good Morning,

Please see attached and my responses in purple below:

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package. (see PV Results.dbf, PV Results.shp, and PV Results.shx for the requested files)
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3. (The attached zip file provides the data sets separated out by figure. As such, this includes two project boundary datasets (they are identical, just saved in figure specific folders), the vegetation cover data, BTR control points, and the culvert point.)
- Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000. (see attached revised Figure 3.2-6)

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Monday, March 17, 2025 3:20 PM
To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

Thank you. No, in fact. I think I am going to cancel that meeting because I am not sure there is a need for it considering our meeting today. If you are available either this afternoon or in the morning, I would like to call you to ask a couple of questions.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Monday, March 17, 2025 3:09 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eric,

I've copied Ronelle on this email since her team is in charge of doing the docket upload process. Ronelle will provide the response. Also, are there any additional items you would like us to address prior to tomorrow's meeting with the CEC at 10 AM PST?

Sincerely,

Kelona Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct : 1 (310) 499-5340
Facsimile : 1 (310) 419-1335
Email : KStrain@capstoneinfra.com
Web : www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>

Sent: March 17, 2025 3:00 PM

To: Kelly Strain <kstrain@capstoneinfra.com>

Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>

Subject: PoVI, BIO shapefiles and datasets

Hi Kelly,

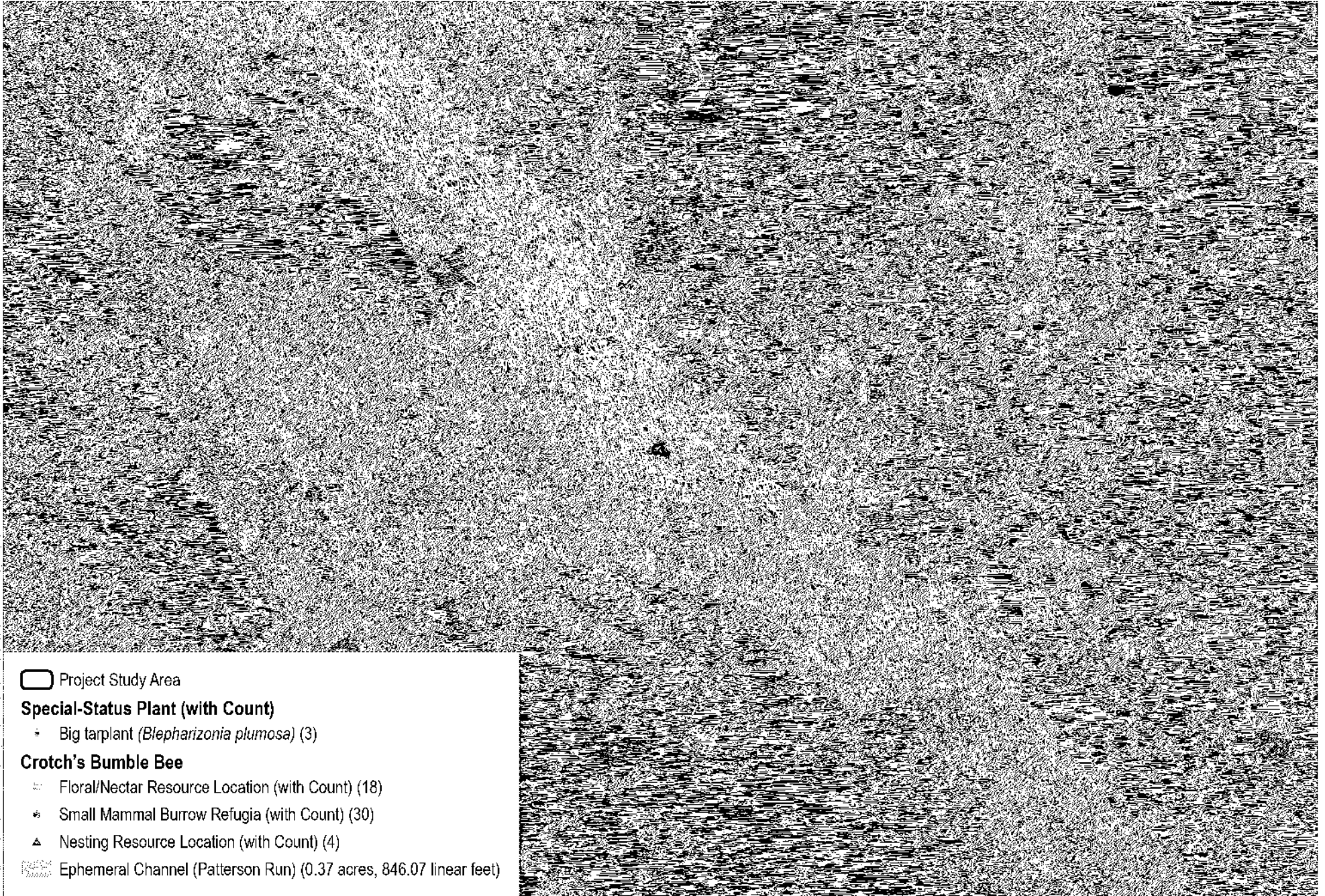
Please let me know if the following items have been submitted, and if so where I can find them. If they have been submitted, can we please get them added to the CEQA app.

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package.
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3.
Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000.

Thank you.

Eric W. Veerkamp
Project Manager
STEP Division
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916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov





SOURCE: Bing Maps 2023.
1:350,000



FIGURE 3.2-6

Biological Survey Results

Potomac-Ventri Battery Energy Storage System Project

Message

From: Ronelle Candia [rcandia@dudek.com]
Sent: 3/21/2025 2:22:05 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Kelly Strain [kstrain@capstoneinfra.com]
CC: Rocio Perez [rpe@eurowindenergy.com]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]
Subject: RE: PoVI, Data Completeness "Progress Report"

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Apologies, the highlighted DR responses below should have stated BIO 33 and BIO 35.

Ronelle Candia
Project Manager II

O: 661 509 2787 C: 661 203 7312
dudek.com

From: Ronelle Candia
Sent: Thursday, March 20, 2025 3:28 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Lauren McLeod <LMcLeod@capstoneinfra.com>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: RE: PoVI, Data Completeness "Progress Report"

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Ronelle

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Sent: Thursday, March 20, 2025 8:44 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>
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Project Manager
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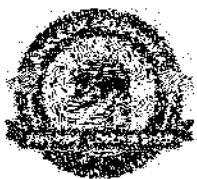
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Eric.Veerkamp@energy.ca.gov
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Sent: Wednesday, March 19, 2025 1:52 PM
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Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

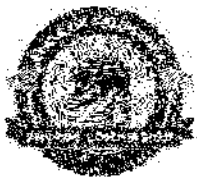
Direct +1 (310) 639-6340
Facsimile +1 (310) 618-1195
Email KStrain@cepstoneinfra.com
Web www.cepstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 19, 2025 10:49 AM
To: Kelly Strain <kstrain@cepstoneinfra.com>
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www.energy.ca.gov



Message

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Sent: 3/20/2025 10:28:16 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Kelly Strain [kstrain@capstoneinfra.com]
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Subject: RE: PoVI, Data Completeness "Progress Report"
Attachments: 24.06.07 232059 Capstone Outfall Schematic.pdf; 24.06.07 232059 Permit Plan - Crossing-Exhibit.pdf

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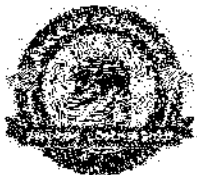
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POTENTIA-VIRIDI
BATTERY ENERGY
STORAGE SYSTEM

LEVY ALAMEDA, LLC

NOT FOR
CONSTRUCTION

REV	DATE	DESCRIPTION

PROJ. NO.	232059
DRAWN	LB
CHECKED	RB
DATE	5/30/24

COFFMAN ENGINEERS, INC.

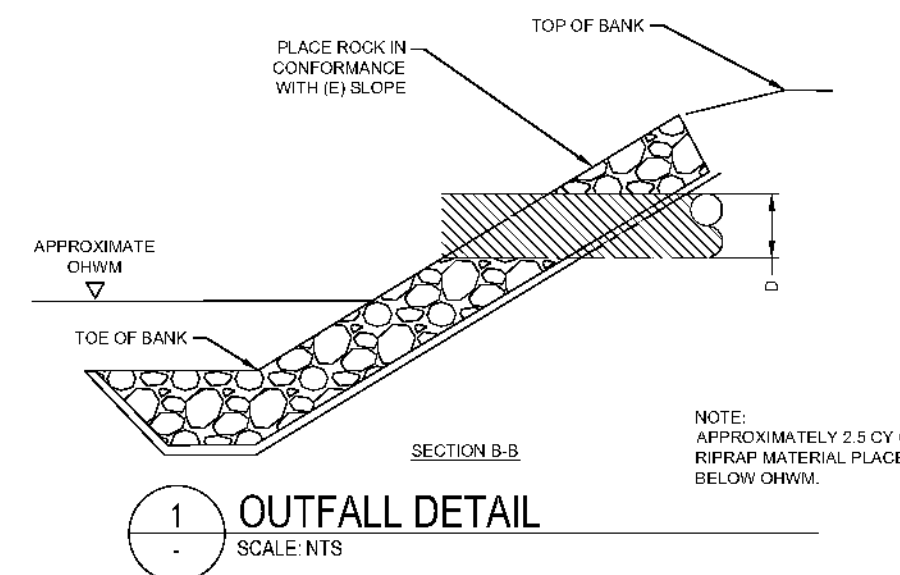
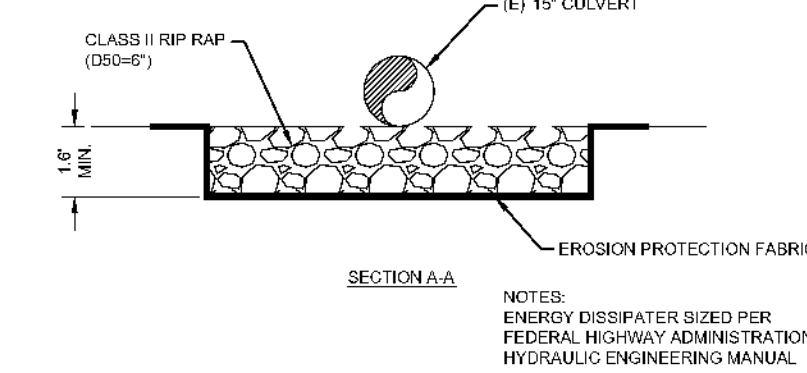
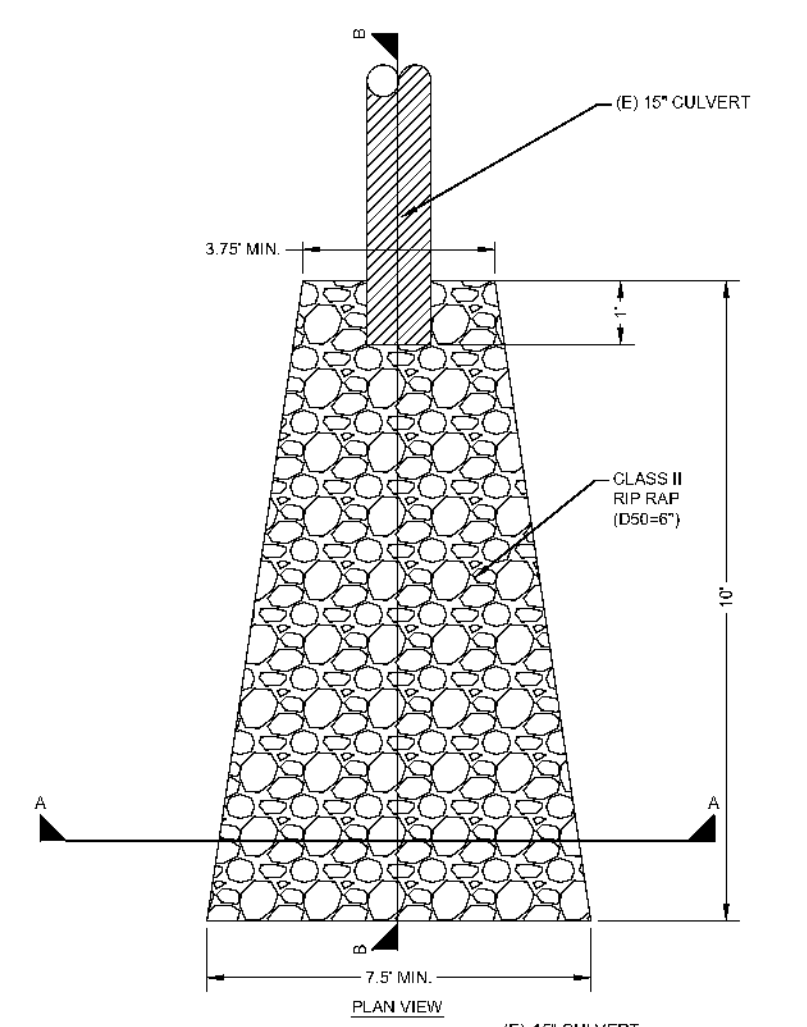
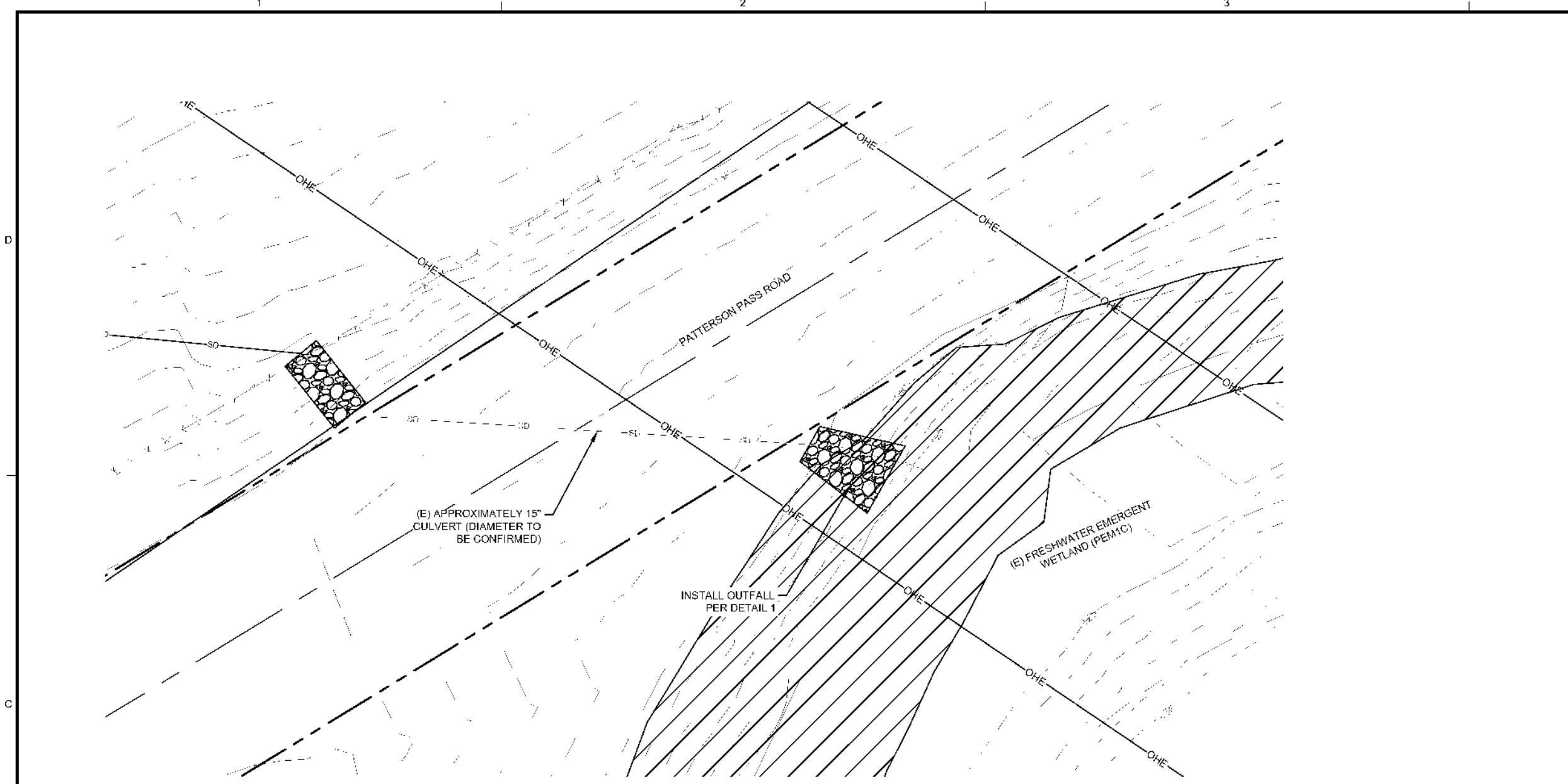
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CONCEPTUAL CIVIL
HYDROLOGY/
HYDRAULIC
OUTFALL
SCHEMATIC

SHEET NO:

C-1.0

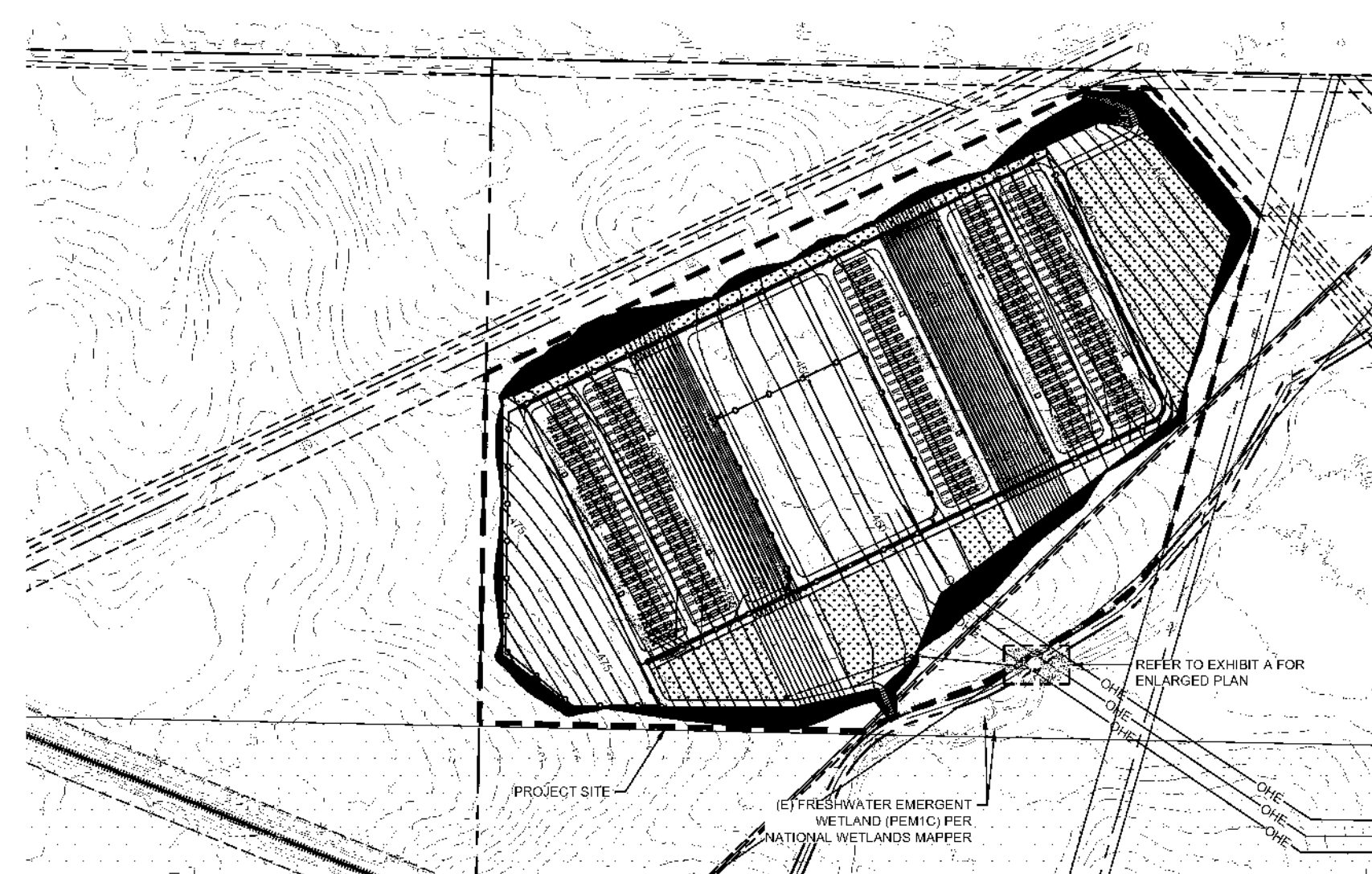
SHEET 4 OF 7



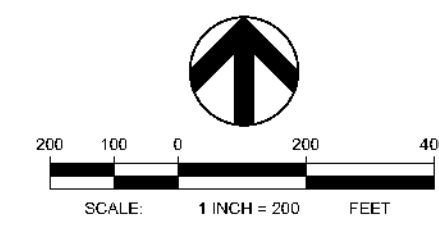
1 OUTFALL DETAIL
SCALE: NTS

LEGEND

	CENTERLINE
	EASEMENT LINE
	PROPERTY LINE
	PROPOSED LEASE LINE
	DRAINAGE MANAGEMENT AREA
	EXISTING CHAIN LINK FENCE
	PROPOSED FENCE
	STORM DRAIN PIPE
	RAILROAD
	EXISTING UTILITY POLE
	EXISTING CONTOURS
	PROPOSED CONTOURS
	ORDINARY HIGH WATER MARK
	STORMWATER/LID AREA



SITE MAP
SCALE: 1"=300'



UTILITY STATEMENT
LOCATION OF EXISTING UNDERGROUND UTILITIES HAVE BEEN TAKEN FROM DRAWINGS AND FIELD LOCATES SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES. UTILITY LOCATIONS SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY. PRIOR TO BEGINNING ANY CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF EACH UTILITY.



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SHEET 4 OF 7

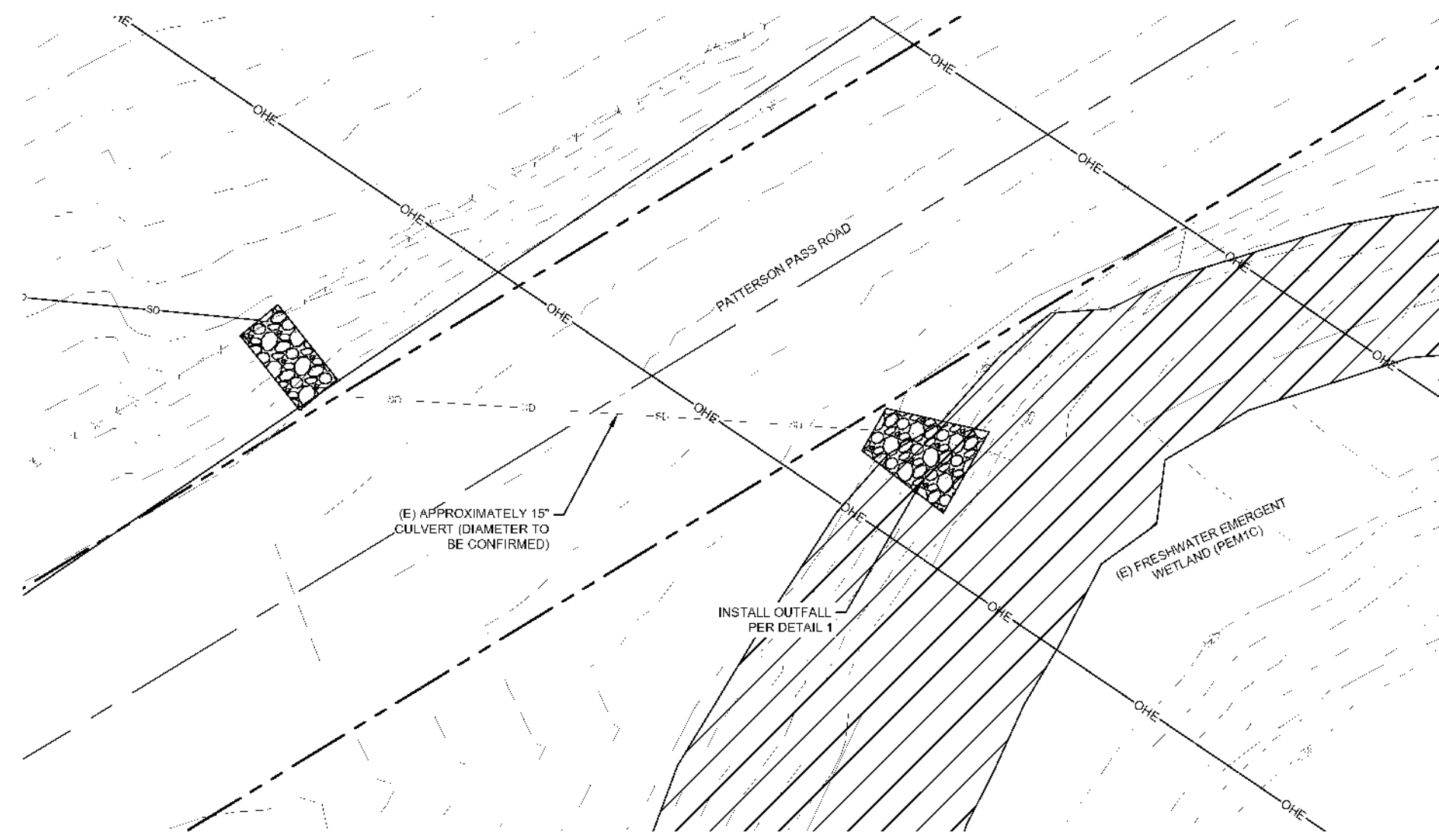
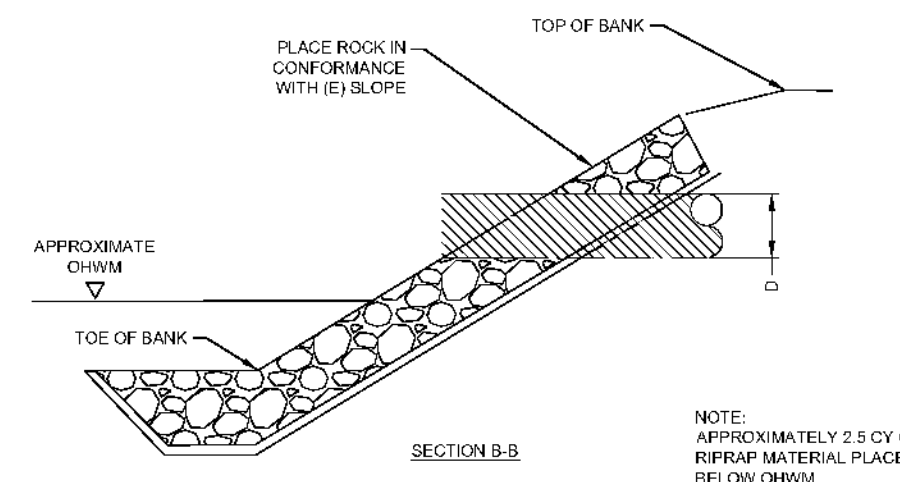
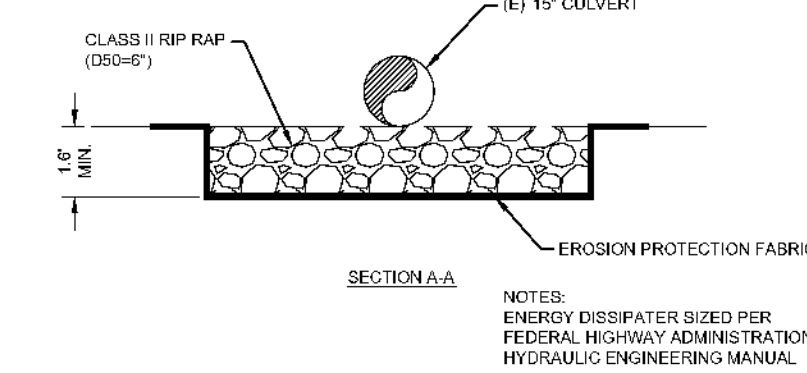
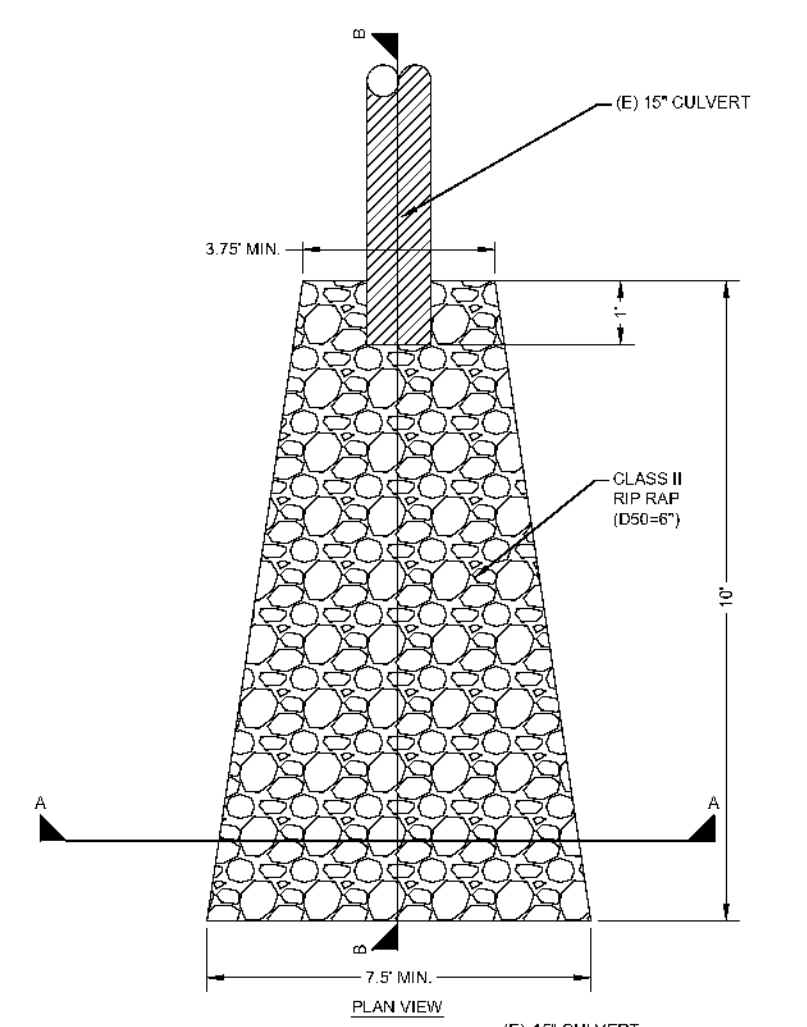


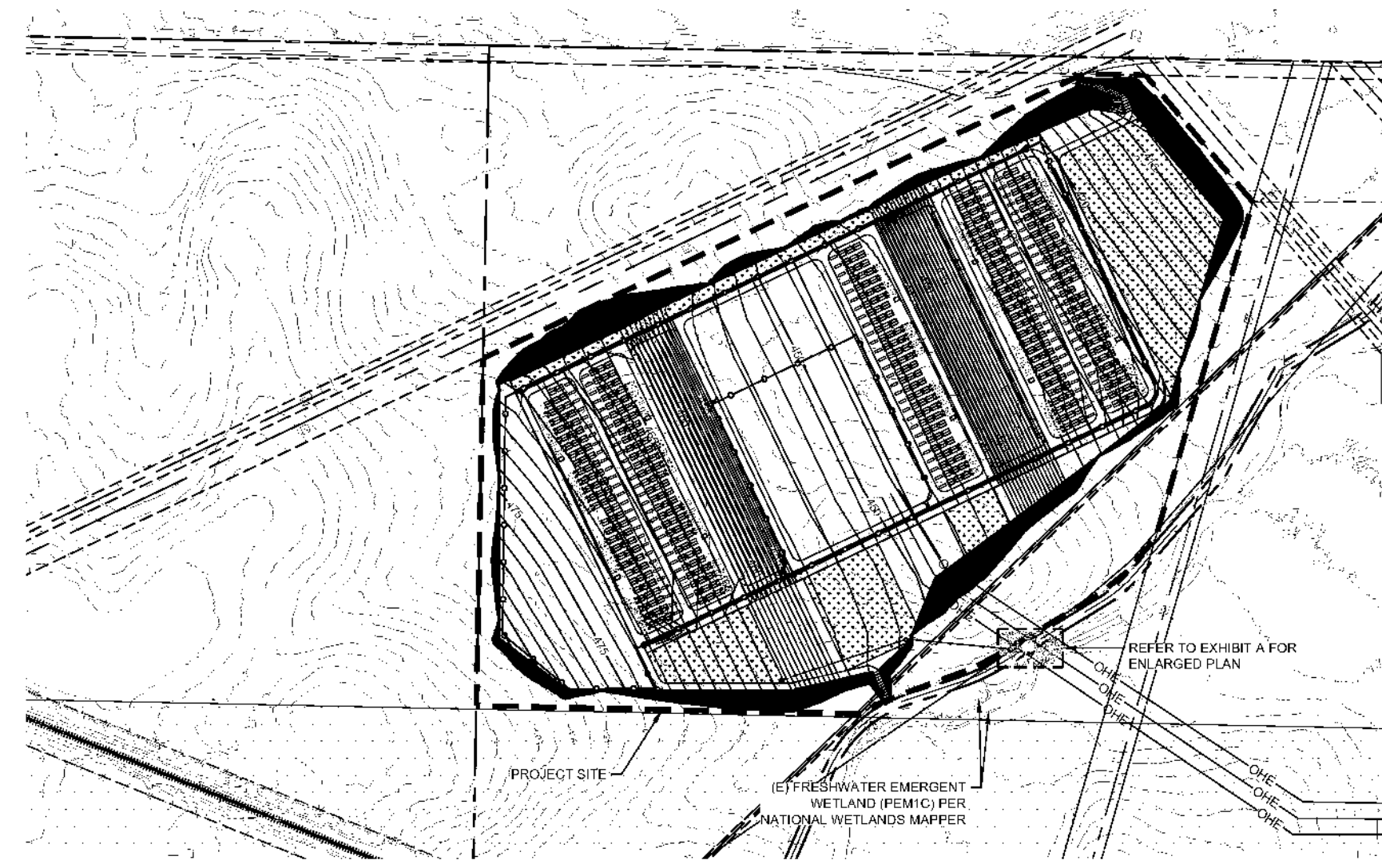
EXHIBIT A
SCALE: 1"=10'



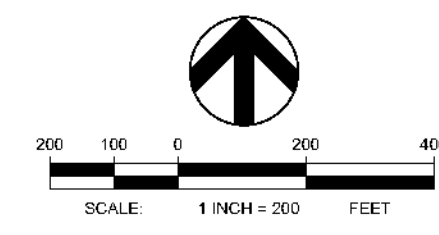
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To: Kelly Strain [kstrain@capstoneinfra.com]
CC: Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
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CC: Rocio Perez [rpe@eurowindenergy.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; DeLano, Kevin@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=de745a362d214bfb777e8fd9d9193da-5e9a22f8-24]
Subject: RE: PoVi Geologic Map, Re-scaled map

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Thank you, Eric

We will work on that and get it back to you early next week, if not by Monday or Tuesday.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

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To: Ronelle Candia <rcandia@dudek.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
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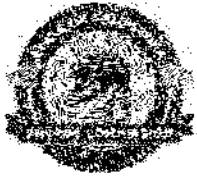
Hello Ronelle and Kelly,

While this revised map is an improvement, the indication in the email incorrectly states that no additional geologic units are within 0.5-2 miles of the project site. The geologic map shows additional Quaternary deposits and Pliocene, Miocene, and Cretaceous rocks within 2 miles of the project site. Additionally, the map doesn't include a full 2-mile buffer around the project site. There could be more geologic units beyond the map borders that are still within 2 miles of the project site.

Please increase the map's horizontal and vertical dimensions, while holding the scale at 1:24,000, so that there is a minimum 2-mile buffer around the project site. Additionally, please revise the text in the Geo and Paleo sections to describe these additional geologic units within 2 miles of the project.

Appreciate Kevin's quick review and evaluation of this material.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Ronelle Candia <rcandia@dudek.com>
Sent: Friday, March 21, 2025 8:42 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Cc: Kelly Strain <KStrain@capstoneinfra.com>; Rocio Perez <rpe@euro-windenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>
Subject: PoVi Geologic Map

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

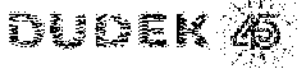
Good Morning Eric,

Per the request during our meeting on Monday, the scale of Figure 3.4-1 has been rescaled to 1:24,000. No additional geologic units are within two miles of the project site. As such, no additional revisions to the text would be required as part of DR GEO-1 and DR PALEO-1.

Please let me know if you have any questions.

Best,
Ronelle

Ronelle Candia
Project Manager II



45 Years of Impactful Projects

O: 661 509 2787 **C:** 661 203 7312
dudek.com



Message

From: Veerkamp, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A16598E8714E422FB3216B7B05602C48-VEERKAMP, E]
Sent: 3/19/2025 12:33:50 AM
To: Kelly, Joelle@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f15d9a16a7e64af78120a49db6b6ea76-Kelly, Joel]; Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]
CC: Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: PoVI, Data Completeness "Progress Report"
Attachments: Data Completeness status.docx

Hi Kelly and Ronelle,

As follow up to our call this morning, please find attached information that should provide a preview of an expected forthcoming second data request. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



Data Completeness Status, 3/18/2025

Potentia-Viridi BESS	Data Complete Indicated as of 3/18	Still in review for Completeness	Likely 2 nd Data Request
Mandatory		X(?)	
Air Quality			X (?)
Alternatives	X		
GHG			X
Biological Rec.			X (known issues)
Cul and Tribal Cul			X (historic arch. Field survey)
Exec. Summ.	X		
Efficiency and Energy	X		
Facility Design	X		
Geo		X (map to scale and paleo sensitivity)	
Haz			X (battery technology/manufacturer)
Land Use	X		
Noise		X(ambient noise)	
Palco		X (map to scale and palco sensitivity)	
Project Description	X		
Public Health			X
Socio	X		
Soils	X		
Traffic			X (?)
T. Safety System and Nuisance	X		
Trans. System Design	X		
Visual			X (elevation drawings)

Data Completeness Status, 3/18/2025

Waste			X (Waste Mgmt Plan deficiency)
Water	X		
Wildfire			X (battery technology/manufacturcr)
Worker Safety			X (battery technology/manufacturcr)

Appointment

From: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
Sent: 3/17/2025 3:06:04 PM
To: Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Paul Miller [pmiller@therchgroup.com]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; kstrain@capstoneinfra.com; DeLano, Kevin@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=de745a362d214bfbb777e8fd9d9193da-5e9a22f8-24]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; field@energyveterans.org; Sinclair, Crystal@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=209edf346f1c429eb714c8c824e6da65-WildlifeCry]; Grefsrud, Marcia@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=76704dafcdd74abd91fec354bda4c0ee-WildlifeMar]; Germinario, Lena@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=56b542cba4f747059f0acb2ea9a17abf-WildlifeLen]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]
CC: Paul Miller [pam@eurowindenergy.com]; Pierre Permingeat [ppermingeat@capstoneinfra.com]; Lauren McLeod [LMcLeod@capstoneinfra.com]; Daniel Jones [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=352cfed2f4d849749d3d8f98a9563279-082cef18-97]; DeMasi, Tom [tom.demasi@coffman.com]; Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]; Elia, Jared [Jared.Elia@stantec.com]; Tovar, Michelle [Michelle.Tovar@stantec.com]; Joel Moore [jmoore@moore-devservices.com]; Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]; Palmer, Dana [dpalmer@allenmatkins.com]; Cameron Johnson [cjohnson@integral-corp.com]
Subject: Potentia (PoVI), Data Completeness review, follow-up targeted discussion on BIO, Haz./Wildfire, Worker Safety, Geo., Paleo
Attachments: CEC PoVI DataNeeds Follow up Agenda 20250317.docx
Location: Microsoft Teams Meeting
Start: 3/17/2025 3:45:00 PM
End: 3/17/2025 4:30:00 PM
Show Time As: Tentative
Required Attendees: Fooks, Brett@Energy; Paul Miller; Chang, Kaycee@Energy; Kelene Strain; DeLano, Kevin@Energy; Abulaban, Abdel-Karim@Energy; Crisp, Ann@Energy; Julie Myrah; Sinclair, Crystal@Wildlife; Grefsrud, Marcia@Wildlife; Germinario, Lena@Wildlife; Blinn, Brenda@Wildlife; Giorgi, Erika@Energy; Deaver, Paul@Energy
Optional Attendees: Paul Miller; Pierre Permingeat; Lauren McLeod; Daniel Jones; DeMasi, Tom; Ronelle Candia; Rocio Perez; Elia, Jared; Tovar, Michelle; Joel Moore; Cabrera, Crystal@Energy; Palmer, Dana; Cameron Johnson

Expanding this Monday discussion to include BIO to overcome some scheduling constraints

Hello,

To cover technical areas not addressed during the March 4, 2025 standing PoVI meeting, I am setting aside a time to discuss 1) Hazards, Hazardous Materials and Wildfire, 2) Worker Safety and Fire Protection, 3) Geological Resources, and 4) Paleontological Resources. I am confident that by next week, the CEC will be able to present any questions or concerns we have remaining about the data responses in these areas. With any luck, the applicant will be able to provide any clarification needed, verbally during the meeting.

Kelly, please forward this on to whomever else needs to attend.

As I mentioned in our meeting this morning, here are some clarifications needed from the applicant:

- 1) DR BIO-3: References Section 3.1.7.4; however, we are unable to find this Section – please specify where this is located.
- 2) DR BIO-10: Please see attached table and confirm which acreage amounts are correct. I have highlighted the ones I believe are correct but need confirmation from the applicant.
- 3) DR BIO-15: Please confirm work windows. Perhaps include a table specifying activities and work windows to avoid conflicts.
 - LSAA Seasonal Work Period is May 1 – October 31,
 - ITP Seasonal Work Restriction May 1 – October 30,
 - Section 1.1.4.1 built between June 15 – October 15,
 - Golden eagle if present work window Sept. 2 – Jan. 31
 - CTS/RLF work window 9/1 – 10/14
 - Ground Disturbance work 5/1 – 10/31
 - Burrowing Owl work window 9/2 – 3/14
- 4) DR BIO-26: Please confirm the low-water crossing and outfall structure will remain in place after decommissioning.
- 5) DR BIO-31: Please confirm acreage of impacts and amount of fill in Patterson Run. Please identify where the design layouts are for both the outfall structure and low water crossing.
- 6) DR BIO-33 & 35: Please identify where Appendix 1L is located.
- 7) CDFW requests a strikethrough version of the BTR, ITP, LSAA and NBMP for ease of review if readily available.

CDFW requests that all information required in the ITP and LSAA be specifically addressed in the actual ITP and LSAA to avoid having to search through other documents.

Thanks!

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CEC and Capstone Meeting

Follow up for Potentia-Viridi Data Completeness, focused discussion on BIO, Haz./Wildfire, Worker Safety, GEO, PALEO

March 17 – 8:45 am to 9:30 am

Invitees: CEC- Brett Fooks, Kaycee Chang, Kevin DeLano, Abdel-Karim Abulaban, Ann Crisp, Erika Giorgi, Paul Miller, Julie Myrah, Daniel Jones, Crystal Cabrera, Ronelle Candia

Partner Agencies- Crystal Sinclair, Marcia Grefsrud, Lena Germinario, Brenda Blinn

Capstone- Kelene Strain, Pierre Permingeat, Lauren McLeod, Tom Demasi, Rocio Perez, Elia Jared, Michelle Tovar, Joel Moore, Dana Palmer, Cameron Johnson

Background, and Purpose of Meeting:

The purpose of the meeting is to continue to move toward data completeness for the Potentia-Viridi Opt-In.

Biological Resources

- 1) DR BIO-3: References Section 3.1.7.4; however, we are unable to find this Section – please specify where this is located.
- 2) DR BIO-10: Please see attached table and confirm which acreage amounts are correct. I have highlighted the ones I believe are correct but need confirmation from the applicant.
- 3) DR BIO-15: Please confirm work windows. Perhaps include a table specifying activities and work windows to avoid conflicts.
 - LSAA Seasonal Work Period is May 1 – October 31,
 - ITP Seasonal Work Restriction May 1 – October 30,
 - Section 1.1.4.1 built between June 15 – October 15,
 - Golden eagle if present work window Sept. 2 – Jan. 31
 - CTS/RLF work window 9/1 – 10/14
 - Ground Disturbance work 5/1 – 10/31
 - Burrowing Owl work window 9/2 – 3/14

- 4) DR BIO-26: Please confirm the low-water crossing and outfall structure will remain in place after decommissioning.
- 5) DR BIO-31: Please confirm acreage of impacts and amount of fill in Patterson Run. Please identify where the design layouts are for both the outfall structure and low water crossing.
- 6) DR BIO-33 & 35: Please identify where Appendix 1L is located.
- 7) CDFW requests a strikethrough version of the BTR, ITP, LSAA and NBMP for ease of review if readily available.

CDFW requests that all information required in the ITP and LSAA be specifically addressed in the actual ITP and LSAA to avoid having to search through other documents.

Geological Resources/ Paleontological Resources

DR Geo-1: Thank you for providing, Figure 3.4-1, a recent CA Geological Survey geologic map of the project site at 1:45,000 scale in the document CEC Data Request Response No 1 for the Potentia-Viridi Energy Storage Project (TN 260727).

CEC staff follow-up: The CCR Title 20, Div. 2, Ch. 5, Appendix B requires a geologic map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the project site and along proposed facilities. Would you please revise the scale in Figure 3.4-1? If any additional geologic units are within two miles of the project, would you please expand the text in Section 3.4: Geologic Hazards and Resources (TN 258252) to describe them?

DR Paleo-1: Thank you for providing the document DR-1: Revised Paleontological Resources Section (TN 260796). This document discusses the paleontological sensitivity of Quaternary younger alluvium, Quaternary older alluvium, and Neroly Formation.

CEC staff follow-up: The CCR Title 20, Section 1704, Appendix B requires a discussion of the paleontological sensitivity for each geological unit identified on the most recent geologic map at a scale of 1:24,000. If any additional geologic units are within two (2) miles of the project site, would you please expand the Paleontological Resources Section to describe them? Please include rationale as to why the sensitivity was assigned.

Public Benefits

- The net economic analysis does not consider economic benefits from operating potential-iridi until 5 years after construction. I want to know what is happening financially in the first 5 years
- The applicant says the project will not increase needs or costs for fire or emergency services. They state this but do not provide details. I saw that the applicant submitted a master fire plan to the docket; they did not reference this plan in the econ analysis. I think they should at least have a narrative discussion on why their fire mitigation efforts will ensure the project does not cost the county more for fire department services.

Message

From: Veerkamp, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A16598E8714E422FB3216B7B05602C48-VEERKAMP, E]
Sent: 3/20/2025 3:31:14 PM
To: Kelly Strain [kstrain@capstoneinfra.com]
CC: Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: RE: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,

I spoke yesterday with Ann Crisp about your suggestion to set up another meeting to discuss BIO issues for data completeness. Ann and I both agree that staff time, particularly Julie Myrah, is better spent working to meet today's deadline for determining data completeness and then drafting the 2nd BIO data request for completion (hopefully) by next Friday, the need for which has come into clearer focus.

If there is a specific item that you need clarification on, if you identify it, perhaps we can address it via an email or two. Otherwise, for BIO, may be prudent at this point to wait for the 2nd data request, unless you are adamant that you would prefer to meet again before the end of next week.

Thank you for your ongoing assistance, and I hope you agree with this approach. Contact me at any time.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Wednesday, March 19, 2025 1:52 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Subject: RE: PoVI, Data Completeness "Progress Report"

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Eric,

We would greatly appreciate another meeting with the CEC and CDFW to discuss biological resources. Would you mind setting up a meeting with us next week? This bio meeting will need to be a separate meeting from the battery technology meeting. We believe the meeting may take 45 to 60 minutes to address all of our questions.

Thank you,

Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

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Email KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 19, 2025 10:49 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Subject: FW: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,
FYI, I sent this to the wrong Kelly yesterday evening by mistake. Her name is not even Kelly, it's Joelle Kelly.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Veerkamp, Eric@Energy
Sent: Tuesday, March 18, 2025 5:34 PM
To: Kelly, Joelle@Energy <Joelle.Kelly@energy.ca.gov>; Ronelle Candia <rcandia@dudiek.com>; Rocio Perez <rpe@eurowindenergy.com>
Cc: Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: PoVI, Data Completeness "Progress Report"

Hi Kelly and Ronelle,
As follow up to our call this morning, please find attached information that should provide a preview of an expected forthcoming second data request. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458

Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



Message

From: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Sent: 3/25/2025 6:40:42 PM
To: Beeler, Heather [Heather_Beeler@fws.gov]
CC: Olah, Ryan [ryan_olah@fws.gov]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]; Field@EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Thanks for all the information. Apologies for delays, I will be travelling 26-27 for a Darden Staff Assessment Public Meeting. If you have time 3/28 that would be great, otherwise we can aim for the next week? I could be available Friday March 28th 9:30 – 12:00?

I have cc'd Julie Myrah, CEC consultant who is assigned to BIO for Potentia-Viridi BESS.

So this would be a good chance to generally discuss the eagle permit process and CEC coordination as well as the Midway Pair in the region? Viracocha Hill is not yet assigned to staff.

Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, March 17, 2025 3:36 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,

Sorry for all the emails. I took a quick glance at the project location it is within 1 mile of a known golden eagle nesting pair's nest that has been used for the past several years (Midway Pair), fyi. I cc'd Brenda so her team is also aware. It would be good to consider the project's potential impacts. The more human infrastructure is put on the landscape, the more golden eagles avoid it, fyi. So, something for us to think about further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:26 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,
I see this is another Alameda County project so I would remain your contact for eagles/birds at the US Fish and Wildlife Service, fyi.
Thanks again,
Heather

From: Beeler, Heather
Sent: Monday, March 17, 2025 3:24 PM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Ann,
I'm currently away from the office. I am available
Wed March 26th: 12-2, 2-4
Thurs. March 27th: 9-12, 1-2, 3-4

I maybe available Friday March 28th too if those date/times won't work for you. I'm not familiar with the Potentia-Viridi BESS project. Where is that one located? Depending on where it is in the state, I may remain your contact or need to pull in a different co-worker. Also, the state considerations and definitions and our federal regulations differ some-what. I look forward to coordinating further.

Thanks,
Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 17, 2025 11:30 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

Just checking in to see if you had availability to discuss eagle permits? We also have golden eagle as a potential to occur species on Potentia-Viridi BESS - as far as we know the applicant is going to avoid impacts but we are still working on discussions with CDFW.

<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Thanks!

Ann

Ann Crisp

Biological Resources Unit Supervisor
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
916-352-0543

California Energy Commission
Website: www.energy.ca.gov



From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 10, 2025 7:47 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Good morning Heather,

Thanks for joining the Viracocha BESS meeting last week and providing helpful feedback. Would you have time to meet this month to discuss FWS - CEC staff coordination on golden eagle permitting and other eagle and BCC topics? I don't have staff assigned to this project yet but would like to get up to speed as the new unit supervisor.

Thanks!

Ann

From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Wednesday, February 26, 2025 9:24 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Ann,
Yes, I'm available that day and time. Go ahead and include me if that would be helpful.
Thanks,

Heather

*Heather Beeler
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754*

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Wednesday, February 26, 2025 7:39 AM
To: Beeler, Heather <Heather_Beeler@fws.gov>
Cc: Olah, Ryan <ryan_olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

We have a meeting with the applicant and CDFW next week from 2-3 PM on 3/6 to discuss spring surveys. Would you be available to join?

Thanks!

Ann

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, February 24, 2025 12:28 PM
To: 'Heather Beeler' <heather_beeler@fws.gov>
Cc: Ryan Olah@fws.gov <Ryan_Olah@fws.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Hi Heather,

I hope you're doing well. I'm reaching out to introduce myself as the new Biological Resources Unit Supervisor with the CEC. The docket for the 362.8 MWh Viracocha Hill BESS project in Alameda County has been opened.

<https://www.energy.ca.gov/powerplant/energy-storage-system/viracocha-hill-battery-energy-storage-system-project>

Reclaimed Wind LLC submitted a partial opt-in application that is missing several technical sections, including biological resources. We immediately filed a notice of receipt for this partial application, stating that we **will not** initiate our 30-day review until the applicant submits the remaining sections. We've been informed that it may take a couple of months to complete the application (e.g., rare plant surveys are planned for late this month or in March).

Late last week, the applicant reached out to coordinate on their spring survey plan, and I have just reached out to CDFW Region staff under our AB 205 MOU to get a meeting scheduled. Attached is the applicant's potential to occur table for wildlife, they are still working on a table for plants.

What is the best way to loop you into these discussions? Would you like to join the meeting with the applicant and CDFW, date/time TBD, but it's looking like the first week or March.

I'm just getting up to speed on this project but understand you have been coordinating with Eric Knight, the Manager of the Siting & Environmental Branch, who was also acting as the BIO Unit Supervisor until I took on this role in December.

Look forward to your thoughts and to working together.

Ann

Ann Crisp
Biological Resources Unit Supervisor
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
916-352-0543

California Energy Commission
Website: www.energy.ca.gov



From: Beeler, Heather <Heather_Beeler@fws.gov>
Sent: Monday, January 6, 2025 10:25 AM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: RE: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

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Hi Eric,

I appreciate your inclusion in this process. I was not previously included in meetings or provided information about this project. We are working with the applicant who has requested a construction permit to consider authorizing take from disturbance that would prevent eagles from successfully breeding while the Viracocha Wind Project is being built. We are also separately considering an application to authorize the take of eagles from direct mortality and injury once the wind project is operational. I look forward to learning more about this proposal and offering suggestions for now to avoid, minimize or possibly consider further take authorizations under the Bald and Golden Eagle Protection Act for this project if relevant.

Below is my availability:

January 7, 2025 9-10:30 2:30-4:30	January 9, 2025 Not available	January 14, 2025 Not available at those times
January 8, 2025 9-11 1-3 2-4	January 10, 2025 9-11 10-noon 1-3 2-4	January 15, 2025 9-11 1:30-3 2-4

As an FYI, our nest buffer no disturbance recommendations are located here: <https://www.fws.gov/library/collections/eagle-nest-buffers-california-and-nevada>

If disturbance within one mile of golden eagle nests can be implemented for short term construction projects, or the can be constructed outside of the breeding season we typically assume take can be avoided. We will also look at loss of

habitat and habitat fragmentation though as golden eagles are sensitive to both. More information on our regulations and permit process is available here: <https://www.fws.gov/program/eagle-management>

Thanks again,
Heather

Heather Beeler (she/her)
Eagle Permit Coordinator
Migratory Bird Program, R8
U.S. Fish and Wildlife Service
Cell: 775-508-9754

From: Knight, Eric@Energy <Eric.knight@energy.ca.gov>
Sent: Friday, December 20, 2024 3:57 PM
To: Beeler, Heather <Heather.Beeler@fws.gov>; Olah, Ryan <ryan_olah@fws.gov>
Subject: [EXTERNAL] FW: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Heather and Ryan – My initial email to you was returned undeliverable. I think I got your email addresses right this time. – Eric

From: Knight, Eric@Energy
Sent: Friday, December 20, 2024 3:43 PM
To: Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>; Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>; Mulligan, Rhiannon@Wildlife <Rhiannon.Mulligan@Wildlife.ca.gov>; Salisbury, Lance@Wildlife <Lance.Salisbury@wildlife.ca.gov>; Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>; Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>; Lopez, Albert, CDA <Albert.Lopez@ecguy.org>; ryan.olah@fws.gov; heather.beeler@fws.gov
Cc: Chappell, Erin@Wildlife <Erin.Chappell@Wildlife.ca.gov>; Wakeman, Donovan@Wildlife <Donovan.Wakeman@Wildlife.ca.gov>; Barker, Kelley@Wildlife <Kelley.Barker@wildlife.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>
Subject: Opt-In Certification Pre-filing Meeting for Proposed Viracocha BESS Project in Alameda County

Greetings All –

The California Energy Commission has received a request for a pre-filing meeting for an Opt-In Certification application for the Viracocha Battery Energy Storage System (BESS) project in Alameda County. Some of you may recall attending a pre-filing meeting for this project on July 12, 2023. At that time the project was envisioned as a 90 megawatt (MW)/360 MW-hour BESS on 14 acres of land. Viracocha Wind, LLC (Viracocha Wind) currently plans to construct, own, and operate an up to 400 MW-hour BESS in Alameda County, adjacent to the proposed Sand Hill Wind Repower project (also owned and operated by Viracocha Wind). The proposed BESS project includes an approximately 14-acre fenced BESS yard, an approximately 200-foot access road, and an approximately 1,000- to 1,300-foot-long gen-tie line to the nearby Ralph Substation. If the Ralph Substation is not available, a new 2-acre substation located adjacent to the Ralph Substation would be included as part of the project.

The project area is located approximately 0.8 miles south of the Bethany Reservoir, 0.15 miles north of Altamont Pass Road, and 3.3 miles west of the Tracy city limits.

The applicant intends on filing their application with the CEC by February 15, 2025. Information about the Opt-In Certification Program can be found here [Opt-In Certification Program](#)

Please let me know your availability among the following days/times. This will be a Zoom meeting only.

CDFW/DTSC/Water Boards: I have only sent this invite to primary contacts identified in CEC's MOU with your agency, so please let me know in addition to yourselves (or instead of yourselves), who will attend for your agency.

Albert Lopez – Same, please let me know of any other Alameda County representatives you'd like to attend.

USFWS – The applicant suggested you may have an interest in this project; CEC welcomes FWS's participation.

Thanks all and Happy Holidays!

January 7, 2025 9-11 10-noon 2:30-4:30	January 7, 2025 9-11 10-noon 2:30-4:30	January 14, 2025 1-3 2-4
January 8, 2025 9-11 10-noon 1-3 2-4	January 8, 2025 9-11 10-noon 1-3 2-4	January 15, 2025 9-11 1-3 2-4



Eric Knight

Manager

Siting & Environmental Branch

Siting, Transmission & Environmental Protection Division

California Energy Commission

(916) 591-9931

Message

From: Field @EnergyVeterans.org [field@energyveterans.org]
Sent: 3/27/2025 9:16:46 PM
To: heather_beeler@fws.gov
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]
Subject: Potentia-Viridi BESS (24-OPT-04)

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Hi Heather,

Just following up on the midway pair you mentioned located near the Potentia-Viridi project in Alameda County – the applicant did not include the pair – do you have more information you can share with me as to occurrence number or location? I am not seeing it on CNDDDB so want to make sure we address it especially if it is within a mile of the project area.

Thanks, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Field @EnergyVeterans.org [field@energyveterans.org]
Sent: 3/27/2025 9:26:33 PM
To: heather_beeler@fws.gov
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Blinn, Brenda@Wildlife [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b6181b4681b47e9b40083cea7ba4197-WildlifeBre]
Subject: RE: Potentia-Viridi BESS (24-OPT-04)

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Hi again,
I see occurrences 323 and 324 on CNDDDB – please let me know if one of those are the midway pair or if there is another location.
Thanks again, Julie

From: Field @EnergyVeterans.org
Sent: Thursday, March 27, 2025 2:17 PM
To: heather_beeler@fws.gov
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Blinn, Brenda@Wildlife <Brenda.Blinn@wildlife.ca.gov>
Subject: Potentia-Viridi BESS (24-OPT-04)

Hi Heather,
Just following up on the midway pair you mentioned located near the Potentia-Viridi project in Alameda County – the applicant did not include the pair – do you have more information you can share with me as to occurrence number or location? I am not seeing it on CNDDDB so want to make sure we address it especially if it is within a mile of the project area.

Thanks, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Field @EnergyVeterans.org [field@energyveterans.org]
Sent: 3/28/2025 12:24:09 AM
To: Heather_Beeler@fws.gov [heather_beeler@fws.gov]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Subject: Potentia-Viridi
Attachments: 2025_0306_Compared_Nesting_Bird_Mgmt_Plan.pdf

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Hi Heather,

Attached is the red-lined version of the nesting bird management plan submitted by the applicant. Let me know if there is anything else you'd like to see from the docket – you can also subscribe to it on the lower right portion of the website and you would receive emails when the applicant submits documents.

<https://www.energy.ca.gov/prow/plant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

I'll be in touch about setting up FWS meeting next week when I hear back from Ryan.

Thank you again for taking the time to talk today. Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Nesting Bird Management Plan

Potentia-~~Virdi~~ Battery Energy Storage System Facility Project

JANUARY 2025

Prepared for:

LEVY ALAMEDA, LLC

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024

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Alameda County, California

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155 Wel ington Street W., Suite 2930 ¶

Toronto, Ontario M5V 3H1, Canada¶

CALIFORNIA ENERGY COMMISSION¶

Load Agency¶

715 P Street, ¶

Sacramento, Ca ifornia 95814 ¶

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
BESS	Battery Energy Storage
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
cy	Cubic yards
kV	Kilovolt
HVAC	Heating, ventilation, and air conditioning
MBTA	Migratory Bird Treaty Act
MM	Mitigation Measure
MV	Medium voltage
MW	Megawatt
NML	Nest Management Log
O&M	Operations and maintenance
POCO	Point of Change of Ownership
PCS	Power Conversion System
PG&E	Pacific Gas and Electric
Project	Potentia-Viridi Battery Energy Storage System
Plan	Nesting Bird Management Plan

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1 Introduction

This Nesting Bird Management Plan (Plan) describes the measures to be taken by Levy Alameda, LLC and its contractors to avoid impacts to migratory birds and raptors in accordance with federal, state, and local regulations during construction of the Potencia-Viridi Battery Energy Storage System Project (Project).

The Plan identifies nest survey protocols and methodologies, management considerations to avoid nesting birds and their nests, eggs, and chicks, and monitoring and reporting requirements to document compliance with federal, state, and local regulations.

Migratory birds and raptors are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MFTA) and the California Fish and Game Code (CFGC). This Plan was developed to assist with compliance pursuant to those standards.

1.1 Purpose of the Nesting Bird Management Plan

The purpose of this Plan is to provide by Levy Alameda, LLC and its contractors with the process and protocol that will be implemented to comply with the measures outlined in MM-BIO-2 and MM-BIO-3. This Plan provides specific information for implementing MM-BIO-5 and MM-BIO-6 as well as the means of monitoring the effectiveness of the Plan during Project construction. The management practices and activities in this Plan are intended to accomplish the following objectives:

- Avoid impacts to migratory birds and raptors
- Maintain consistency with the MFTA and the CFGC

1.2 Project Description

Levy Alameda, LLC (Applicant), a wholly owned subsidiary of Obra Maestra Renewables, LLC, proposes to construct, operate, and eventually repower or decommission the 400-megawatt (MW) Potencia-Viridi Battery Energy Storage System (Project) on approximately 85 acres in eastern Alameda County. The primary components of the Project include an up to 3,200 megawatt-hour (MWh) battery energy storage system (BESS) facility, an operations and maintenance (O&M) building, a project substation, a 500 kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric (PG&E) owned and operated Tesla Substation.

The Project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed. The Project would provide several benefits to the power grid, including reducing the need to operate natural gas power plants to balance intermittent renewable generation and serving as an additional capacity resource that would enhance grid reliability. The Project would be remotely operated and monitored year-round and be available to receive or deliver energy 24 hours a day and 365 days a year.

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1.3 Project Location

The Project site is located at 17257 Patterson Pass Road, Tracy, CA 95377. The property is southwest of Interstate 580 and Interstate 205 on a portion Alameda County Assessor's Parcel Number 993-7890-002-04. The Project area consists of approximately 60 acres. The gen-tie line would extend southeast from the Project substation, crossing Patterson Pass Road, and then proceed east to the Tesla Substation. The Project's gen-tie line would be sited on APNs 993-7890-2-4, 99B-7890-2-6, and 99B-7885-12. The Project site has land use and zoning designation of Agriculture. The area surrounding the Tesla Substation is sparsely developed for residential use, with the nearest residence, which is also owned by the same landowner leasing the area for the Project's gen-tie line, is approximately 1,500 feet southeast of the Project site and 560 feet south of the proposed gen-tie line.

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1.4 Project Components

Project components include the Battery Energy Storage System (BESS) Enclosures, Power Conversion Systems (PCS), Medium voltage (MV) Collection System, Project Substation, Control Building, and Telecommunications Facilities, Access Roads, Laydown Yards, Stormwater Facilities and Outfall, Site Security and Fencing, including fire detection system, and an Operations and Maintenance Building. This section provides details of each component.

- **Battery Energy Storage System (BESS).** The energy storage facility would utilize a modular and containerized BESS. The initial Project concept has been developed assuming lithium iron phosphate (LFP) cells. It is anticipated ESS enclosure height will not exceed 12 feet. The structures may also have a heating, ventilation, and air conditioning (HVAC) system for optimal performance and safety.
- **Power Conversion Systems (PCS).** The PCS would convert electric energy from AC to DC when the energy is transferred from the grid to the battery, and from DC to AC when the energy is transferred from the battery to the grid.
- **Project Substation.** A Project substation is anticipated to be constructed adjacent to the BESS facilities. The power to and from the BESS would be passed through a final interconnection step-up transformer to convert it from 34.5 kV to 500-kV high-voltage for delivery to the PG&E Tesla Substation.
- **Telecommunications Facilities.** Fiber-optic cables will be used to connect the Project site switchyard with the PG&E point of interconnection and to existing fiber-optic lines for remote monitoring. Fiber optic cable may require trenching for installation or it may be place on poles or a combination of both.
- **Access Roads.** Access to the Project site would be provided via new private driveways to the north of the site, off of Patterson Pass Road and to the southeast of the site, off of Patterson Pass Road.
- **Laydown Yards.** One laydown yard would be maintained just north of the central project substation area. This yard would be used during both construction and operation of the BESS facility.
- **Site Security, Lighting, and Fencing.** The Project would be enclosed at the perimeter by a 6-foot to 8-foot-tall security fence. Lighting would only be in areas where it is required for safety, security, or operations. Security cameras will be placed on site and monitored 7 days a week and 24 hours per day.
- **Fire detection system.** Multiple fire detection systems will be installed on-site and within the individual BESS enclosures including an infrared camera system and an onboard battery management system (BMS). In the event of an anomaly, the system will shut down and mitigate the hazard. The BESS enclosures are designed and constructed in such a way that fire would not propagate from one enclosure to a neighboring enclosure in the event of a thermal runaway.

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- **Operations and Maintenance Building.** An O&M building would be constructed within the primary laydown yard for the Project's anticipated three full-time operations staff
- **Generation Tie-Line.** Electrical energy would be transmitted to and from the Project substation to the existing Tesla PG&E Substation through a proposed 500-kV gen-tie line. The gen-tie line would extend southeast from the facility to the Tesla PG&E Substation.

1.5 Project Schedule

Initial mobilization and site preparation is anticipated to begin no later than Q1 2026 and testing and commissioning is anticipated to conclude no later than Q2 2028. It is anticipated that construction crews would work 8 to 10 hours per day, with work occurring Monday through Friday. Environmental clearance surveys would be performed at the Project site prior to commencement of construction activities. Construction activities would include the following:

- **Site preparation.** Prior to construction, environmental clearance surveys would be performed. Erosion and sediment control measures will be installed prior to the start of major earthworks activities. Rough grading and grubbing/vegetation removal would be performed. Detention basins and stormwater facilities would be created for hydrologic control. Stabilized construction entrances and exits would be installed.
- **Site Grading and Civil Work.** Grading is anticipated to include up to approximately 588,018 cubic yards (cy) of cut and up to approximately 344,900 cy of fill, resulting in up to approximately 243,118 cy of export material. The BESS facility site access roads and driveways would be graded, compacted, and surfaced with gravel or aggregate. The project perimeter fence and access gates would then be constructed.
- **Foundations and Underground Equipment Installation.** A grounding grid and underground conduit would be installed below grade beneath the project substation area and BESS components. The main power transformers (MPTs) foundations within the substation area are anticipated to be concrete slab foundations poured into excavations up to 10 feet deep. Foundations for the control building, static masts, other aboveground substation equipment, O&M building, BESS enclosures, PCS units, DC/DC converters, and BESS auxiliary transformers and panels are anticipated to be pile foundations embedded up to 40 feet below ground level. Additional underground work would include trenching for the placement of underground electrical and communications lines.
- **BESS and Project Substation Equipment Installation.** Major equipment would be delivered and offloaded directly into place with a crane or heavy equipment when possible or stored at one of the laydown areas near its permanent location and installed at a later date. Electrical wiring would be installed underground, at-grade, and above ground, depending on the application and location.
- **Gen-Tie Structure Erection.** The transmission structure access path may be bladed, compacted, and surfaced with gravel where necessary to facilitate access. Cast-in-place concrete foundations would be installed. Fiber optic utility poles would be direct embedded in holes up to 8 feet deep.
- **Gen-Tie Stringing and Pulling.** Conductors would be strung between transmission structures and cables would be pulled through one segment of the transmission line at a time.
- **PG&E-Owned Gen-Tie Segment and Interconnection Facilities within Tesla Substation Footprint.** PG&E would construct the segment of the gen-tie between the POCO and the POI within the Tesla Substation, and the fiber optic routes between the POCO and the PG&E control building within the Tesla Substation footprint.
- **Testing and Commissioning.** After installation, equipment will be tested and commissioned. Commissioning work will be completed by qualified personnel.

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2 Regulatory Framework

Several laws and regulations have been enacted in the United States and in California that provide protections for avian species; these are described in the following sections.

2.1 Federal

2.1.1 Migratory Bird Treaty Act

The federal MBTA makes it unlawful, except as formally permitted, to “take” (pursue, hunt, take, capture, or kill) migratory birds except under permits for special situations such as imminent threat to human safety or scientific research. The law currently applies to more than 1,000 species, including most native birds, and covers the destruction or removal of active nests of those species.

2.1.2 Bald and Golden Eagle Protection Act

Bald and golden eagles, their eggs, and their nests receive additional protection under the Bald and Golden Eagle Protection Act (16 United States Code 668 - 668d, 54 Stat. 250 and Amendments). The Bald and Golden Eagle Protection Act states, “no person shall take, possess, sell, purchase, barter, offer for sale, transport, export, or import any bald or golden eagle alive or dead, or any part, nests or eggs, thereof without a valid permit to do so.”

2.2 State

The California Environmental Quality Act and CFGC wildlife protection laws require that government agencies develop standards and procedures necessary to maintain, protect, restore, and enhance environmental quality (including fish and wildlife populations and plant and animal communities), and to ensure that projects comply with these laws. CFGC sections that relate to protection of avian and wildlife resources and are relevant to the Project are listed below:

- **Bird Nests or Eggs, Fish and Game Code 3503; Birds of Prey and Their Eggs, Fish and Game Code section 3503.5; Migratory Birds, Fish and Game Code Section 3513:** These CFGC sections protect all birds, birds of prey, and all nongame birds, as well as their eggs and nests, for species that are not already listed as fully protected and that occur naturally within the state. Sections 3503 and 3503.5 of the CFGC stipulate the following regarding eggs and nests: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by CFGC or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by CFGC or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

- **Fully Protected Species, Fish and Game Code Section 3511:** The legislature of the State of California designated certain species as "fully protected" prior to the creation of California Endangered Species Act. Section 3511 states that "fully protected" birds or parts thereof may not be taken or possessed at any time. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction and included fish, mammals, amphibians and reptiles, and birds.

2.3 Mitigation Measures BIO-5, BIO-6, BIO-7, and BIO-8

Primarily, this Plan is intended to comply with the measures outlined in MM-BIO-5, MM-BIO-6, MM-BIO-7, and MM-BIO-8, which state the following:

MM-BIO-5 Pre-Construction Northern Harrier, White-Tailed Kite, and Nesting Bird Surveys and Avoidance.

Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the Study Area, including northern harrier and white-tailed kite.

If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project Boundary and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests.

The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703-712) and California Fish and Game Code Sections 3503, 3503.5, and 3513.

If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest.

If any active nests are observed during surveys, the nest area shall be demarcated in the field with flagging and stakes or construction fencing, and mapped on the construction plans along with a species appropriate buffer established by a qualified biologist. The buffer distance will range from 25 to 500 feet dependent upon factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction to avoid active nests should be established in the field with flagging, fencing, or other appropriate barriers and should be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. The qualified biologist should be responsible for monitoring all nests that are found within the Project Study Area once construction work is initiated. Nests should be monitored within the following distances until the final nest outcome is determined (i.e., fledged or failed):

- a. 150 feet for passerines and other non-raptors
- b. 500 feet for raptors and owls
- c. 250 feet for occupied burrowing owl burrows
- d. 500 feet for federally and/or state-listed species unless otherwise specified by protocol-level surveys described in BIO-MM-6, -7, and -8.

If the qualified biologist determines that the recommended buffer may not avoid disturbance that could cause a nest failure, the biologist should recommend additional measures (e.g.,

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increased buffer width, noise or visual barriers, work intervals, stopping work as needed, or allowing only specific work types). These measures should be implemented on a case-by-case basis to minimize impacts to nesting birds and may be based on site-specific conditions and work requirements. The qualified biologist should use behavioral cues that indicate nest disturbance (e.g., time off the nest, hesitation approaching the nest, incessant chattering, bill swiping, or other unusual behavior) to determine the buffer's effectiveness. All potential sources of nest disturbance should be assessed and documented, including non-construction activities (e.g., interspecific, and conspecific interactions and depredation) and non-Project-related activities (e.g., traffic and recreational activities).

If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest should be halted as needed until the Project biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged, limitations on construction activities that generate substantial vibration and/or noise levels, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

~~Vegetation or trees planned for removal should be removed during the period of September through January, to avoid the nesting season. If the season cannot be avoided, measures should be implemented to avoid take of birds or nests prohibited by the MBTA and the FGC. Any trees that are to be removed during the nesting season, which is February through August, should be surveyed by a qualified biologist and should only be removed if no nesting migratory birds are found. If vegetation removal activities are delayed, additional nest surveys should be conducted such that no more than 7 days elapse between the survey and vegetation removal activities.~~

MM-BIO-6 Pre-Construction Golden Eagle Surveys and Avoidance:

If nesting golden eagles are determined to be present within the Study Area or within 2 miles of the Study Area during construction of the Project, work should be conducted outside of the nesting season (February 1 to September 1).

- ~~a. Pre-construction surveys for nesting golden eagle will be conducted within 2 miles of the Study Area where accessible. The survey will be performed by a qualified biologist familiar with golden eagle biology and will follow recommendations outlined in the USFWS Interim Golden Eagle Inventory and Monitoring Protocols, and Other Recommendations (Papel et al. 2010).~~
- b) If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone should be established by a qualified biologist. The no-activity zone should be large enough to avoid nest abandonment and alleviate any impacts (e.g., noise, dust) and should be a minimum of 500 feet and up to 1 mile from the nest. Ongoing monitoring by a qualified biologist may be required to ensure no impacts to this species and its habitat.
- c) If an effective no-activity zone cannot be established in either case, an experienced raptor biologist should develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of

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the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles.

MM-BIO-7 Pre-Construction Swainson's Hawk Surveys and Avoidance. Implementation of the following pre-construction survey and nest avoidance buffers will avoid potential adverse effects to Swainson's hawk that may breed in the project vicinity:

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- a) Pre-construction surveys for nesting Swainson's hawk will be conducted within 0.5 mile of the Study Area where accessible. The survey will be performed by a qualified biologist familiar with Swainson's hawk biology and will follow recommendations outlined in the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (SHTAC 2000).
- b) If active Swainson's hawk nests are identified, an avoidance buffer of 0.5 mile shall be established around active nests consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994). No construction within avoidance buffers shall be allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). If it is not feasible to maintain a 0.5-mile buffer for an active Swainson's hawk nest to reasonably accommodate construction, maintenance, or decommissioning activities, the established buffer distance may be reduced through coordination with CDFW. Project activities within the reduced buffer shall be monitored at the discretion of a qualified biologist and based on coordination with CDFW.

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3 Nest Survey Protocol

Nest surveys will be conducted by visually inspecting all ground, shrubs, trees, cliffs, rock outcrops, and artificial structures suitable for nesting. The survey area will be inspected by qualified biologists using visually overlapping pedestrian transects, spaced approximately 30 to 100 feet apart based on existing topography, conditions, and vegetation to identify nesting birds and their nests.

Surveys will be conducted within 72 hours of the start of construction scheduled to occur during the avian nesting season (February 1 to September 1).

Surveys will be conducted within the specified survey areas detailed above in MM-010-5 through MM-010-8 for passerines and raptors, respectively, from all areas proposed for construction activities. A survey for golden eagles will also be conducted within 2-miles of the Project. All nests discovered during these surveys will be logged on a Nest Monitoring Log (NML) and updated per the nest management details described in Section 3.

The NML will include a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. For all nests discovered, a qualified biologist will determine if construction activities could potentially disturb nesting birds and will implement appropriate impact avoidance measures (for example, on-site monitoring, setbacks, timing restrictions) to adequately protect nesting birds as described in Section 3. Nest status will be designated as follows:

- **Active** - Incubating or chick-rearing behavior are observed and/or eggs or nestling/fledgling chicks are observed.
- **Inactive** - No sign of activity as described for active nests.
- **Undetermined** - Status cannot be determined for any reason (for example, conditions unsafe to assess, view into nest not available, length of time nest observed insufficient to document status). Undetermined nests will be monitored as active until otherwise determined inactive.

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4 Nest Management

If active or undetermined status nests are detected during the preconstruction survey, a no-disturbance buffer will be established, and site-specific nest monitoring will be implemented. Standard buffer widths are based on a nesting bird management plan created by the California Public Utilities Commission (CPUC) in collaboration with a Technical Working Group consisting of members of the BLM, USFWS, CDFW, Southern California Edison, and Aspen Environmental Group for a large project in the same region (CPUC 2019). The standard buffer size for specific avian groups is defined in Table 1 below and can be increased or decreased in the field, determined by a qualified avian biologist (avian biologist).

Recommended standard nest buffers will be applied to each active or undetermined-status nest; however, the biologist may expand or reduce this limit based on factors such as nesting chronology of the species, existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise), type and extent of construction activity disturbance (noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations), visibility of construction activity disturbance, duration and timing of construction activity disturbance, influence of other environmental factors, and the species' site-specific level of habituation to the construction activity disturbance. For nesting avian species, buffers may be reduced to smaller buffers through the following process:

1. The construction contractor will request a buffer reduction to the on-site biologist, describing the proposed work activity within the default nest buffer, reason the work activity must be completed while the nest remains active, and approximate period of proposed buffer reduction.
2. Once the request for a buffer reduction is received from the construction contractor, the biologist will review the nest status and the need for the reductions with the contractor. Potential avoidance of the buffer reduction will be evaluated (e.g., by staging equipment in a different location). Wherever feasible, proposed work activities and locations will be adjusted to avoid or minimize incursion into the buffer area.
3. The biologist and Project team will evaluate the request and determine whether a reduced buffer can be applied. The decision will be based on the documented nest information and site-specific conditions such as distance to construction, type of construction activity disturbance, anticipated duration of construction activity disturbance, microhabitat at the nest location that may provide visual and acoustic barriers, behavior of the pair, its reproductive stage, the species' natural history, species' known tolerances to human presence and construction activities, proposed buffer reduction distance and start and end dates, and anticipated work activities and durations.

An NML will be completed for each active nest, and a map or aerial photograph identifying the location of the nest and the boundaries of the no-disturbance buffer zone around the nest will be generated.

Active/undetermined-status nests will be monitored as regularly and logged in the NML until such time that the avian biologist determines that the nestlings have fledged and dispersed or that the nest is otherwise no longer active. Nests detected in areas causing significant delays to construction may be monitored at shorter intervals to potentially expedite construction in those areas. Bird nest locations will be mapped using a GPS unit and will be recorded in the NML. All construction activities that might, in the opinion of the biologist, disturb nesting activities will be prohibited within the nest buffer. If the biologist determines that certain construction activities are allowed within the nest buffer (i.e., walking within buffer, equipment/tool drop off, etc.), the biologist will monitor the nest

during these activities to ensure activities are not impacting the nesting birds. Construction activities will cease if the biologist determines that the nesting birds are agitated. At the completion of construction activities within the buffer, the nest buffer will be restored to its original distance,

Any nests found in or adjacent to disturbance areas will be flagged and the area around the nest will be protected by a nest buffer from construction equipment and disturbance, per the appropriate nesting buffer width for the species, with high-visibility flagging tape to demarcate sensitive habitat. No work activities will be conducted within the designated nest buffers as identified by the biologist. Application of the appropriate buffer width should minimize any disturbance to the nesting behavior and avoid the potential for Project-related nest abandonment and failure of fledging. Each nest buffer will be maintained until construction activities have been completed, or until nesting is complete, and would then be removed.

If Project activities cause or contribute to a bird being flushed from the nest, the buffer will be increased and actions taken will be documented in the NML. Likewise, if activities cause nest failures, the standard buffer width for that species may be increased.

Table 1. Standard Buffers for Avian Groups

Avian Group		Standard Buffer for Ground Construction
Waterfowl and rails	Canada goose, wood duck, mallard, cinnamon teal, ruddy duck, Virginia rail, Sora, American coot, pied-billed grebe	150 feet
Quail	California quail, Gambel's quail	150 feet
Hérons	Great blue heron, great egret, snow egret, cattle egret, black-crowned night-heron	250 feet
Birds of prey (Category 1)	American kestrel, barn owl, western screech owl	300 feet
Birds of prey (Category 2)	Osprey, Cooper's hawk, red-tailed hawk (some urban/suburban), red-shouldered hawk, great horned owl, burrowing owl	300 feet (burrowing owl buffers will be based upon the CDFW 2012 Staff Report on Burrowing Owl Mitigation)
Birds of prey (Category 3)	Turkey vulture, red-tailed hawk (some rural/ranchland), white-tailed kite, northern harrier, long-eared owl	500 feet
Birds of prey (Category 4)	Peregrine falcon, prairie falcon	Consult CDFW and USFWS
Eagles	Golden eagle	1 mile line of sight; 0.5 mile no line of sight
Shorebirds	Killdeer	200 feet
Pigeons	Band-tailed pigeon	150 feet
Doves	Mourning dove, white-winged dove, common ground-dove	150 feet
Roadrunners	Greater roadrunner	300 feet
Nighthawks	Lesser nighthawk, common poorwill	150 feet
Swifts	White-throated swift	200 feet
Hummingbirds	Black-chinned hummingbird, Anna's hummingbird, Costa's hummingbird, Allen's hummingbird	100 feet

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Table 1. Standard Buffers for Avian Groups

Avian Group		Standard Buffer for Ground Construction
Woodpeckers	Acorn woodpecker, ladder-backed woodpecker, Nuttall's woodpecker, downy woodpecker, northern flicker	150 feet
Passerines (cavity and crevice nesters)	Say's phoebe, ash-throated flycatcher, brown-crested flycatcher, tree swallow, rock wren, canyon wren, house wren, Bewick's wren, mountain chickadee, oak titmouse, western bluebird	100 feet
Passerines (bridge, culvert, and building nesters)	Black phoebe, Say's phoebe, northern rough-winged swallow, cliff swallow, barn swallow, house finch	100 feet
Passerines (ground nesters, open habitats)	Horned lark, rock wren, western meadowlark, orange-crowned warbler, lark sparrow, grasshopper sparrow	150 feet
Passerines (understory and thicket nesters)	Bush-tit, blue-gray gnatcatcher, black-throated gray warbler, yellow-breasted chat, spotted towhee, black-chinned sparrow, sage sparrow, song sparrow, black-headed grosbeak, blue grosbeak, lazuli bunting, American goldfinch	150 feet
Passerines (shrub and tree nesters)	Pacific slope flycatcher, Cassin's kingbird, western kingbird, Hutton's vireo, western scrub-jay, American crow, common raven, verdin, bush-tit, black-tailed gnatcatcher, blue-gray gnatcatcher, American robin, northern mockingbird, Le Conte's thrasher, phainopepla, yellow warbler, black-throated gray warbler, yellow-breasted chat, California towhee, black-throated sparrow, song sparrow, summer tanager, great-tailed grackle, hooded oriole, Bullock's oriole, house finch, Lawrence's goldfinch	150 feet
Passerines (shrub and tree nesters)	Loggerhead shrike, cactus wren	300 feet
Passerines (open scrub nesters)	Wren tit, California thrasher, southern rufous-crowned sparrow, black-throated sparrow, lesser goldfinch	150 feet
Passerines (tower nesters)	Western kingbird, common raven	150 feet
Passerines (marsh nesters)	Common yellowthroat, red-winged blackbird, great-tailed grackle	150 feet
Passerines (marsh nesters)	Trockered blackbird	300 feet
Species not covered under the MBTA	Domestic waterfowl, including domestic mallards, feral (rock) pigeon, ring-necked pheasant, chukar, Eurasian collared-dove, spotted dove, parrots, parakeets, European starling, house sparrow	N/A

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5 Nest Monitoring and Reporting

All nests discovered will be documented in the NMLs as needed (preferably weekly but could be more or less often depending on the proximity of the nest to the work area). Nests will be monitored from an appropriate distance with binoculars until the biologist has determined that the nest has failed or fledged, and approaching the nest will be kept to a minimum. Each nest will be located using GPS, given a unique identification number for tracking purposes, and any action taken to protect the nest will be described, including but not limited to creating a buffer zone. NMLs will be updated at each monitoring event to reflect the status of the nest and any comments, observations, or actions taken. The NMLs will serve as documentation of the Project's compliance with CFGC Sections 3503, 3503.5, 3511, and 3513. Nest failures that occur will be reported in the NMLs. Nest failures that appear to be the direct result of the construction activity will be reported within 48 hours of discovery, via phone call and/or email to the appropriate agency contacts.

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6 Bird Use Deterrent Measures

Construction activities during the nesting season (February 1 through September 15) could adversely affect breeding birds through direct take or indirectly through disruption or harassment. Key avoidance and minimization measures to deter birds from using the site or Project structures during construction include the following:

- **Worker Environmental Awareness Program:** A Worker Environmental Awareness Program training will be conducted for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading. A full-time biological monitor will be onsite during vegetation clearing, grubbing, and grading, verifying that artificial light fixtures are directed away from open space and are shielded, limiting staging to designated areas to reduce the potential for birds to nest within staged materials and equipment, and flushing avian species from occupied habitat areas immediately prior to brush-clearing and earthmoving activities (Note: if brush-clearing and earth-moving activities take place within the bird breeding season, flushing will not occur).
- **Netting or Tarps:** Nets and/or tarps are a very effective way to prevent birds from entering and nesting in small crevices in construction equipment (i.e., excavators, lights, generators). If avian nesting is frequent, a tarp can be placed over equipment at the end of each work day to prevent birds from entering. If possible, netting should be avoided unless tarps are infeasible or unavailable.
- **Best Management Practices:** Best management practices, such as waste containment and capping the ends of construction material (pipe), are very effective in preventing birds from nesting in tight locations. On-site personnel should always place trash and waste in secured bins with closed lids to prevent attraction from birds. Pipe and other material on site (if applicable) should be capped when not in use to prevent birds from entering and nest building.

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7 References

California Public Utilities Commission (CPUC). 2019. West of Devers Upgrade Project Nesting Bird Management Plan. September 2019.

Dudek. 2024. Draft Environmental Impact Report Potential Viridi Battery Energy Storage System Facility Project. June 2024.

Page, J.E., D.M. Whittington, and G.T. Allen. 2010. *Interim Golden Eagle Inventory and Monitoring Protocols and Other Recommendations*. Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Sacramento, California. February 2010.

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Figure 1 Project Location

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Message

From: Ronelle Candia [rcandia@dudek.com]
Sent: 3/24/2025 11:12:08 PM
To: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Kelly Strain [kstrain@capstoneinfra.com]
CC: Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]
Subject: RE: PoVI, BIO shapefiles and datasets
Attachments: PV_Results_ProjectedCAZone3.zip

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

I had our GIS specialist look at the files and it appears that there is no .prj file for the nitrogen dispersion modeling shapefile provided by our AQ team. This file lets the program know what coordinate system to use to map the coordinates saved in the features. We have created a new shapefile and I have attached it to this email.

Hope this helps!

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
[dudek.com](mailto:rcandia@dudek.com)

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Monday, March 24, 2025 1:41 PM
To: Ronelle Candia <rcandia@dudek.com>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: Re: PoVI, BIO shapefiles and datasets

Hi Ronelle,

Could you clarify what should be downloaded from that link? Per GIS staff, PV_Results shapefile you sent was missing some files required to work with the data. We will need to get the full shapefile to use that dataset.

Thanks!

Ann

From: Ronelle Candia <rcandia@dudek.com>
Sent: Friday, March 21, 2025 10:40 AM
To: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

I don't know how to send via kiteworks. Lisa had me set up a Dudek sharesite to transmit raw data. If you have instructions, I can submit that way.

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
dudek.com

From: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Sent: Friday, March 21, 2025 10:39 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: Re: PoVI, BIO shapefiles and datasets

Hi Ronelle,

Have these been sent via Kiteworks? If so I can route to our GIS staff to get in our internal CEQA app...you do not have access to that.

Thanks!

Ann

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Tuesday, March 18, 2025 10:11 AM
To: Ronelle Candia <rcandia@dudek.com>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

Thanks Ronelle,
If you have not done so already, please upload this information to the CEQA app so that it can be manipulated through the app. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Ronelle Candia <rcandia@dudek.com>
Sent: Tuesday, March 18, 2025 8:26 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Kelly Strain <kstrain@capstoneinfra.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Citrix Attachments Expires September 14, 2025

PV Results.dbf	1.5 KB
PV Results.shp	1.8 MB
PV Results.shx	212 B
PVBess_Data_20250317.gdb.zip	1.1 MB

[Download Attachment](#)

Ronelle Candia uses Citrix Files to share documents securely.

Good Morning,

Please see attached and my responses in purple below:

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package. (see PV Results.dbf, PV Results.shp, and PV Results.shx for the requested files)
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3. (The attached zip file provides the datasets separated out by figure. As such, this includes two project boundary datasets (they are identical, just saved in figure specific folders), the vegetation cover data, BTR control points, and the culvert point.)
- Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000. (see attached revised Figure 3.2-6)

Ronelle Candia
Project Manager II

O: 661 509 2787 **C:** 661 203 7312
dudek.com

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: Monday, March 17, 2025 3:20 PM
To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

Thank you. No, in fact. I think I am going to cancel that meeting because I am not sure there is a need for it considering our meeting today. If you are available either this afternoon or in the morning, I would like to call you to ask a couple of questions.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
310-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Monday, March 17, 2025 3:09 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, BIO shapefiles and datasets

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eric,

I've copied Ronelle on this email since her team is in charge of doing the docket upload process. Ronelle will provide the response. Also, are there any additional items you would like us to address prior to tomorrow's meeting with the CEC at 10 AM PST?

Sincerely,

Kelene Strain
Environmental & Permitting Manager
CAPSTONE INFRASTRUCTURE CORPORATION
Direct: +1 (310) 639-8340
Facsimile: +1 (310) 612-1335
Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>

Sent: March 17, 2025 3:00 PM

To: Kelly Strain <kstrain@capstoneinfra.com>

Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>

Subject: PoVI, BIO shapefiles and datasets

Hi Kelly,

Please let me know if the following items have been submitted, and if so where I can find them. If they have been submitted, can we please get them added to the CEQA app.

- DR BIO-46 – Nitrogen deposition modeling
Applicant Response (2.1.46) – GIS shapefiles will be included in data package.
- DR BIO-49 – Include missing datasets for Figures 3.2-5, 3.2-6, 3.2-7, in Section 3.2 and Figure 3 for CUL-01 (culvert) included in Appendix A of the Biological Technical Report (Appendix 3.2A). The missing datasets includes Project Study Area shown in Figure 3.2-6, Project Boundary shown in Figure 3.2-7, Vegetation Cover Types shown in Figure 3.2-5, and Control Points shown in Figure 3.
Applicant Response (2.1.49) – GIS shapefiles will be provided to CEC.
- Revised Figure 3.2-6 at a scale of 1:350,000.

Thank you.

Eric W. Veerkamp

Project Manager

STEP Division

California Energy Commission

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Message

From: Kelly Strain [kstrain@capstoneinfra.com]
Sent: 3/26/2025 5:54:40 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
CC: Chang, Kaycee@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd3d2fc8670840bda4acdc455903e787-Chang, Kayc]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]
Subject: RE: PoVI, Data Completeness Technology

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Eric.

Kelcie Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 26, 2025 10:49 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>; Fooks, Brett@Energy <Brett.Fooks@energy.ca.gov>
Subject: RE: PoVI, Data Completeness Technology

Hi Kelly,

What I gathered from Brett's comments yesterday is that the CEC is seeking to gain a level of clarity about certain details of the technology now that would, in the past, perhaps have come into clearer focus later in the process. What I captured in my notes is certain mitigation for things such as fire safety and response, toxics, containment of explosion risks, conflagration panels and how these would be achieved, with battery chemistry being critical. They need to be made as robust as possible and as clear to the public as possible. Of course, to formulate the mitigation, we need as much information as possible now. I think the emphasis is on having the detail on aspects of the technology now, with options, if it undecided, rather than a commitment now, which may mean more work on your part.

As for your second question, the process identified in the regulations under AB 205 is for Final EIR to be submitted for approval at a Business Meeting at the 270 day mark. As part of that process, the CEC is required to file a Notice of Determination within 5 days.

Eric W. Veerkamp
Project Manager
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Eric.Veerkamp@energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Wednesday, March 26, 2025 9:13 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Subject: RE: PoVI, Data Completeness Technology

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Eric

We are hoping you could provide clarification on a couple questions: 1) will the CEC allow the decision pertaining to battery technology to remain as a condition so we don't have to make any commitment now? And 2) will the CEC file a NOD after the determination is made at the end of the 270 days? If so, will it be posted on the CEC's website?

Please let me know if you have any questions.

Sincerely,

Kelena Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 20, 2025 8:44 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudack.com>; Rocio Perez <rpe@eurowindenergy.com>; Chang, Kaycee@Energy <kay_lee_chang@energy.ca.gov>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Field @EnergyVeterans.org <field@energyveterans.org>
Subject: RE: PoVI, Data Completeness "Progress Report"

Ann and Julie, I should have included you in this.

Eric W. Veerkamp
Project Manager
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Eric.Veerkamp@energy.ca.gov
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From: Veerkamp, Eric@Energy
Sent: Thursday, March 20, 2025 8:31 AM
To: Kelly Strain <kstrain@cap:tonenfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@euro-windenergy.com>; Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: RE: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,

I spoke yesterday with Ann Crisp about your suggestion to set up another meeting to discuss BIO issues for data completeness. Ann and I both agree that staff time, particularly Julie Myrah, is better spent working to meet today's deadline for determining data completeness and then drafting the 2nd BIO data request for completion (hopefully) by next Friday, the need for which has come into clearer focus.

If there is a specific item that you need clarification on, if you identify it, perhaps we can address it via an email or two. Otherwise, for BIO, may be prudent at this point to wait for the 2nd data request, unless you are adamant that you would prefer to meet again before the end of next week.

Thank you for your ongoing assistance, and I hope you agree with this approach. Contact me at any time.

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From: Kelly Strain <kstrain@cap:tonenfra.com>
Sent: Wednesday, March 19, 2025 1:52 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@euro-windenergy.com>
Subject: RE: PoVI, Data Completeness "Progress Report"

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Eric,

We would greatly appreciate another meeting with the CEC and CDFW to discuss biological resources. Would you mind setting up a meeting with us next week? This bio meeting will need to be a separate meeting from the battery technology meeting. We believe the meeting may take 45 to 60 minutes to address all of our questions.

Thank you,

Kelona Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

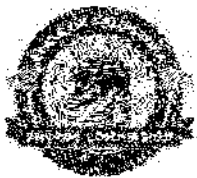
Direct +1 (916) 949-8340
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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: March 19, 2025 10:49 AM
To: Kelly Strain <kstrain@capstoneinfra.com>
Subject: FW: PoVI, Data Completeness "Progress Report"

Good Morning Kelly,
FYI, I sent this to the wrong Kelly yesterday evening by mistake. Her name is not even Kelly, it's Joelle Kelly.

Eric W. Veerkamp
Project Manager
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From: Veerkamp, Eric@Energy
Sent: Tuesday, March 18, 2025 5:34 PM
To: Kelly, Joelle@Energy <joelle.kelly@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Cc: Chang, Kaycee@Energy <kaycee.chang@energy.ca.gov>
Subject: PoVI, Data Completeness "Progress Report"

Hi Kelly and Ronelle,

As follow up to our call this morning, please find attached information that should provide a preview of an expected forthcoming second data request. TY.

Eric W. Veerkamp

Project Manager

STEP Division

California Energy Commission

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Message

From: Kelly Strain [kstrain@capstoneinfra.com]
Sent: 4/14/2025 5:07:56 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]
CC: Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: PoVI Question and Answer for 2nd Data Request - RWQCB

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Eric,

We would like clarification on the following:

In the typical processing pathway with the RWQCB, the agency has a 6-month period to issue the permit that begins when they make a determination of a "complete application." In practice, the RWQCB asks to have a completed CEQA process (Notice of Determination) prior to issuance of the final permit. In this case, CEC is the lead CEQA agency, and is also in the lead for making final permit decisions on behalf of the State of California... But, unlike all other agencies the final permit decision for the RWQCB remains theirs.

Question: If the RWQCB makes the determination that the application is complete (now), does the six-month clock still apply? Will the CEQA NOD be complete within the next six months?... And if the NOD is not issued within six months, is there a provision for extending the six-month period?

If possible, we would greatly value a response by end of day tomorrow, Tuesday.

Thank you,

Kelene Strain
Environmental & Permitting Manager

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Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: April 14, 2025 9:02 AM
To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Knight,

Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: RE: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

Thanks Kelly,

Postponing the meeting to a time to be decided works for us. If we need to schedule a meeting on BIO DR's or any of the other DR's in Set 2 we can get something on the calendar at a later date. TY.

Eric W. Veerkamp

Project Manager

STEP Division

California Energy Commission

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www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>

Sent: Monday, April 14, 2025 8:41 AM

To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudak.com>; Rocio Perez <rperez@eurowindenergy.com>

Subject: RE: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

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Good morning, Eric~

Our team does not have any questions regarding our second data request. Do you want to continue with today's meeting, or shall we reschedule it for when we do have questions?

Thank you,

Kelene Strain

Environmental & Permitting Manager

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Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>

Sent: April 11, 2025 1:56 PM

To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudak.com>; Rocio Perez

POVI 0002208

[<rupa@eurowindenergy.com>](mailto:rupa@eurowindenergy.com)

Subject: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

Hi Kelly and Ronelle,

If you can forward the list of questions, or agenda for Monday's meeting today, that would give CEC staff more time to prepare for the meeting. TY.

Eric W. Veerkamp

Project Manager

STEP Division

California Energy Commission

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Message

From: Paul Miller [pmiller@therchgroup.com]
Sent: 4/14/2025 10:15:01 PM
To: Nichols, Jeff@CALFIRE [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5b06498ae5164116af8a078101d3973b-CALFIREjnic]
CC: Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Daniel Jones [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=352cfed2f4d849749d3d8f98a9563279-082cef18-97]
Subject: Potentia-Viridi Battery Energy Storage System (BESS)
Attachments: TN258016_20240725T170635_Project Description.pdf; TN261414_20250129T094411_DR Response 2 - Attachment 26, Fire Master Plan.pdf; TN261454_20250129T204401_DR Response 2 - Attachment 11, Fire Protection Technical Assistance Report..pdf
Flag: Flag for follow up

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Chief Nichols,

Thanks for providing your email. I am attaching some key information about the project.

1. Project Description
2. Attachment 11 – Fire Protection Tech Assistance Report (I added the yellow highlighted texts – for my own review)
3. Attachment 26 – most current Fire Master Plan

All these are in the CEC official docket for the project.

Bonny Terra (ACFD) indicated that they will defer to CAL FIRE based on the location of the project.

The CEC looks forward to your review and comments on the Site Plan and any CAL FIRE needs for this project.

After you have had a chance to review these materials, we should set up a virtual call to get your initial thoughts. CEC will be the Lead Agency on the environmental document, which will be published no sooner than 5 months from now.

On the call we will further describe the OPT-In process – a new certification process that applies to battery energy storage systems --being used for this project. It is a streamlined process for energy projects.

Looking forward to meeting with you and receiving your feedback.

Let us know if you have any follow-up questions and potential times when we can do a virtual call and answer any of your questions.

Paul Miller
Managing Principal
pmiller@TheRCHGroup.com
(916) 212-9600 Cell

DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	258016
Document Title:	Project Description
Description:	This section provides a detailed description of the project and its various components; identifies the project's location; project purpose and objectives; and provides details regarding the project's construction, operations, and decommissioning activities.
Filer:	Jennifer Dorgan
Organization:	Allen Matkins Leck Gamble Mallory & Nats
Submitter Role:	Applicant Representative
Submission Date:	7/25/2024 5:06:56 PM
Docketed Date:	7/26/2024

2 Project Description

2.1 Facility Description, Design, and Operation

Levy Alameda, LLC (Applicant), a wholly owned subsidiary of Obra Maestra Renewables, LLC, proposes to construct, operate, and eventually repower or decommission the 400-megawatt (MW) Potentia-Viridi Battery Energy Storage System (Project) on approximately 85 acres in eastern Alameda County. The primary components of the Project include an up to 3,200-megawatt-hour (MWh) battery energy storage system (BESS) facility, an operations and maintenance (O&M) building, a Project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric (PG&E) owned and operated Tesla Substation.

The Project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed. The Project would provide several benefits to the power grid, including reducing the need to operate natural gas power plants to balance intermittent renewable generation and serving as an additional capacity resource that would enhance grid reliability.

The Project would be remotely operated and monitored year-round and be available to receive or deliver energy 24 hours a day and 365 days a year. During the operational life of the Project, qualified technicians would routinely inspect the Project facilities and conduct necessary maintenance to ensure reliable and safe operational readiness.

2.1.1 Project Location

The Project would be located in Alameda County, California within a portion of Assessor Parcel Number (APN) 99B-7890-002-04 located at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205 (Figure 2-1, Regional Map, Figure 2-2, Project Vicinity, and Figure 2-3, Project Site Aerial). Development of the BESS facility would occur on about 70 acres of APN 99B-7890-002-04, which currently consists of fallowed annual grasslands suitable for grazing. The gen-tie line would extend southeast from the Project substation, crossing Patterson Pass Rd, and then proceed east to the Point of Interconnection (POI) at the Tesla Substation. The Project's gen-tie line would be sited on APNs 99B-7890-2-4, 99B-7890-2-6, and 99B-7885-12. Land uses in the immediate vicinity of the Project include undeveloped rural agricultural lands, multiple high-voltage transmission lines and electrical substations, rural roads, and railroad lines. The nearest municipality to the Project site is the City of Tracy approximately 2.5 miles to the northeast. There are a few single-family residences near the Tesla Substation's southern and eastern boundaries. The nearest residence is about 1,500 feet southeast of the Project site and 560 feet south of the proposed gen-tie line; it is owned by the same landowner leasing the lands for the Project.

The Project location was selected due to it being large enough to support development of the Project, its close proximity to existing electrical infrastructure and the Tesla Substation, thereby minimizing length of the proposed gen-tie line to the POI, and because it is located immediately adjacent to existing roadways for construction and O&M access.

2.1.2 Project Objectives

The primary purpose of the Project is to assist the State of California in meeting its goal of reducing statewide annual greenhouse gas emissions from the electric sector to 25 million metric tons by 2035. The Project would help balance electricity generation from renewable sources, such as wind and solar, with electricity demand by storing excess generation from emissions free power sources and delivering it back to the grid when demand

exceeds real-time generation supply. The Project displaces the need for additional fossil fuel based generating stations needed to serve peak demand periods when renewable sources may be inadequate or unavailable.

The Project Objectives are:

- Construct and operate an economically viable, and commercially financeable, 400-MW battery energy storage facility in Alameda County with an interconnection at the Tesla Substation.
- Assist California electric utilities in meeting obligations under California's Renewable Portfolio Standard Program and Senate Bills 100 and 1020, which require renewable energy sources and zero-carbon resources to supply 60% of all retail sales of electricity to California end-use customers by December 31, 2030, 90% of all retail sales of electricity to California end-use customers by December 31, 2035, 95% of all retail sales of electricity to California end-use customers by December 31, 2040, and 100% of all retail sales of electricity to California end-use customers by December 31, 2045.
- Assist California utilities in meeting obligations under the CPUC's Mid-Term Reliability Procurement Requirements.
- Develop an electricity storage facility in close proximity to a utility grid-connected substation with existing capacity available for interconnection to minimize environmental impacts.
- Relieve grid congestion, and enhance electricity reliability, without requiring the construction of new regional transmission infrastructure or substantial network upgrades.
- Construct and operate a battery energy storage facility in Alameda County, resulting in economic benefits to the County, creating prevailing wage construction jobs, and facilitating local community benefits.

2.1.3 Project Components

The Project would include construction, O&M, and eventual decommissioning of a 400 MW BESS with an energy storage capacity up to 3,200 MWhs. Charging from or discharging to the electrical grid would be a 500kV gen-tie connecting the Project substation to the POI within the existing PG&E Tesla Substation. The BESS Facility would include the following components:

- Battery Energy Storage System (BESS) Enclosures
- Power Conversion Systems (PCS)
- Medium voltage (MV) Collection System
- Project Substation, Control Building, and Telecommunications Facilities
- Access Roads
- Laydown Yards
- Stormwater Facilities and Outfall
- Site Security and Fencing, including fire detection system
- Operations and Maintenance Building

Project components are described in the following subsections. Figure 2-4, Project Site Plan, shows the Project layout. Figure 2-5, 3D Aerial Perspective, shows the three-dimensional Project profile. Table 2-1 summarizes the preliminary dimensions of major BESS facility components, and Table 2-2 summarizes the preliminary footprint/disturbance acreage associated with the BESS facility.

Table 2-1. Preliminary Dimensions of Major BESS Facility Components

Component	Quantity	Approximate Dimensions
BESS Enclosures	1,000*	20 ft x 8 ft x 10 ft (L x W x H)
PCS	140 [†]	22 ft x 7 ft x 8 ft (L x W x H)
MV Collection system	—	Buried in trenches up to 5 ft x 10 ft (W x D)
Project Substation Area	1	500 ft x 450 ft; (5) 120 ft (H) (lightning masts)
Control Building	1	52 ft x 20 ft x 15 ft (L x W x H)
Wireless Communication Tower	1	18 ft x 18 ft x 199 ft (L x W x H)
Access Roads	—	20 ft (W) internal radii 25 ft minimum
Laydown Yards	4	Variable
Stormwater Detention Facilities	5	Variable
Stormwater Outfall	1	500 ft x 5 ft x 10 ft (L x W x D)
Security fencing	1	9 ft (H) 8 ft tall fence topped with 1 ft of barbed/razor wire
Operations and Maintenance Building	1	100 ft x 50 ft x 30 ft (L x W x H)

Notes:

- * The number of BESS enclosures and PCS units would depend on the manufacturer selected. The total number of BESS enclosures and PCS units may increase or decrease in the final design. It is also possible that the BESS units ultimately procured may incorporate the PCS units within the BESS enclosures.

Table 2-2. Preliminary Footprint of BESS Facility

Component	Permanent Disturbance
BESS Yards	13.3 acres
Project Substation	5.5 acres
Access Roads	6.6 acres
Laydown Yards	15.2 acres
Stormwater Detention Areas	9.3 acres
Stormwater Outfall	0.6 acres
Other [†]	7.2 acres
Total [†]	57.7 acres

Notes:

- [†] Other areas include maximum grading limits. The analyses assume that all areas used for the BESS facility are permanently disturbed and kept free of vegetation to comply with fire requirements.
- [†] The total permanent disturbance acreage is a conservative estimate, and final designs may require fewer acres. Underground components within the BESS facility would be located within the footprint of above ground disturbance areas.

2.1.3.1 Battery Energy Storage System

The energy storage facility would utilize a modular and containerized BESS. There are several battery cell technologies commercially available, with one of the most common at present being lithium iron phosphate (LFP) cells (often colloquially referred to as 'lithium-ion'). LFP technology is considered one of the safest, most efficient, and commercially financeable energy storage technologies available on the market. The initial Project concept has been developed assuming an LFP technology. By the time the Project reaches the procurement stage, it is possible for other battery cell technology with proven safety and performance records to be suitable for the Project. Although the number and dimensions of the containers may change (as it does between LFP technology providers), the technology ultimately procured would result in potential environmental impacts substantially similar to, or less than, those analyzed based on this Project Description.

The BESS enclosures would be prefabricated off-site and arrive at the site ready to be installed and commissioned. Each modular BESS enclosure would include battery packs on racks, a battery management system (BMS), fire protection, and ancillary power electronics within a specialized steel-framed, non-occupiable container. The BESS enclosures would not exceed approximately 15 feet in height. The BESS enclosures may also have a heating, ventilation, and air conditioning (HVAC) system for optimal performance and safety. Power for the HVAC system, lighting, and other electrical systems would be provided through separate auxiliary power connection to the on-site Project substation with connection lines installed above and/or below ground.

2.1.3.2 Power Conversion System

A PCS is a packaged and integrated system consisting of a bi-directional inverter, MV transformers, protection equipment, direct current (DC) and alternating current (AC) circuit breakers, harmonic filters, equipment terminals, and a connection cabling system. A PCS functions to both convert between DC/AC and change the voltage level from the MV collection voltage to the voltage output of the BESS enclosures.

The PCS would convert electric energy from AC to DC when the energy is transferred from the grid to the battery, and from DC to AC when the energy is transferred from the battery to the grid. Each PCS would also include transformers that convert the AC side output of the inverter between low and medium AC voltage to increase the overall efficiency of the BESS. Inverters within the PCS units would be unattended systems designed to operate in all conditions. The inverters would be monitored and controlled remotely, and there would be on-site disconnects for use in case of an emergency or a situation requiring unscheduled maintenance.

PCS units would be installed on concrete foundations and connected to multiple BESS enclosures with wiring and cables installed underground. All outside electrical equipment would be housed in the appropriate National Electrical Manufacturers Association (NEMA) rated enclosures.

2.1.3.3 MV Collection System

The MV collection system would include multiple components that connect the PCS units to the Project substation including underground conductor circuits, switchboards, switchgear, and panels at 34.5kV voltage. The conductors for the MV collection system would be installed underground during construction using trenching.

2.1.3.4 Project Substation

The Project substation would include three main power transformers (MPTs) – two active and a live spare. When the BESS facility is charging, power from the regional electric transmission grid would be stepped down from 500kV to 34.5kV and sent from the Project substation through the MV collection system and PCS units into the battery packs within the BESS enclosures. When the BESS facility is discharging, power from the battery packs within the BESS enclosures would be sent to the PCS units, stepped up to 34.5kV, and transported to the Project substation through the MV collection system before being stepped up to 500kV at the MPTs and delivered back to the regional electric transmission grid. A prefabricated control building would be installed within the Project substation area and contain an energy management system, metering, and telecommunication equipment for communication with PG&E/CAISO facilities and to support remote Project operations monitoring. The Project substation area would also include five static masts for lightning protection and a wireless communication tower mounted with an antenna up to 15 feet in diameter for external telecommunications.

2.1.3.5 Access Roads

The Project's roadway system would include two new facility access roads and driveways, a perimeter road, and internal access roads. One of the new site access roads and driveways would be constructed from an existing private road near the northeastern portion of the site, and the other would be constructed from Patterson Pass Road near the southwestern portion of the site. A Project substation access road would be constructed outside of the perimeter fence, connecting the northeast and southwest driveways, to facilitate substation access by third parties during operations. All new access roads, driveways, internal and perimeter roads would be bladed, compacted, and surfaced with aggregate. All internal roadways and private driveways would be constructed to meet access requirements for construction, O&M, and emergency response requirements.

2.1.3.6 Laydown Yards

The Project would include up to 4 laydown yards for equipment and material staging and storage during construction. These areas would also be used for worker parking during construction. The primary laydown yard would be located directly adjacent to the Project substation area (see Figure 2-4). The primary laydown yard would be bladed, compacted, and surfaced with aggregate, while additional laydown yards would be cleared of vegetation and surfaced with aggregate or other soil stabilizing materials. Portions of additional laydown yards may also be graded, if necessary. Landscape fabric may also be installed under the surface of all laydown yards to prevent vegetation growth, if required to comply with fire prevention standards. The O&M building and required number of parking spaces for O&M staff would be constructed within the primary laydown following construction of the BESS facility components.

If the BESS technology ultimately procured prior to construction requires larger BESS yards to accommodate BESS enclosures with larger dimensions, a greater number of BESS enclosures, or greater spacing requirements to comply with regulations, portions of the additional laydown yards may be used to accommodate larger BESS yards than those currently proposed. The proposed Project's preliminary layout, earthwork volumes, and Project component dimensions assumed for environmental analyses in subsequent chapters are conservatively large to allow for design flexibility and Project schedule preservation.

2.1.3.7 Stormwater Facilities

The proposed BESS facility site currently consists of annual grassland with rolling topography. Regulatory standards require that volumes and flow rates of stormwater discharge after construction not exceed pre-development conditions. Stormwater generated on-site would flow to stormwater detention basins located along the periphery of the BESS facility site (Figure 2-4). Stormwater treatment and storage sizing would be designed to hold the anticipated runoff from a 100-year, 24-hour storm event in compliance with applicable regulations. In the event stormwater basins reach capacity, stormwater would be discharged from the detention basins via storm drainpipes and sheet flow at rates no greater than pre-development conditions following natural drainage patterns.

A stormwater drainage outfall utilizing a new 36-inch corrugated metal pipe or bioswale/ditch would be constructed from one or more of the detention basins located in the southwest portion of the site to the inlet of a new or existing culvert on the north side of Patterson Pass Road. Approximately 10 cubic yards of clean riprap would be placed as an energy dissipator at the outfall to discharge clean stormwater at or below current rates at the elevation of the ordinary high water mark of the existing drainage on the south side of Patterson Pass Road.

2.1.3.8 Site Security

The BESS facility site would be enclosed with an 8-foot-tall chain link fence topped with 1 foot of three-strand barbed wire or razor wire. The fence would be installed on the outside of the perimeter road. An additional fence with the same specifications would be installed around the Project substation area. The fences would be required to prevent unauthorized access and to comply with human health and safety regulations. Gates would be installed at various access points along the fence lines and equipped with lock boxes to allow for authorized personnel (e.g., transmission service provider, O&M staff, emergency response) to access appropriate portions of the BESS facility site.

Lighting would only be in areas where it is required for safety, security, or operations. Low-elevation (less than 14 feet) controlled security lighting would be installed at the Project substation and around the BESS yards, in accordance with applicable requirements and regulations. Permanent motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation area and points of ingress/egress. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties, compliant with applicable codes and regulations. Security cameras would be placed on site and monitored 24/7.

2.1.3.9 Fire Protection System

Fire protection would include multiple fire detection systems on-site and within the individual BESS enclosures. An infrared camera system would be installed throughout the BESS facility to achieve 100% of electrical infrastructure and trigger an alarm in case of an onsite fire. Each BESS enclosure would have a fire rating in conformance with the California Fire Code 2022. In addition, each BESS enclosure would contain an onboard battery management system (BMS) that monitors the appropriate state of individual battery cells and relays information 24-7. In the event of an anomaly, the system is designed to shut down and mitigate the hazard.

The Project's fire protection design would comply with California Fire Code 2022, Section 1207 Electrical Energy Storage Systems, which adopts the National Fire Protection Association's Standard for the Installation of Stationary Energy Storage Systems (NFPA 855). BESS enclosures would be Underwriters Laboratories (UL) listed, tested, and certified to the most rigorous international safety standards. UL independently tests equipment for compliance with the latest fire safety code requirements, and the methods were developed to minimize fire risk and safety concerns about battery storage equipment raised by fire departments and building officials in the United States.

Faults, mechanical damage, or manufacturing defects in lithium-ion batteries can cause thermal runaway, which can lead to fires or other hazards. Should a thermal runaway event occur, the BESS enclosures are designed and constructed in such a way that fire would not propagate from one enclosure to a neighboring enclosure. The Project's BESS enclosures, as part of the testing and listing process, would be subjected to destructive testing including fire testing. The Project's BESS enclosures would include the following UL certifications:

- UL 1642 – Standard for Lithium Batteries (cell level certification).
- UL 1973 – Standard for Batteries for Use in Stationary Applications (module level certification).
- UL 9540 – Standard for Energy Storage Systems and Equipment (system level certification).
- UL 9540A – Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems.
- IEC 62619 – Standard for Battery Safety in Stationary Applications.

The Alameda County Fire District would review and comment on the facility fire protection and suppression plans.

2.1.3.10 Operations and Maintenance Building

Following construction of the BESS facility, an O&M building would be constructed within the primary laydown yard for the Project's anticipated three full-time operations staff. The O&M building would include parking, outside equipment and laydown areas, basic offices, meeting rooms, washroom facilities and climate-controlled storage for certain equipment and materials. A potable water storage tank would provide water for washroom and sanitary facilities, and sewage/wastewater would be collected in a separate tank. Potable water would be trucked to the water storage tank periodically during O&M, and sewage/wastewater would be pumped from the storage tank, transported offsite via truck, and disposed of at a sanitary dump station, as needed, during operations. The O&M building would be powered via a distribution line from the Project substation.

2.2 Transmission and Interconnection Description, Design, and Operation

The Project would be interconnected to the regional electrical transmission grid via an approximately 2,884-foot-long new single-circuit 500kV gen-tie line within a 200-foot-wide corridor between the Project substation and the PG&E Tesla Substation. The Applicant would construct and own the portion of the gen-tie line between the Project substation and the Point of Change of Ownership (POCO) transmission structure, and PG&E would construct and own the remaining portion of the gen-tie from the POCO to the POI within the Tesla Substation. The Project's transmission and interconnection facilities would include the following components:

- 500kV Gen-Tie Line including Transmission Structures and Conductors
- Fiber Optic Telecommunications Utility Poles and Fiber Optic Lines
- Access Paths
- Temporary Work Areas
- Interconnection Facilities within Existing PG&E Tesla Substation Footprint (PG&E constructed and owned)

The proposed route location was selected to minimize the number of existing utility crossings, cross existing utilities at the optimum locations, minimize the total gen-tie line length and number of transmission structures required, minimize the number of turning structures required, and enter the Tesla Substation as close as possible to the POI. The proposed transmission structures were sited to avoid potential impacts to environmental resources. Project components associated with transmission and interconnection facilities are described in the following subsections. Figure 2-6, Transmission Line Route, shows the gen-tie route, scattered rural residences, and existing transmission lines within 1 mile of the proposed route. No parks, recreational areas, or scenic areas are located within 1 mile of the proposed gen-tie route. Table 2-3 summarizes the preliminary dimensions of major transmission components, and Table 2-4 summarizes the preliminary new ground disturbance area associated with construction of the transmission and interconnection facilities. Section 3.13, Visual Resources, includes photographic simulations of a representative above ground section of the gen-tie route prior to construction and after construction.

Table 2-3. Preliminary Dimensions of Major Transmission Components

Component	Quantity	Approximate Dimensions
500kV Gen-Tie Line	1	Applicant Owned: 1,557ft long PG&E Owned: 1,327ft long
Substation Bay Dead-End Transmission Structure	2	Applicant Owned: 1 structure; up to 110ft above ground level; two 7-foot-diameter foundations, installed up to 30ft deep; constructed within Project substation area footprint PG&E Owned: 1 structure; up to 110ft above ground level; two 7-foot-diameter foundations, installed up to 30ft deep; constructed within Tesla Substation footprint.
Angled Dead-End Transmission Structure	2	Applicant Owned: 2 structures; Up to 199ft above ground level; three 9-foot-diameter foundations, installed up to 40ft deep, per structure PG&E Owned: 1 structure; Up to 199ft above ground level; three 9-foot-diameter foundations, installed up to 40ft deep.
H-Frame Tangent Transmission Structure	1	Applicant Owned: Up to 199ft above ground level; two 6-foot-diameter foundations, installed up to 30ft deep.
Conductors	6	Two 2,300 kcmil 61W AAC "Pigweed" per phase. 30ft minimum ground clearance.
Overhead Shield Wire	2	Two 3/8-inch extra high strength 7-strand steel
Fiber Optic Utility Poles	16	Up to 40ft above ground level; up to 20in diameter wood poles direct embedded up to 8 ft deep.
Fiber Optic Cables	2	All dielectric self-supporting fiber optic cable. Two redundant and diverse routes. Installed above ground on utility poles by Applicant from Project Substation to POCO. Installed by PG&E underground in trenches up to 2ft wide and 4ft deep between POCO and Tesla Substation.
Transmission Structure Access Path	1	Applicant Owned: 20ft wide; up to 1,750ft long PG&E Owned: 20ft wide; up to 950ft long
Transmission Line Corridor	1	200ft wide

Table 2-4. Approximate New Ground Disturbance Area Associated with Transmission and Interconnection Facilities

Component	Permanent Disturbance	Temporary Disturbance
Applicant Portion		
Transmission Structure Pads	0.4 acres	—
Transmission Structure Access Path	0.7 acres	—
Fiber Optic Utility Poles	0.7 acres	—
Tension and Pulling Site	—	3.6 acres
Applicant Total	~1.2 acres	~3.6 acres
PG&E Portion		
Transmission Structure Pad	0.2 acres	—
Transmission Structure Access Path	0.7 acres	—

Table 2-4. Approximate New Ground Disturbance Area Associated with Transmission and Interconnection Facilities

Component	Permanent Disturbance	Temporary Disturbance
Tension and Pulling Site	—	3.1 acres
PG&E Total	~0.7 acres	~3.1 acres

2.2.1 500kV Gen-Tie Line

The 500kv gen-tie line would originate at the Project substation within the BESS facility site and extend southeast, crossing Patterson Pass Rd overhead until reaching the POCO structure. After reaching the POCO structure the route would proceed east to an angled dead-end structure outside of the Tesla Substation fence line before extending north to a new substation dead-end structure at the POI bay within the Tesla Substation footprint. The 200-foot-wide transmission corridor would be within the BESS facility lease area on APN 99B-7890-2-4 and within an easement on APN 99B-7890-2-6 until reaching the parcel's eastern boundary about 255 feet east of the POCO structure. Both parcels comprising the BESS facility lease area and transmission corridor easement are private lands owned by the same landowner. After crossing the eastern boundary of APN 99B-7890-2-6, the remaining portion of the gen-tie would be on the same PG&E-owned parcel that includes the 500kV Tesla Substation and POI. Table 2. -1 includes the approximate number and dimensions of the three different types of transmission structures that would be used. The gen-tie would be designed consistent with the Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee 2006), where feasible.

2.2.2 Transmission Structure Access Path

A transmission structure access path would be located within portions of the transmission corridor outside of the BESS facility and Tesla Substation footprints and generally follow the centerline of the gen-tie. The portion of the transmission structure access path between Patterson Pass Road and the POCO structure would include a dry crossing of Patterson Run and require clean fill material (e.g., large cobbles, clean, native gravel, prefabricated mats) to be placed beneath the ordinary high water mark elevation for stabilization and erosion and sedimentation control.

2.2.3 Telecommunication Facilities

Telecommunications equipment would be installed between the control building at the Project substation and the Tesla Substation to facilitate communication with PG&E/CAISO facilities. PG&E interconnection policies require two redundant fiber optic cables to be installed on diverse paths without a single point of failure (i.e., both fiber optic lines cannot be installed on a single set of structures). Between the control building within the Project substation area and the POCO structure, the Applicant would install the two fiber optic lines above ground on separate utility structures within the transmission corridor. One route would be installed near the northern boundary of the transmission corridor and the other would be installed near the southern boundary of the transmission corridor. The fiber optic utility poles would be accessed via overland travel from the transmission structure pads or the transmission structure access path. At the POCO structure, each of the fiber optic cables would be brought down to an underground pull box. PG&E would install the fiber optic cables underground from the pull boxes to the PG&E control building at the Tesla Substation. A microwave antenna installed on a communications tower within the Project substation area, an optical ground wire installed on the 500kV structures, or placed underground within the

transmission structure access path, between the Project substation and POCO may be used in lieu of a second set of utility poles, if feasible.

2.2.4 Interconnection Facilities within Existing PG&E Tesla Substation Footprint

To facilitate interconnection of the BESS facility to the electric transmission grid, PG&E would need to install a substation bay dead-end transmission structure and expand the POI's 500kV breaker-and-a-half bay with a new circuit breaker.

2.2.5 Transmission System Impact Studies

The Applicant filed an Interconnection Request with CAISO in the Cluster 13 Interconnection Request window. CAISO, in cooperation with PG&E, prepared the Phase I Interconnection Study (February 12, 2021), and Phase II Interconnection Study (November 22, 2021). The Applicant entered into a Large Generator Interconnection Agreement (LGIA) with CAISO and PG&E on October 31, 2022. No Affected Systems controlled by CAISO or PG&E were identified during the interconnection study process. Non-CAISO systems potentially affected by the Project and other Cluster 13 projects are Western Area Power Administration and Modesto Irrigation District. The Applicant is working with both system operators to identify specific impacts and will take all reasonable steps to address potential reliability system impacts prior to the initial synchronization of the Project.

2.3 Construction

The following sections detail the approximate construction schedule and workforce, construction activities, estimated water use, and materials handling proposed by the Project.

2.3.1 Schedule and Workforce

The Project is anticipated to be built over an approximately 18-month period from the onset of site preparation activities through energization. Following energization, testing and commissioning would take place over 6 months. Initial mobilization and site preparation is anticipated to begin no later than Q1 2026 and testing and commissioning is anticipated to conclude no later than Q2 2028. It is anticipated that construction crews would work 8 to 10 hours per day, with work occurring Monday through Friday. Overtime, night work, and weekend work would be used only as necessary to meet the Project schedule or complete time-sensitive or safety critical work. All work schedules would comply with applicable California labor laws, county regulations, and the Project Labor Agreement. Estimated durations of construction activities are presented in Table 2-5. However, the duration of particular construction activities may be affected by weather, unanticipated site conditions, the supply chain, and coordination between the different activities.

The expected average workforce for each construction activity is also included in Table 2-5.

Table 2-5. Estimated Construction Activity Duration and Average Workforce Expected

Construction Activity	Estimated Duration	Average Workforce Expected (Number of Employees)
Site Preparation	8 Weeks	25
Civil Work and Grading	24 Weeks	55
Foundations and Underground Equipment	24 Weeks	50
BESS Equipment Installation	20 Weeks	60
Project Substation Installation	32 Weeks	20
Gen-Tie Foundations and Structure Erection	8 Weeks	10
Gen-Tie Line Stringing and Pulling	2 Weeks	10
Testing and Commissioning	32 Weeks	10
PG&E Interconnection Facility Upgrades within Tesla Substation	32 Weeks	10

2.3.2 Sequencing

During construction activities, multiple crews would be working on the site with various equipment and vehicles. The total number of construction workers (consisting of laborers, craftsmen, supervisory personnel, support personnel, and construction management personnel) would range from approximately 5 to 200 workers, depending on the phase of construction. It is estimated that construction would require the vehicle trips and equipment listed in Table 2-6.

Table 2-6. BESS Project - Construction Equipment and Usage Assumptions

Construction Phase	One Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total One Way Haul Truck Trips	Equipment Type	Quantity	Usage Hours
Site Preparation	50	10	600	Graders	2	8
				Rubber Tired Loaders	2	8
				Skid Steer Loaders	2	8
				Tractors/Loaders/Backhoes	2	8
Site Grading and Civil Work	110	76	30,240	Graders	4	8
				Rollers	4	8
				Rubber Tired Loaders	4	8
				Skid Steer Loaders	4	8
				Tractors/Loaders/Backhoes	2	8
				Pavers	2	8
Paving Equipment	2	8				

Table 2-6. BESS Project - Construction Equipment and Usage Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total One-Way Haul Truck Trips	Equipment Type	Quantity	Usage Hours
				Rollers	2	8
				Plate Compactors	1	8
				Cement and Mortar Mixers	1	4
				Rock Crushers	4	8
Foundations and Underground Equipment Installation ⁴	100	10	10	Paving Equipment	2	8
				Rollers	2	8
				Plate Compactors	2	8
				Cement and Mortar Mixers	2	8
				Bore/Drill Rig	2	8
				Tractors/Loaders/Backhoes	6	8
				Excavators	2	8
				Rubber Tired Dozers	2	8
				Trenchers	4	8
				Skid Steer Loaders	2	8
BESS Installation*	160	20	2,636	Air Compressors	2	8
				Cranes	2	8
				Generator Sets	4	8
				Rough Terrain Forklifts	2	8
				Skid Steer Loaders	2	8
Project Substation Installation	40	20	0	Air Compressors	2	8
				Aerial Lifts	6	8
				Cranes	2	8
				Generator Sets	2	8
				Rough Terrain Forklifts	2	8
Gen-tie foundation and tower erection	28	2	2	Bore/Drill Rig	1	8
				Cranes	2	8
				Forklifts	2	8
				Boom Truck	1	8
				Flat Bed Truck	1	8
				Cement and Morter Mixer	1	8
				Bucket Lift Truck	1	8
Gen-tie stringing and pulling	24	2	2	Heavy-duty Truck (Puller)	1	8
				Heavy-duty Truck (Tensioner)	1	8

Table 2-6. BESS Project - Construction Equipment and Usage Assumptions

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total One-Way Haul Truck Trips	Equipment Type	Quantity	Usage Hours
				Forklifts	2	8
				Generator Sets	2	8
				Tractors/Loaders/Backhoes	2	8
				Boom Truck	2	8
				Trencher	1	8
PG&E Interconnection Facility Upgrades	40	20	20	Air Compressors	4	8
				Cranes	2	8
				Excavators	2	8
				Generator Sets	4	8
				Rough Terrain Forklifts	2	8
				Skid Steer Loaders	2	8
				Tractors/Loaders/Backhoes	2	8
				Trencher	1	8
Testing and Commissioning	52	0	0	Rough Terrain Forklifts	1	8
				Off-Highway Trucks	2	8
Decommissioning	40	2	2,640	Concrete/Industrial Saws	2	8
				Cranes	2	8
				Rubber Tired Dozers	2	8
				Tractors/Loaders/Backhoes	2	8

Notes:

* The Project layout depicted in Figure 2-4 shows the “End of Life” configuration of the BESS, meaning it shows the equipment layout after all augmentation units are implemented. The numbers in this table conservatively assume that foundations and BESS equipment installation related to augmentation occurs during initial construction of the facility. Construction of foundations and BESS equipment installation for augmentation may occur during O&M periodically within the BESS facility footprint.

2.3.3 Site Preparation

Environmental clearance surveys would be performed at the Project site prior to commencement of construction activities. The limits of construction disturbance areas delineated in the final approved engineering design packages would be surveyed and staked. Initial ground disturbing activities in preparation for construction would include installation of erosion and sediment control measures prior to start of major earthworks activities. Rough grading and grubbing/vegetation removal would be performed where required to accommodate site drainage and allow construction equipment to access the site. Detention basins and stormwater facilities would be created for hydrologic control. The construction contractor would be required to incorporate applicable best management practices (BMPs) including the guidelines provided in the California Stormwater Quality Association’s Construction BMP Handbook (CASQA 2019), as well as a soil erosion and sedimentation control plan to reduce potential impacts

related to construction of the proposed Project. Stabilized construction entrances and exits would be installed at driveways to reduce tracking of sediment onto adjacent public roadways.

Site preparation would be consistent with applicable BMPs and the Bay Area Air Quality Management District's Fugitive Dust Rules. Site preparation would involve the removal and proper disposal of existing debris that would unduly interfere with Project construction or the health and safety of on-site personnel. Dust-minimizing techniques would be employed, such as placement of wind control fencing, application of water, and application of dust suppressants. All applicable governmental requirements and BMPs would be incorporated into the construction activities for the Project site.

Vegetation on the site would be removed where necessary to ensure the BESS facility is free from combustible vegetation to allow for fire protection and defensible space. Where feasible, in compliance with fire protection requirements, vegetation root mass within appropriate portions of the BESS facility lease area on the outside of the perimeter and substation access roads would be left in place for soil stabilization. However, the environmental analyses in subsequent sections conservatively assume that all areas within the maximum anticipated grading limits of the BESS facility would be permanently disturbed.

2.3.4 Site Grading and Civil Work

Following site preparation activities, grading and civil work would commence. Construction activities during this phase would include excavation and grading of the Project site. Earthwork on the site is ultimately anticipated to result in nearly balanced cut and fill volumes, but the preliminary designs conservatively assume that grading would include up to approximately 588,018 cubic yards (cy) of cut and up to approximately 344,900 cy of fill, resulting in up to approximately 243,118 cy of export material. As appropriate, all, or a portion of, of the Project's excess material resulting from earthwork may be used beneficially used on-site for the construction of berms or other onsite needs. Where appropriate, excess material would be processed in one or more different types of rock crushing equipment depending on the requirements of the various potential beneficial uses onsite. Blasting may be required if large boulders are encountered during excavation and grading.

Conventional grading would be performed throughout the Project site but minimized to the maximum extent feasible to reduce unnecessary soil movement that may result in dust. Land-leveling equipment, such as a smooth steel drum roller, would be used to even the ground surface and compact the upper layer of soil to a value recommended by a geotechnical engineer for structural support. Following major civil work within the BESS facility site, site access roads and driveways, the perimeter and substation access roads, and interior roadways to access the laydown areas and BESS yards would be graded, compacted, and surfaced with gravel or aggregate. Class II road base would be imported to create necessary compaction under the equipment, as determined by geotechnical testing and Project specifications. Once the roadways have been constructed, the Project perimeter fence and access gates would be constructed.

2.3.5 Foundations and Underground Equipment Installation

Following completion of major site grading and civil work, equipment foundations and below grade equipment would be installed. A grounding grid and underground conduit would be installed below grade beneath the Project substation area and BESS components. Typical ground grids consist of direct-buried copper conductors with copper-clad ground rods arranged in a grid pattern. After installation of the grounding grid, the area would be backfilled, compacted, and leveled followed by application of an aggregate rock base. A containment area within

the MPT foundations would be sized to hold the full volume of oil within the MPTs. The MPT foundations within the substation area are anticipated to be concrete slab foundations poured into excavations up to 10 feet deep. Foundations for the control building, static masts, other aboveground substation equipment, O&M building, BESS enclosures, PCS units, DC/DC converters, and BESS auxiliary transformers and panels are anticipated to be pile foundations embedded up to 40 feet below ground level. Depending on soil conditions, the piles may be drilled or driven and set with a slurry. However, some of these Project components may be installed on concrete slab foundations depending on the geotechnical conditions at the final locations.

Additional underground work would include trenching for the placement of underground electrical and communications lines, including the MV collection system, AC and DC cables, and fire alarm cable. The wires would either be installed in conduit, cable-trays, or direct-buried, depending upon final design and application

2.3.6 BESS and Project Substation Equipment Installation

Where possible, major equipment would be delivered directly to its permanent location and offloaded directly into place with a crane or heavy equipment. Where staging or sequencing does not allow, equipment would be stored at one of the laydown areas near its permanent location and installed at a later date. Major aboveground equipment would be the MPTs and other Project substation components, control building, BESS enclosures, PCS units, DC/DC converters, BESS auxiliary transformers and panels, and O&M building.

Electrical work would include installing cables, terminations, and splices. Electrical wiring would be installed underground, at-grade, and above ground, depending on the application and location. The wires would either be installed in conduit, cable-trays, or direct-buried, depending upon final design and application.

2.3.7 Gen-Tie Structure Erection

Environmental clearance surveys would be performed within the gen-tie corridor prior to commencement of construction activities. The gen-tie corridor boundaries, gen-tie centerline, telecommunications route centerlines, and transmission structure access path would be surveyed and flagged. Initial activities would include the installation of erosion and sediment control measures and materials to facilitate the dry crossing of Patterson Run, and preparation of the transmission structure and fiber optic utility pole work areas. The transmission structure access path may be bladed, compacted, and surfaced with gravel where necessary to facilitate transmission structure deliveries and construction equipment access. The surface of the access path would be at-grade to allow water to sheet flow across the gen-tie corridor, as it currently does. Access to the fiber optic utility pole locations would be via overland travel from the transmission structure pads or access path. Overland travel and temporary construction activities associated with the gen-tie and telecommunications facilities may occur anywhere within the 200-foot-wide transmission corridor and 50 feet on either side of the transmission corridor boundary. Vegetation at the transmission and fiber optic utility pole work areas would be trimmed, mowed, or removed. At locations where gen-tie line structures and fiber optic utility poles would be installed, minor cuts may be required where the foundation would be installed.

Cast-in-place concrete foundations would be installed by placing reinforcing steel and a structure stub or anchor bolt cage into the foundation hole, positioning the stub, and encasing it in concrete. Each transmission structure foundation would be set on anchor bolts on top of the foundation with cranes. Fiber optic utility poles would be direct embedded in holes up to 8 feet deep. Holes would be excavated using a truck-mounted drill rig or standalone auger rig. Poles would be delivered on a flat-bed trailer and hoisted into place with a crane. The annular space

between the poles and holes would be backfilled with concrete or soil. Excavated spoil material not used for backfilling would be spread around the structure work areas.

2.3.8 Gen-Tie Stringing and Pulling

Conductors would be strung between transmission structures with heavy duty trucks and a telescoping boom lift. Cables would be pulled through one segment of the transmission line at a time. To pull cables, truck-mounted cable-pulling equipment is placed alongside the first and last towers or poles in a segment. Power pulling equipment is used at the front end of the segment, while power braking or tensioning equipment is used at the back end. The conductors are then pulled through the segment and attached to the insulators. Equipment is then moved to the next segment; the front end pull site previously used becomes the back end pull site for the next segment. After conductors have been pulled into place in a section, the conductor tension is increased to achieve a ground clearance of at least 30 feet prior to moving to the next section.

Three tension and pulling sites are anticipated to facilitate construction of the gen-tie: one within the BESS facility footprint near the first angled dead-end structure, one at the POCO structure, and another at the PG&E-constructed angled dead-end structure near the Tesla Substation fence line.

2.3.9 PG&E-Owned Gen-Tie Segment and Interconnection Facilities within Tesla Substation Footprint

PG&E would construct the segment of the gen-tie between the POCO and the POI within the Tesla Substation, and the fiber optic routes between the POCO and the PG&E control building within the Tesla Substation footprint. The Applicant would bring the fiber optic cables to underground pull boxes at the POCO structure, and PG&E would install the segment of the fiber optic cables between the POCO and control building in conduit placed in underground trenches. The trenches are anticipated to be up to 3 feet wide, and the trenches for the redundant routes would need to be at least 10 feet apart to meet PG&E's diverse path requirements. It is anticipated that PG&E would install the trenches within the access road to the angled dead-end structure outside the Tesla Substation fence line. However, PG&E may install the cables within existing roadways or other pre-disturbed areas along the perimeter of the substation fence depending on final design and routing.

PG&E would also construct the interconnection upgrades within the Tesla Substation footprint at the POI. These upgrades would include erection of a new substation bay dead-end transmission structure and expanding the POI's existing 500kV substation bay-and-a-half bay with a new circuit breaker. Other activities within the Tesla Substation footprint and/or property boundary may include relocation or modification of existing PG&E infrastructure. Additional potential disturbance acreage associated with PG&E's work to facilitate interconnection of the Project to the grid are not anticipated to exceed 5 additional acres of disturbance beyond the estimates in Table 2-2.

2.3.10 Construction Water Use

During construction, an estimated 16,000,000 million gallons (~49.1 acre-feet) of untreated water would be required for common construction-related purposes, including but not limited to dust suppression, soil compaction, and grading. Dust-control water may be used during ingress and egress of on-site construction vehicle equipment traffic and during the construction of the Project. A sanitary water supply line would not be required during construction because restroom facilities would be portable units, serviced by licensed providers, and water and sewage from the restroom facilities would be stored in onsite tanks and serviced by trucks. Drinking water would

be provided via portable water coolers. Construction water is anticipated to be purchased from a local water purveyor and trucked to the site.

2.3.11 Solid and Non-hazardous Waste

The Project would produce a small amount of solid waste from construction activities. This may include paper, wood, glass, plastics from packing material, waste lumber, insulation, scrap metal and concrete, empty nonhazardous containers, and vegetation waste. This waste would be segregated, where practical, for recycling. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III (non-hazardous waste) landfill.

2.3.12 Hazardous Materials

The hazardous materials used for construction would be typical of most construction Projects of this type. Materials may include small quantities of gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliatives, herbicides, and welding materials/supplies. A hazardous materials business plan would be prepared prior to commencement of construction activities. The hazardous materials business plan would include a complete list of all materials used on site and information regarding how the materials would be transported and in what form they would be used. This information would be recorded to maintain safety and prevent possible environmental contamination or worker exposure. During Project construction, material safety data sheets for all applicable materials present at the site would be made readily available to on-site personnel.

2.3.13 Hazardous Waste

Small quantities of hazardous waste would most likely be generated over the course of construction. This waste may include waste paint, spent construction solvents, waste cleaners, waste oil, oily rags, waste batteries, and spent welding materials. Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment, recycling, or disposal facility in accordance with law. All hazardous waste shipped off site would be transported by a licensed hazardous waste hauler.

2.3.14 Commissioning

As part of Project construction activities, and after installation, equipment will be tested and commissioned. Commissioning work will be completed by qualified personnel, and in accordance with various codes, standards and specifications including IEEE Institute of Electrical and Electronic Engineers, NEC National Electrical Code (NFPA 70), NETA International Electrical Testing Association, specific provisions of NFPA National Fire Protection Association, and the relevant OEM / manufacturers installation and commissioning manuals. Documentation necessary for commissioning will include (but is not limited to) complete sets of electrical plans, itemized equipment descriptions, control narratives, and other procedural requirement such as persons or entities to notify when equipment has become available for acceptance tests.

Commissioning will include testing of mechanical, electrical, fire protection, and other systems at substantial completion. Systems to be commissioned and tested include (but are not limited to) BESS enclosures, PCS units, auxiliar service transformers, MV collection system, DC cables, Supervisory Control and Data Acquisition (SCADA) systems, power backup systems, and fire protection system. Performance testing will also be completed to ensure

charge and discharge performance of the systems as designed and in accordance with the utility requirements. Full details of the commissioning activities will be made available in a commissioning plan, prepared by the BESS supplier and construction contractor and reviewed by the Engineer of Record (EOR), as part of the construction documentation package.

2.4 Operations and Maintenance

Once constructed, the Project would operate 7 days per week, 365 days per year. The facility would be remotely monitored by the original equipment manufacturer or an affiliated company. Project operations would be monitored remotely through the SCADA system and by the Project's anticipated three full-time operations staff members.

Onsite maintenance would be required, which would include replacement of inverter power modules, filters, and miscellaneous electrical repairs on an as-needed basis. During operation of the Project substation, O&M staff would visit the substation periodically for switching and other operation activities. Maintenance trucks would be utilized to perform routine maintenance, including but not limited to equipment testing, monitoring, repair, routine procedures to ensure service continuity, and standard preventative maintenance. Typically, one major maintenance inspection would take place annually.

Batteries within utility-scale BESS facilities degrade with use over time, leading to a loss of capacity. To maintain the Project's capacity in compliance with interconnection requirements and commercial contracts, periodic augmentation by installing new batteries and related equipment within the Project site would occur to maintain the capacity over an approximate 35-year life. The Project is designed to be able to charge and discharge up to 3,200 MWh of electricity. As batteries slowly lose their capacity to store energy, extra batteries will be installed up front and at several intervals through the Project life, which is referred to as augmentation. Augmentation would include constructing new foundations, installing BESS equipment on the foundations, and completing electrical work within the existing Project footprint. The preliminary site layout depicted on Figure 2-4 shows an "end of life" configuration, meaning it shows the equipment layout after all augmentation units are implemented. Accordingly, the Project would have up to 3,600 MWh of storage when first constructed, and up to 8,100 MWh added at intervals during the life of the facility to maintain the nominal 3,200 MWh at the POI. The construction sequencing and equipment usage assumptions in Tables 2-5 and 2-6 above, and environmental analyses in subsequent chapters, conservatively assume that all initial BESS equipment and augmentation BESS equipment are constructed at the same time.

2.4.1 Solid and Non-hazardous Waste

The Project would produce a small amount of waste associated with maintenance activities, which could include broken and rusted metal, defective or malfunctioning electrical materials, empty containers, and other miscellaneous solid waste, including typical refuse generated by workers. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Non-recyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill.

2.4.2 Hazardous Materials

Limited amounts of hazardous materials would be stored or used on the site during operations, including diesel fuel, gasoline, and motor oil for vehicles; mineral oil to be sealed within the transformers; and lead-acid-based batteries for emergency backup. Appropriate spill containment and cleanup kits would be maintained during operation of the Project. A spill prevention control and countermeasures plan would be developed for site operations.

2.4.3 Hazardous Waste

Fuels and lubricants used in operations would be subject to the spill prevention control and countermeasures plan to be prepared for the proposed Project. Solid waste, if generated during operations, would be subject to the material disposal and solid waste management plan to be prepared for the proposed Project.

2.5 Decommissioning

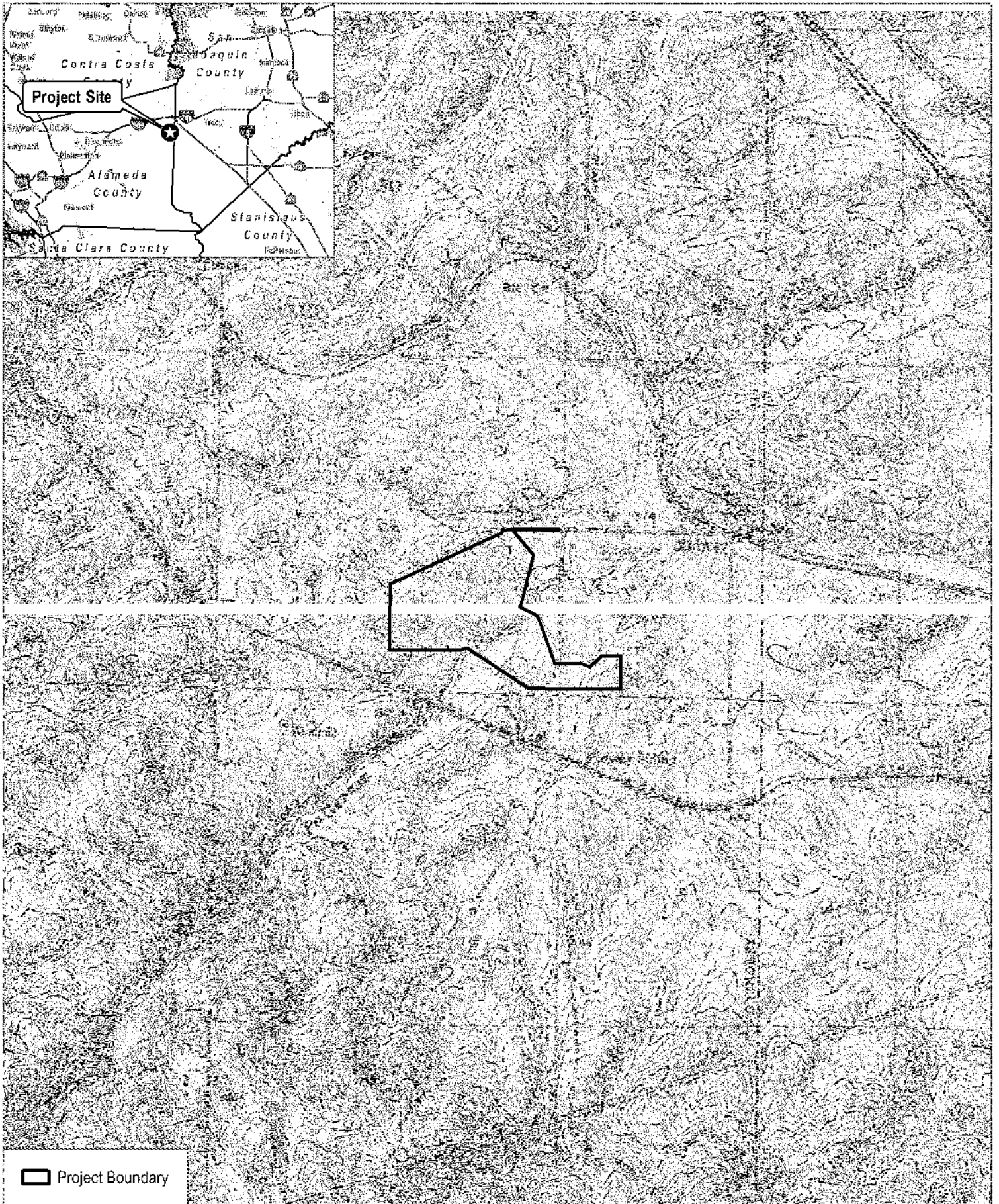
In general, the BESS would be recycled at the expiration of the Project's life (estimated to be 35 years). Most parts of the proposed system are recyclable. Batteries include lithium-ion, which degrades but can be recycled or repurposed. Steel, wood, and concrete from the decommissioned facilities would be recycled. Metal and scrap equipment and parts that do not have free-flowing oil may be sent for salvage. Materials 3 feet or more below the ground surface would be left in place.

Fuel, hydraulic fluids, and oils would be transferred directly to a tanker truck from the respective tanks and vessels. Storage tanks and vessels would be rinsed and transferred to tanker trucks. Other items that are not feasible to remove at the point of generation, such as smaller container lubricants, paints, thinners, solvents, cleaners, batteries, and sealants, would be kept in a locked utility structure with integral secondary containment that meets Certified Unified Program Agencies and Resource Conservation and Recovery Act requirements for hazardous waste storage until removal for proper disposal and recycling. It is anticipated that all oils and batteries would be recycled at an appropriate facility. Site personnel involved in handling these materials would be trained to properly handle them. Containers used to store hazardous materials would be inspected regularly for any signs of failure or leakage. Additional procedures would be specified in a Hazardous Materials Business Plan closure plan submitted to the Certified Unified Program Agencies. Transportation of the removed hazardous materials would comply with regulations for transporting hazardous materials, including those set by the Department of Transportation, the U.S. Environmental Protection Agency, California Department of Toxic Substances Control, California Highway Patrol, and California State Fire Marshal. See Appendix 2C, Decommissioning Plan, for additional information.

2.6 Project Site Selection

The Project site and related facilities were selected taking into consideration engineering constraints, site geology, environmental impacts, water, waste and fuel constraints, and electric transmission constraints, among other factors. The Project site was selected in furtherance of the Project Objectives detailed in Section 2.1.3 above. The site selection criteria are discussed in detail in Chapter 4, Alternatives.

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SOURCE: USGS 7.5 Minute Quadrangle Series
 Midway Quadrangle - Township 29 Range 4E Section 31, 32

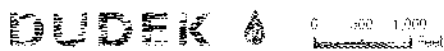
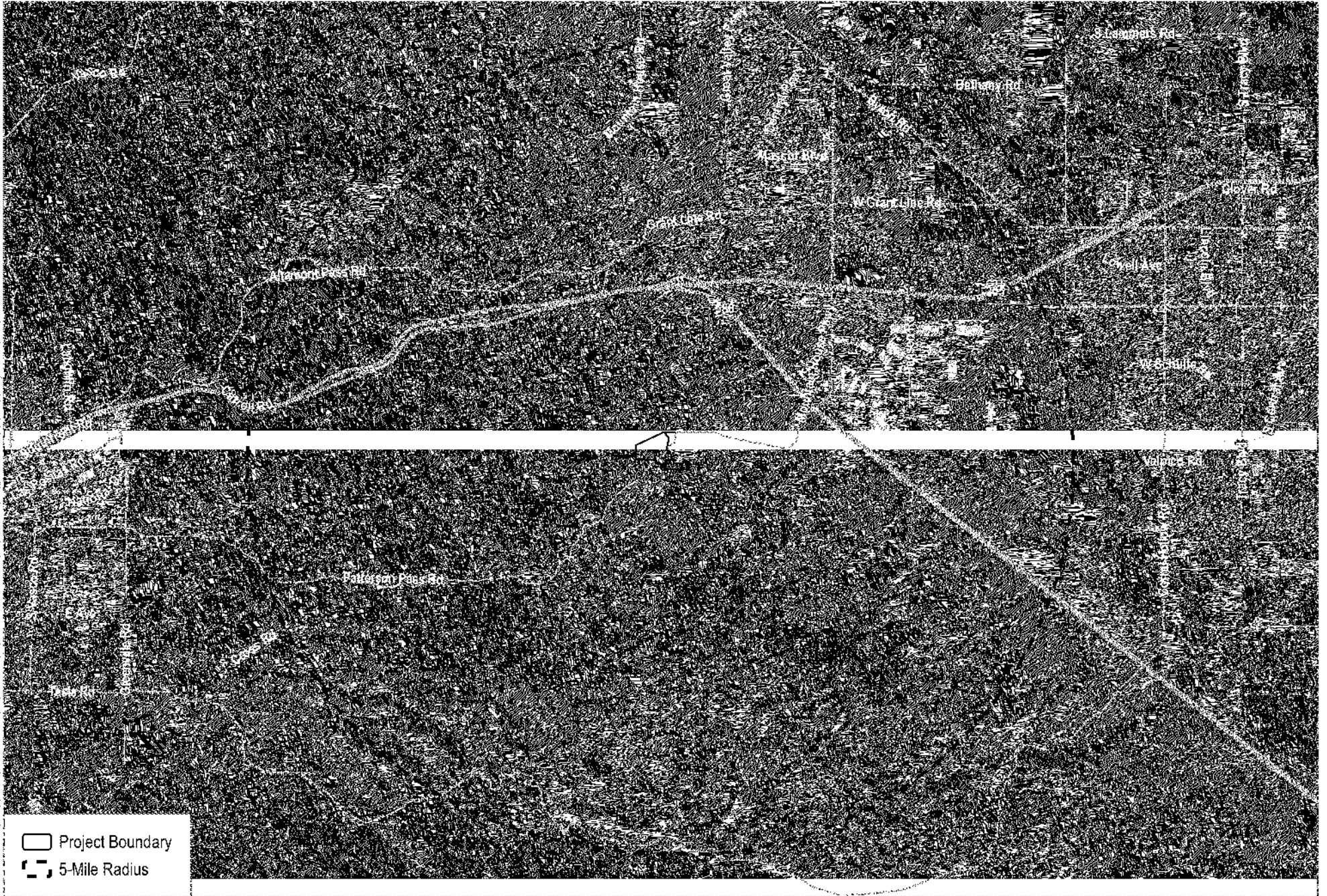


FIGURE 2-1
 Regional Map

Poleta-Vireli BESS Project

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SOURCE: Bing Maps 2023

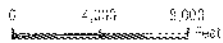
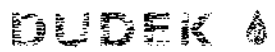
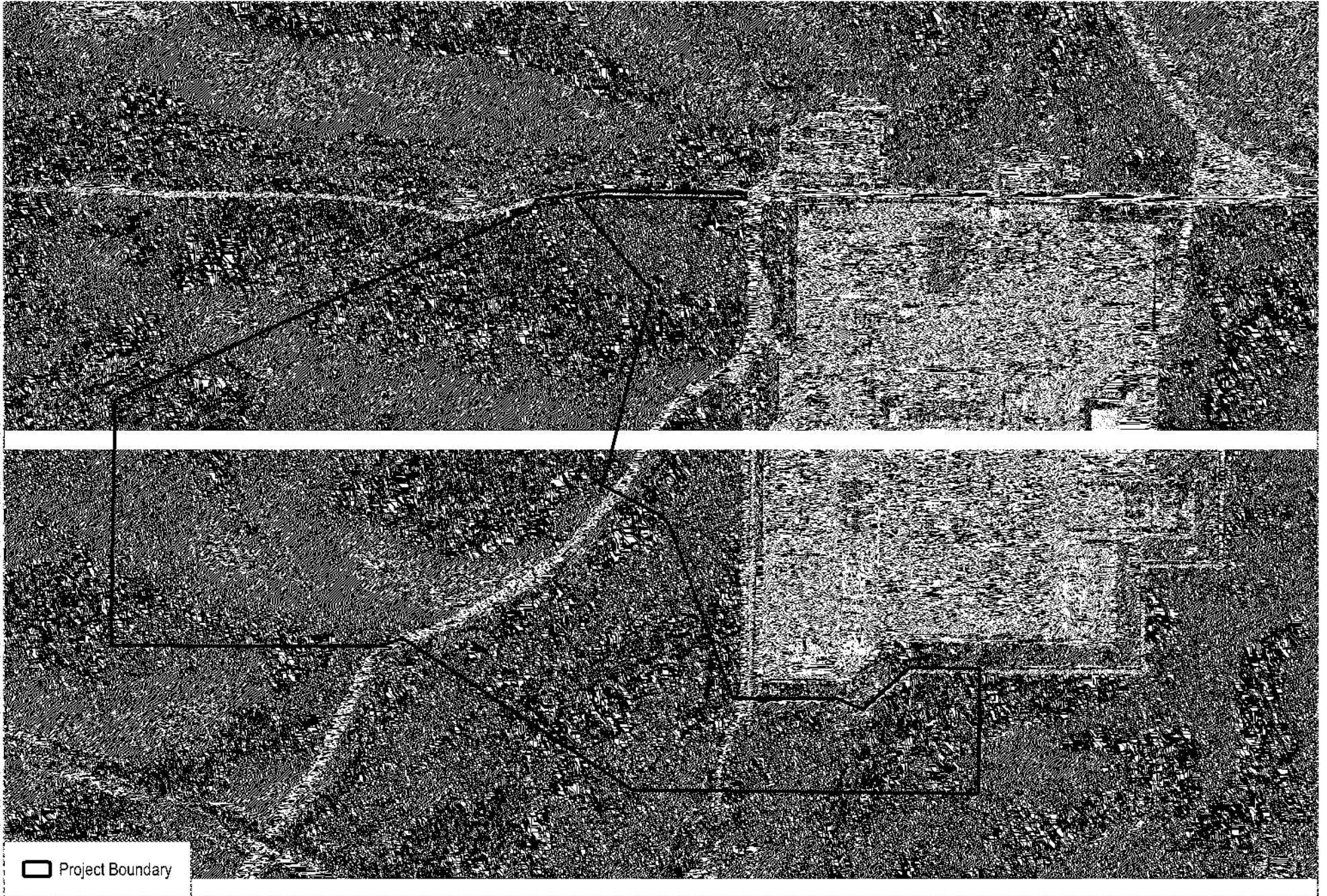



FIGURE 2-2
Project Vicinity
 Potentia-Vaidi BESS Project

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SOURCE: Bing Maps 2023

DUDEK 

0 215 430 Feet

FIGURE 2-3
Project Site Aerial
Potencia-Vaidi BESS Project

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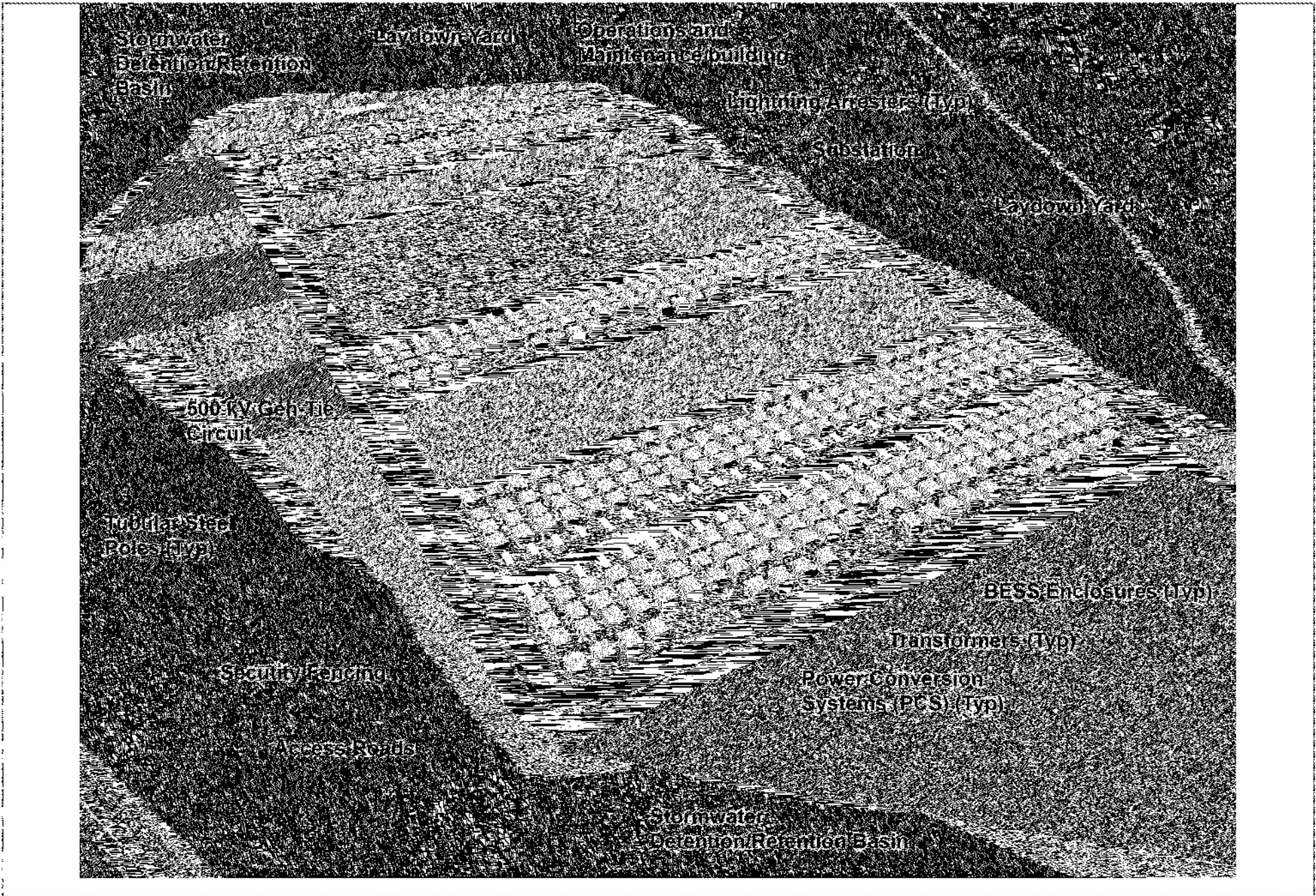
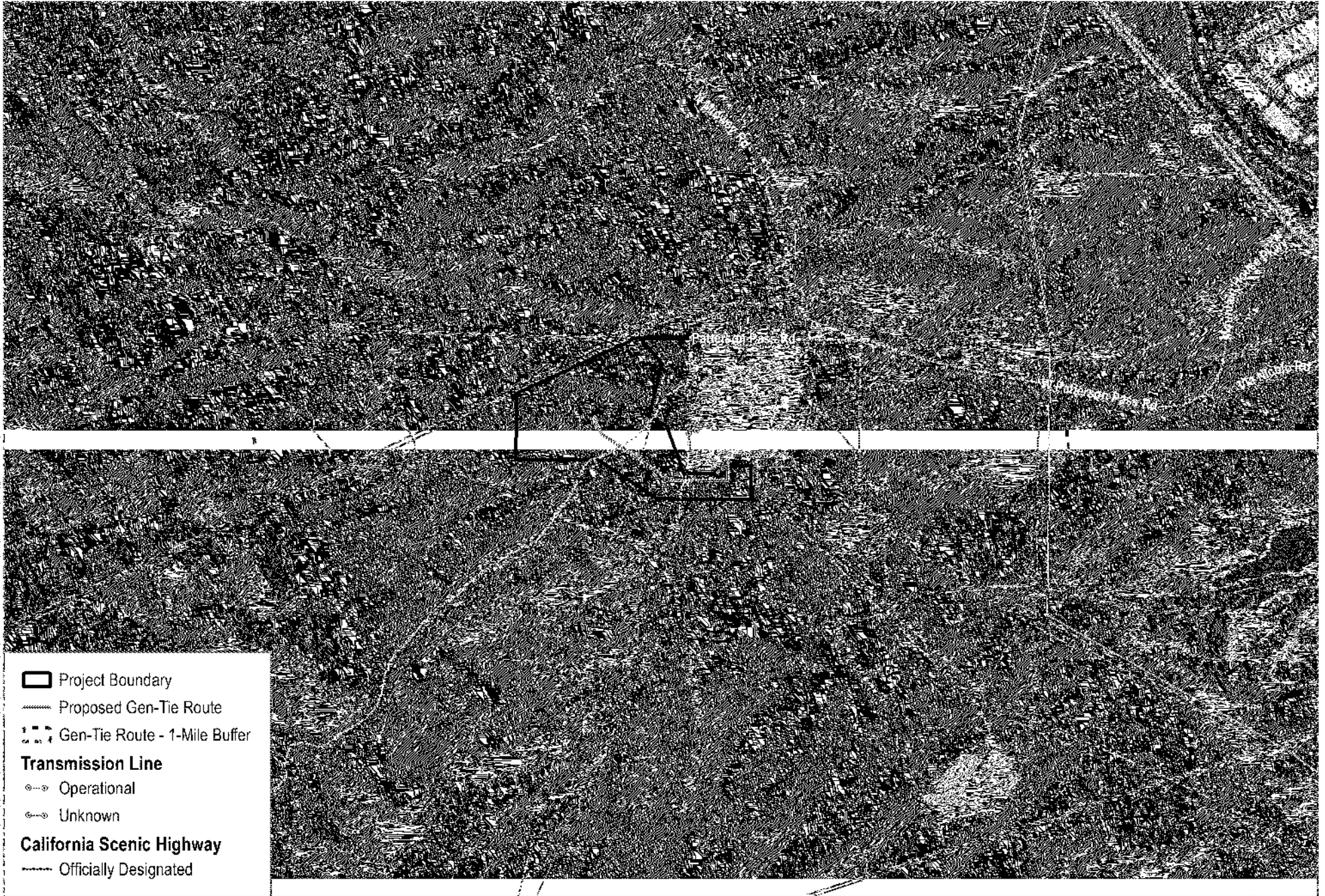


FIGURE 2-5
3D Aerial Perspective
Potomac Wind BESS Project

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SOURCE: Bing Maps 2023; CEC 2024

FIGURE 2-6
Transmission Line Route

Potencia-Vaidi BESS Project

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DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	261414
Document Title:	DR Response 2 - Attachment 26, Fire Master Plan
Description:	This document provides the Fires Master Plan prepared for the Project.
Filer:	Ronelle Candia
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	1/29/2025 9:44:12 AM
Docketed Date:	1/29/2025

Attachment 26

Fire Master Plan

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE INSTALLATION OF A BATTERY ENERGY STORAGE FACILITY.

ESS SYSTEM SUMMARY

BATTERY PRODUCT	TO BE DETERMINED
BATTERY TECHNOLOGY	LITHIUM-ION
ESS ENERGY CAPACITY	INDIVIDUAL ENCLOSURE CAPACITY WILL EXCEED 600 KWH, PROJECT BUILT IN MULTIPLE PHASES WITH AN ESTIMATED TOTAL STORAGE CAPACITY OF 3,200 MWH

APPLICABLE CODES

THE FIRE AUTHORITY HAVING JURISDICTION FOR THIS PROJECT IS THE ALAMEDA COUNTY FIRE DEPARTMENT, WITH CONSTRUCTION DOCUMENT TECHNICAL REVIEW BY CALFIRE.

THE APPLICABLE CODES AND STANDARDS FOR THIS PROJECT INCLUDE, BUT ARE NOT LIMITED TO AS AMENDED BY THE ALAMEDA COUNTY MUNICIPAL CODE:

- CALIFORNIA ELECTRICAL CODE (CEC), 2022 EDITION
- CALIFORNIA FIRE CODE (CFC), 2022 EDITION
- NFPA 24 - STANDARD FOR THE INSTALLATION OF PRIVATE FIRE SERVICE MAINS AND THEIR APPURTENANCES, 2019 EDITION
- NFPA 69 - STANDARD ON EXPLOSION PREVENTION SYSTEMS, 2019 EDITION
- NFPA 72, NATIONAL FIRE ALARM & SIGNALING CODE, 2022 EDITION
- NFPA 855, STANDARD FOR THE INSTALLATION OF STATIONARY ENERGY STORAGE SYSTEMS, 2023 EDITION (GUIDANCE ONLY, NOT AN ADOPTED CODE BY CFC)

BUILDING CODE ANALYSIS

THE ESS ENCLOSURES ARE NOT "WALK-IN" TYPE CONTAINERS. BECAUSE THE BATTERY RACKS ARE ACCESSIBLE FROM OUTSIDE THE ENCLOSURE FOR MAINTENANCE PURPOSES, AND THERE IS NO ABILITY TO ENTER THE ENCLOSURES. BASED ON THIS ARRANGEMENT, EACH INDIVIDUAL ENCLOSURE IS CONSIDERED ELECTRICAL EQUIPMENT (BATTERY CABINET) AND DOES NOT CONSTITUTE A BUILDING; THEREFORE, CONSTRUCTION TYPE, FIRE-RESISTANCE RATED CONSTRUCTION, MEANS OF EGRESS REQUIREMENTS, ETC. FOR BUILDINGS DO NOT APPLY TO THE ENCLOSURES. [CFC SECTION 1207.4.12]

FIRE DEPARTMENT ACCESS

PREMISES IDENTIFICATION

FOUR-INCH REFLECTIVE ADDRESS NUMBERS SHALL BE VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY, WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD, A SIGN THAT IS VISIBLE FROM THE PUBLIC WAY SHALL BE PROVIDED PER CFC SECTION 505.1.

KEY BOXES

A KNOX BOX SHALL BE PROVIDED CONTAINING KEYS TO GAIN NECESSARY ACCESS AS REQUIRED BY THE FIRE CODE OFFICIAL.

FIRE APPARATUS ACCESS ROADS

FIRE APPARATUS ACCESS ROAD SHALL EXTEND TO WITHIN 150 FEET OF ALL PORTIONS OF THE FACILITY AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR FACILITY [CFC 503.1.1].

FIRE APPARATUS ACCESS ROAD SPECIFICATIONS

- THE FIRE APPARATUS ACCESS ROADS SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS IN ACCORDANCE WITH THE CFC:
 - 20 FEET MINIMUM UNOBSTRUCTED WIDTH
 - 13 FEET 6 INCHES MINIMUM UNOBSTRUCTED VERTICAL CLEARANCE
 - DEAD- ENDS IN EXCESS OF 150 FEET MUST HAVE AN APPROVED AREA FOR TURNING AROUND FIRE APPARATUS.
 - ALL WEATHER SURFACE SUITABLE FOR USE BY FIRE APPARATUS

FIRE PROTECTION WATER SUPPLIES

SITE IS RURAL WITH NO PUBLIC WATER SUPPLY AVAILABLE. CFC SECTION 507.3 AND APPENDIX B103.3 "AREAS WITHOUT WATER SUPPLY SYSTEMS" DIRECTS ONE TO NFPA 1142 (STANDARD ON WATER SUPPLIES FOR SUBURBAN AND RURAL FIREFIGHTING).

NFPA 1142 PROVIDES VOLUME-BASED CALCULATIONS WHICH ARE BASED UPON LARGER STRUCTURAL FIRES. HOWEVER, THE VOLUME-BASED CALCULATION IS LESS APPLICABLE WHEN THE VOLUME OF A SINGLE ENCLOSURE IS TYPICALLY IN THE 1,300 CUBIC FEET RANGE AND THE RESULTING FIRE-WATER STORAGE QUANTITY IS LESS THAN 800 GALLONS.

THE DEVELOPER HAS CHOSEN TO PROVIDE A "RECOGNIZED WATER SUPPLY" PER NFPA 1142 SECTION 3.3.23 WHICH IS DEFINED AS A FLOW RATE OF 250 GPM FOR 2-HOURS OR 30,000 GALLONS. TO PROVIDE AN ADDITIONAL LEVEL OF SAFETY, SEPARATE 30,000 GALLON FIRE-WATER TANK WILL BE PROVIDED AT EACH ENTRANCE FOR A TOTAL ON-SITE FIRE-WATER STORAGE CAPACITY OF 60,000 GALLONS.

ELECTRICAL ENERGY STORAGE SYSTEMS -

ENERGY STORAGE SYSTEM (ESS) THRESHOLD QUANTITIES

THE ESS CAPACITY EXCEEDS THE THRESHOLD VALUE OF 20 KWH GIVEN IN CFC TABLE 1207.1.1, THEREFORE THE PROJECT SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF CFC CHAPTER 1207.

DESIGN DOCUMENTS AND PERMITS

PLANS AND SPECIFICATIONS ASSOCIATED WITH THE ESS INSTALLATION SHALL BE SUBMITTED TO THE AUTHORITY HAVING JURISDICTION FOR APPROVAL [CFC SECTION 1207.1.3].

CONSTRUCTION PERMITS SHALL BE OBTAINED FOR STATIONARY ESS INSTALLATIONS. OPERATIONAL PERMITS SHALL BE OBTAINED FOR STATIONARY ESS INSTALLATIONS [CFC 1207.1.2].

SIGNAGE

SIGNS SHALL BE PROVIDED ON EACH ESS ENCLOSURE TO INDICATE THE FOLLOWING [CFC SECTION 1207.4.8]:

1. "ENERGY STORAGE SYSTEMS" WITH SYMBOL OF LIGHTNING BOLT IN TRIANGLE.
2. "LITHIUM-ION"
3. "ENERGIZED ELECTRICAL CIRCUITS"
4. EMERGENCY CONTACT INFORMATION

A PERMANENT PLAQUE OR DIRECTORY DENOTING THE LOCATION OF ALL ELECTRIC POWER SOURCE DISCONNECTING MEANS ON THE PREMISES SHALL BE INSTALLED AT EACH SERVICE EQUIPMENT LOCATION AND AT THE LOCATIONS OF THE SYSTEM DISCONNECTS FOR ALL ENERGY SOURCES CAPABLE OF BEING INTERCONNECTED [CFC SECTION 1207.4.1].

SECURITY OF INSTALLATION
THE ESS YARD WILL BE SECURED AGAINST UNAUTHORIZED ENTRY AND SAFEGUARDED BY FENCING. [CFC SECTION 1207.4.9]

OUTDOOR INSTALLATION
THE ESS SYSTEM SHALL COMPLY WITH CFC SECTION 1207.8 CODE REQUIREMENTS FOR OUTDOOR "REMOTE" INSTALLATIONS (DEFINED AS AT LEAST 100-FT FROM LOT-LINES).

MAXIMUM SIZE
ESS ENCLOSURES WILL NOT EXCEED 53 FT x 8 FT x 9.5 FT [CFC SECTION 1207.5.6].

CLEARANCE TO EXPOSURES
BATTERY ENCLOSURES WILL BE LOCATED AT LEAST 10- FEET FROM LOT LINES, PUBLIC WAYS, BUILDINGS, AND OTHER EXPOSURE HAZARDS [CFC SECTION 1207.8.3, EXCEPTION 1]. FURTHERMORE, THE SITE CAN BE CONSIDERED "REMOTE" AS ALL ENCLOSURES ARE LOCATED AT LEAST 100- FEET FROM LOT LINES.

SIZE AND SEPARATION
CFC TABLE 1207.8 STATES THAT THE SPACING SEPARATION BETWEEN INDIVIDUAL GROUPS OF 50 KWH BATTERIES [CFC SECTION 1207.8.3] DOES NOT APPLY WHERE THE OUTDOOR ESS IS "REMOTE" (I.E. AT LEAST 100-FT FROM LOT LINES).

WHILE THE REMOTE LOCATION EXEMPTION IS UTILIZED, THE DEVELOPER STILL INTENDS TO UTILIZE A BATTERY MANUFACTURER THAT HAS LARGE-SCALE TESTING (I.E. UL9540A) DOCUMENTING THE MAXIMUM ANTICIPATED FIRE SIZE WILL BE LIMITED.

MAXIMUM ALLOWABLE QUANTITIES
THE ESS CAPACITY EXCEEDS THE MAXIMUM ALLOWABLE QUANTITY VALUE OF 600 KWH GIVEN FOR LITHIUM-ION BATTERIES IN CFC TABLE 1207.5. A HAZARDOUS MITIGATION ANALYSIS WILL BE DEVELOPED IN ACCORDANCE WITH CFC SECTION 1207.1.4 AND LARGE SCALE FIRE TESTING WILL BE COMPLETED IN ACCORDANCE WITH CFC SECTION 1207.1.5 TO PERMIT THE MAXIMUM ALLOWABLE QUANTITIES TO BE EXCEEDED.

FIRE DETECTION

THE ESS WILL COME PRE-INSTALLED WITH A SMOKE, FIRE AND GAS DETECTION SYSTEM DESIGNED OR AN EXTERNAL RADIANT ENERGY SENSING DETECTION SYSTEM (PENDING MANUFACTURER SELECTION). ALARM SIGNALS FROM THE DETECTION SYSTEM WILL BE TRANSMITTED TO THE SITE FIRE ALARM CONTROL PANEL AND EMERGENCY MANAGEMENT SYSTEM.

FIRE SUPPRESSION SYSTEM

CFC SECTION 1207.5.5 ONLY REQUIRES A FIRE SUPPRESSION SYSTEM IN WALK-IN UNITS. THE PROPOSED ESS ENCLOSURES WILL BE NON-WALK-IN UNITS AND THE FUTURE SELECTED EQUIPMENT WILL NOT UTILIZE WATER-BASED FIRE SUPPRESSION FOR THERMAL RUNAWAY CONTROL.

VEGETATION CONTROL

AREAS WITHIN 10 FEET ON EACH SIDE OF OUTDOOR ESS SHALL BE CLEARED OF COMBUSTIBLE VEGETATION AND OTHER COMBUSTIBLE GROWTH. SINGLE SPECIMENS OF TREES, SHRUBBERY, OR CULTIVATED GROUND COVER SUCH AS GREEN GRASS, IVY, SUCCULENTS, OR SIMILAR PLANTS USED AS GROUND COVERS SHALL BE PERMITTED TO BE EXEMPT, PROVIDED THAT THEY DO NOT FORM A MEANS OF READILY TRANSMITTING FIRE. [CFC SECTION 1207.5.7]

MEANS OF EGRESS SEPARATION

ESS LOCATED OUTDOORS SHALL BE SEPARATED FROM ANY MEANS OF EGRESS AS REQUIRED BY THE FIRE CODE OFFICIAL TO ENSURE SAFE EGRESS UNDER FIRE CONDITIONS, BUT IN NO CASE LESS THAN 10 FEET [CFC SECTION 1207.5.8]. THE ESS IS LOCATED MORE THAN 10 FT FROM THE MEANS OF EGRESS FROM ANY BUILDING.

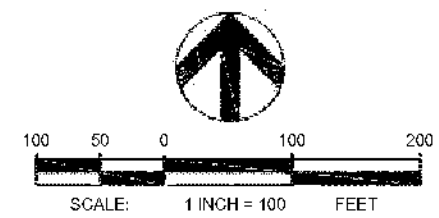
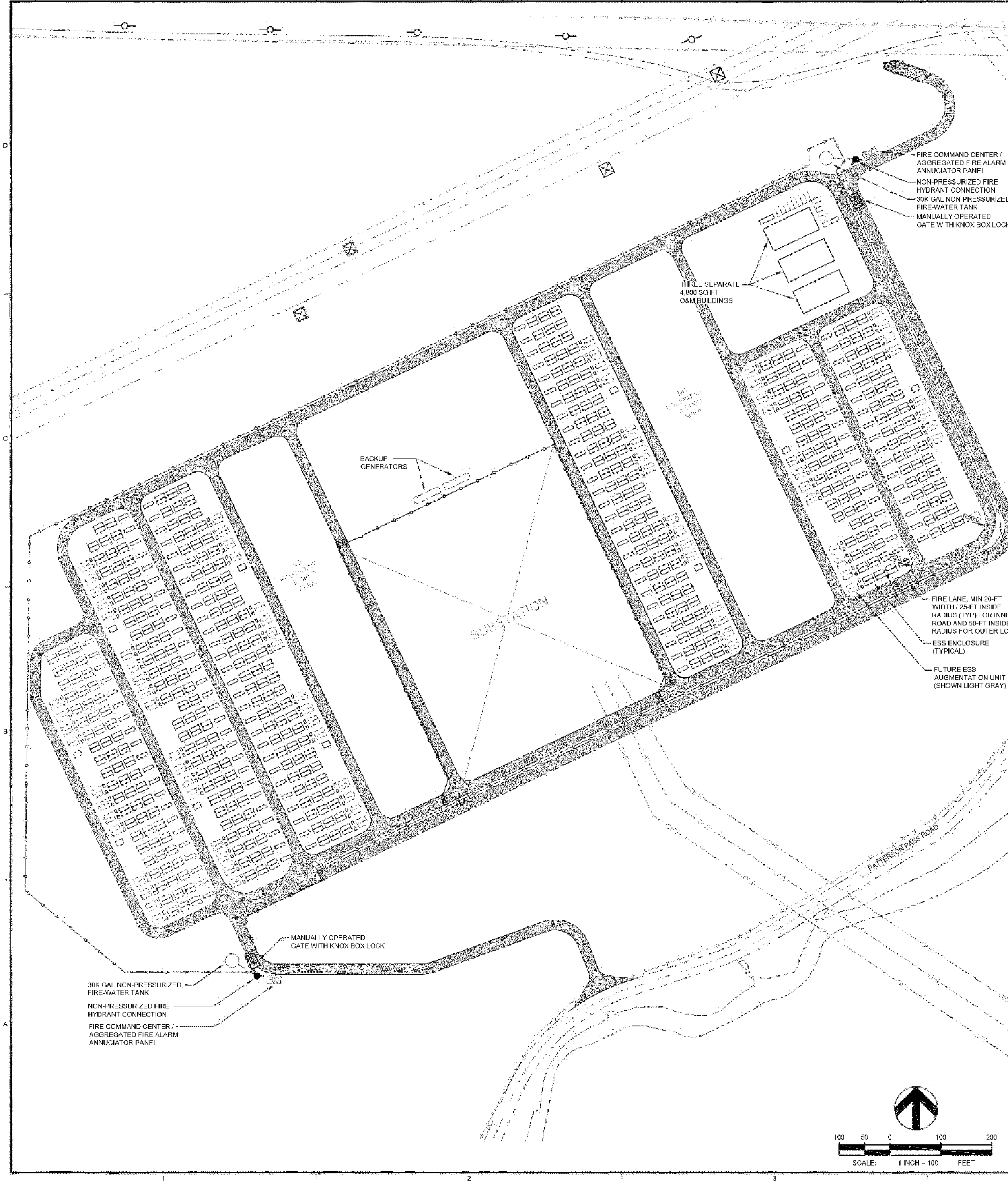
EXPLOSION CONTROL

PER CFC 1207.6.3, EXPLOSION CONTROL COMPLYING WITH CFC SECTION 911 SHALL BE PROVIDED FOR LITHIUM-ION ESS TECHNOLOGIES.

THE FUTURE ENCLOSURE SELECTION WILL BE EQUIPPED WITH EITHER 1) A NFPA 69 EXPLOSION PREVENTION SYSTEM UTILIZING AN ACTIVE VENTILATION SYSTEM (FANS AND DAMPERS) ACTIVATED BY GAS SENSORS TO MAINTAIN THE FLAMMABLE GAS CONCENTRATION BELOW THE 25% OF THE LEL GASES GENERATED DURING THERMAL RUNAWAY; OR 2) A NFPA 68 DEFLAGRATION VENTING SYSTEM UTILIZING BUILT-IN PANELS TO CONTROL THE DISCHARGE ENERGY OF A DEFLAGRATION EVENT.

THERMAL RUNAWAY PROTECTION

AS REQUIRED BY CFC TABLE 1207.6 AND CFC SECTION 1207.6.5, THE ESS SYSTEM SHALL BE PROVIDED WITH A LISTED DEVICE OR OTHER APPROVED METHOD TO PRELUDE, DETECT AND MINIMIZE THE IMPACT OF THERMAL RUNAWAY. THERMAL RUNAWAY PROTECTION WILL BE PART OF THE BATTERY MANAGEMENT SYSTEM WHICH IS COMPLIANT TO UL 973 AND UL 9540.



PLANS ARE FOR PRELIMINARY ACCESS APPROVAL ONLY. FUTURE REVIEW AND APPROVAL REQUIRED FOR THE ESS INSTALLATION.



POTENTIAL VIRIDI BATTERY ENERGY STORAGE SYSTEM

LEVY ALAMEDA, LLC

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION
1	1/17/25	REV 1

PROJ. NO. 232059

DRAWN

CHECKED

DATE 7/15/24

COFFMAN ENGINEERS INC.

SHEET TITLE:

FIRE MASTER PLAN

SHEET NO:

FP-1.0

SHEET 4 OF 7

Potentia-Viridi Battery Energy Storage System (24-OPT-04) - Notice of Receipt of Opt-In Application and Request for Water Boards MOU Coordination

Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>

Thu 8/8/2024 12:43 PM

To:Laputz, Adam@Waterboards <Adam.Laputz@waterboards.ca.gov>;Tadlock, Stephanie@Waterboards <Stephanie.Tadlock@waterboards.ca.gov>; Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>;Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov> Cc:White, Adam@Energy <Adam.White@Energy.ca.gov>;Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>;Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>;Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>;Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>;Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

1 attachments (509 KB)

Potentia-Viridi_BESS_MOU Agencies Notice of Application Receipt.pdf;

Hello,

This email serves as notification of receipt of an Opt-in application under Public Resources Code 25519 for the proposed Potentia-Viridi Battery Energy Storage System project (24-OPT-04). This project is proposed in eastern Alameda County, California. The attached letter outlines project information and your responsibilities under Assembly Bill 205.

Adam White will be your technical staff contact for Water Resources. Adam will reach out to you to discuss the data completeness worksheet and data request format. We will include any data requests you have of the applicant in our Data Completeness Letter that will be posted to the proceeding’s docket. Abdel-Karim (Karim) Abulaban is the unit supervisor.

If you have any technical questions, please contact Adam and Karim. If you have questions about the project in general or about the Opt-in process, please contact Ann Crisp, project manager.

This information should be provided within 15-days per the MOU, which falls on Thursday August 22, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Thank you,

Ann Crisp
Senior Environmental Planner
Siting and Environmental Branch
Siting, Transmission and Environmental Protection Division
1-916-352-0543

California Energy Commission
Website: www.energy.ca.gov



DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	258402
Document Title:	MOU Agency Notice of Receipt of Opt-In Application for Potentia-Viridi BESS project (24-OPT-04) & Distribution List
Description:	Emailed on August 8, 2024
Filer:	Lisa Worrall
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/9/2024 10:26:23 AM
Docketed Date:	8/9/2024



August 8, 2024

Notice of Receipt of Opt-In Application for Potentia-Viridi Battery Energy Storage System project (24-OPT-04)/ Request for Comments and Information

This letter serves as notice pursuant to the California Energy Commission (CEC) Memorandums of Understanding (MOUs) with California Department of Fish and Wildlife (CDFW), Department of Toxic Substances Control (DTSC), and California State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, the Water Boards) that Levy Alameda, LLC ("Applicant"), has requested that the CEC staff commence data completeness review of Potentia-Viridi Battery Energy Storage System (project) (24-OPT-04) opt-in application. Files associated with the application were uploaded to the project docket (24-OPT-04) from July 26 through August 7, 2024. The associated fee for processing the application has been received by CEC. Based on the record present in the project docket, the effective filing date is confirmed as August 7, 2024. Pursuant to Public Resources Code, section 25545.4(a), CEC staff will review the application and the CEC's Executive Director will make a determination of completeness within 30 days of the filing of the application. The Executive Director will respond to the request for a completeness determination on or before September 6, 2024.

The project webpage can be accessed at the following link:

<https://www.energy.ca.gov/powerplant/battery-storage-system/potentia-viridi-battery-energy-storage-system>. To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project's docket.

The entire application can be accessed at the following link:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-04>. Given the number of individual documents involved, sharing this link to the docket constitutes sharing the application files. Please contact us if you have trouble accessing any documents.

The CEC staff is now conducting a "Data Completeness" review of the application using data completeness worksheets that track information required under California Code of Regulations, title 20, section 1877 and data requests for any areas that are incomplete or require additional information, or a clarification of information is required.

Pursuant to the MOUs, your agency is obligated to provide information supporting the CEC staff's application completeness determination. This critical period is the opportunity that your agency has to ensure it has all the information it needs pursuant

to the MOU, including the baseline data and proposed mitigation to evaluate the project's direct, indirect and cumulative impacts and its compliance with applicable laws, ordinances, regulations, and standards, and provide permit conditions for this application. Also, during this period you will need to make all data requests for this project through CEC staff (e.g., clarification of information, requests for information, etc.) to ensure that the application has what your agency would need to issue a permit or for the CEC to issue an in-lieu permit. The CEC staff in the areas of Biological Resources, Water Resources, and Hazards and Hazardous Materials will reach out to you to coordinate on the data completeness review by the CEC and MOU agencies and are copied in this email.

The following is the relevant language on your agency's obligations to provide information supporting the CEC's completeness determination pursuant to the MOUs. Here is the relevant language from the CDFW MOU: "Within 15 days of receipt of an opt-in application, CDFW will review the opt-in application to determine whether it contains all the information required to assess compliance with applicable California Fish and Wildlife Laws; CDFW will identify and notify Energy Commission staff in writing of any data deficiencies and discuss proposed studies or outstanding data necessary to correct such deficiencies."

The applicable language for the Water Boards is: "Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies."

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

Please use the relevant portions of the Data Completeness sheets which correspond to the issues of interest to your agency and your permitting authorities, to guide your review of the application and preparation of data requests for areas of the application with incomplete or missing information. We will incorporate your data requests into the Executive Director's completeness determination. In addition, please provide any other information consistent with the language from the MOUs copied above.

For CDFW and the Water Boards, this information should be provided within 15 days per the MOUs, which falls on Thursday August 22, 2024.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from August 22, 2024 to September 1, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Ann Crisp
Project Manager
California Energy Commission

ann.crisp@energy.ca.gov

Distributed via e-mail to the following contacts:

California Department of Fish and Wildlife

Brenda Blinn, Senior Environmental Scientist (Supervisor)

Melissa Farinha, Environmental Program Manager I

Erin Chappell, Bay Delta Regional Manager

Department of Toxic Substances Control, Permitting Division, Hazardous Waste Management Program

Wayne Lorentzen, Division Chief

Lori Koch, Branch Chief

Muzhda Ferouz, Branch Chief -Supervising Hazardous Substance Engineer II

State Water Resources Control Board

Phil Crader, Environmental Program Manager II / Assistant Deputy Director, Water Quality Division, Surface Water Permitting Section

Central Valley Regional Water Quality Control Board, R5 - Rancho Cordova Office

Adam Laputz, Assistant Executive Officer

Stephanie Tadlock, Water Quality Certifications Unit Senior

Lynn Coster, Water Quality Certifications Region 5 Program Manager

Message

From: Veerkamp, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A16598E8714E422FB3216B7B05602C48-VEERKAMP, E]
Sent: 4/17/2025 3:19:43 PM
To: Kelly Strain [kstrain@capstoneinfra.com]; Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: PoVI Question and Answer for 2nd Data Request - RWQCB
Attachments: Potentia-Viridi BESS (24-OPT-04) - Notice of Receipt of Opt-In Application and Request for Water Boards MOU Coordination.pdf; TN258402_20240809T102621_MOU Agency Notice of Receipt of Opt-In Application for Potentia-Viridi BESS (1).pdf

Hi Kelly,

I solicited help from both Eric Knight, STEP Manager and Jared Babula, with chief counsel's office to try to get you the best answer possible. The water boards staff has 15 days from receipt of the application for certification to determine if they have any data needs, and to then notify the CEC staff. CEC staff would then incorporate those requirements in our data requests. An email dated August 8, 2024 went to water boards staff requesting the information. From what I understand after talking with our water staff, we received what we needed and incorporated those requests in the first set of data requests (see DR Water-7 and DR Water-8). As it states in more detail below, the water boards will have 90 days to issue its permits following the CEC certification. According to Jared, the six-month period you reference appears to be an RWQCB period, not an Opt-In period. I've attached the Notice of Receipt sent to the Water Board requesting their review of the application pursuant to the MOU, and an informal email from Ann Crisp (as project manager) connecting Water Board and CEC staff to conduct this joint review.

See the below for more detailed information.

Section Public Resources Code section 25545.5(d)(2) (for Opt-In) states in part:

The.. applicable regional water quality control boards,... shall take final action on the eligible facility within 90 days after the certification by the commission of the environmental impact report for the site and related facilities, **if the applicant has filed a complete, final application for a permit or waste discharge requirement, as applicable, with those agencies before the certification of the environmental impact report.**

The RWQCB has 90 days to issue its permits after the CEC's certification provided the applicant has filed a complete application before CEC certification. For Opt-in, the relevant triggers are the filing of a complete application with the RWQCB before CEC certification and the RWQCB having 90 days after CEC certification to issue its permits.

The applicant should contact the RWQCB about navigating the timeline to ensure RWQCB has time to review the application and issue its permits 90 days after CEC certification.

And there are these two provisions in the CEC- Water Board opt-in MOU, which envision the water board permit conditions being incorporated into the CEC's Draft EIR.

3. Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies.

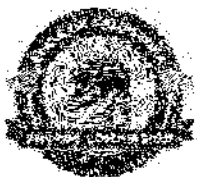
4. During the Energy Commission's preparation of a draft environmental impact report (Draft EIR) on a proposed project, Water Boards' staff will consult with Energy Commission staff regarding potential impacts to waters of the state and will provide Energy Commission staff with their projected conditions for the applicable NPDES Permits, Waste Discharge Requirements, and/or Section 401 Certification or Waiver according to the project schedule. The Water Boards' staff shall use their best efforts to meet a time schedule that will allow the Energy Commission staff to include the

Water Boards' recommended conditions for the applicable NPDES Permit(s), Waste Discharge Requirements, and/or Section 401 Certification or Waiver within the Draft EIR.

Thank you. If you need anything else, please let me know.

P.S. Since there have been some staffing changes here at the CEC since the PoVI application was submitted, both in project management and on the water side, I plan to reach out to the water boards again to ensure that they have correct contact information. I encourage you to reach out to the water boards again if you have not done so.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Monday, April 14, 2025 10:08 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: PoVI Question and Answer for 2nd Data Request - RWQCB

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Eric,

We would like clarification on the following:

In the typical processing pathway with the RWQCB, the agency has a 6-month period to issue the permit that begins when they make a determination of a "complete application." In practice, the RWQCB asks to have a completed CEQA process (Notice of Determination) prior to issuance of the final permit. In this case, CEC is the lead CEQA agency, and is also in the lead for making final permit decisions on behalf of the State of California... But, unlike all other agencies the final permit decision for the RWQCB remains theirs.

Question: If the RWQCB makes the determination that the application is complete (now), does the six-month clock still apply? Will the CEQA NOD be complete within the next six months?... And if the NOD is not issued within six months, is there a provision for extending the six-month period?

If possible, we would greatly value a response by end of day tomorrow, Tuesday.

Thank you,

Kelene Strain
Environmental & Permitting Manager

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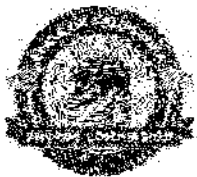
Direct +1 (310) 839-5510
Facsimile +1 (415) 619-1165
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: April 14, 2025 9:02 AM
To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Cc: Field @EnergyVeterans.org <field@energyveterans.org>; Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

Thanks Kelly,
Postponing the meeting to a time to be decided works for us. If we need to schedule a meeting on BIO DR's or any of the other DR's in Set 2 we can get something on the calendar at a later date. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <kstrain@capstoneinfra.com>
Sent: Monday, April 14, 2025 8:41 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Subject: RE: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

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Good morning, Eric~

Our team does not have any questions regarding our second data request. Do you want to continue with today's meeting, or shall we reschedule it for when we do have questions?

Thank you,

Kelena Strain
Environmental & Permitting Manager

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Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: April 11, 2025 1:56 PM
To: Kelly Strain <kstrain@capstoneinfra.com>; Ronelle Candia <rcandia@dudak.com>; Rocio Perez <rope@eurowindenergy.com>
Subject: PoVI, Monday Question and Answer for 2nd Data Request; Agenda items

Hi Kelly and Ronelle,
If you can forward the list of questions, or agenda for Monday's meeting today, that would give CEC staff more time to prepare for the meeting. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



Message

From: Alisha C. Pember [apember@adamsbroadwell.com]
Sent: 4/16/2025 9:34:07 PM
To: Energy - STEPinfo [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df73d7830f48415086b210eac87ea568-Energy - ST]; Energy - STEP Siting [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=14e6ac2919ec428bb3378e30ce9a58e9-Energy - ST]
CC: Alexandra E. Stukan [astukan@adamsbroadwell.com]
Subject: Request for Mailed Notice of Actions and Hearings – Potentia- Viridi Battery Energy Storage System (24-OPT-04)
Attachments: 7152-006acp - Viridi Potentia BESS - CEQA to CEC 4-16-25.pdf

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Good afternoon,

Please see the attached correspondence.

If you have any questions, please contact Alexandra Stukan.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice, Ext. 24
apember@adamsbroadwell.com

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ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSTON
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALaura R. McGUIRE
ISABEL TAHIR

Of Counsel

DANIEL L. CARDOZO

MARC D. JOSEPH

April 16, 2025

Via Email and U.S. Mail

Elizabeth Huber, Director
Siting, Transmission, and
Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814
Email: STEPinfo@energy.ca.gov

Eric Veerkamp, Project Manager
California Energy Commission
715 P Street
Sacramento, CA 95814
Email: STEPsiting@energy.ca.gov

Via Online Portal

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-04>

Re: Request for Mailed Notice of Actions and Hearings – Potentia-Viridi Battery Energy Storage System (24-OPT-04)

Dear Ms. Huber and Mr. Veerkamp:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request mailed notice of the availability of any environmental review document, prepared pursuant to the California Environmental Quality Act, related to the Potentia-Viridi Battery Energy Storage System (BESS) (“Project”) proposed by Levy Alameda, LLC (Applicant), a wholly owned subsidiary of Obra Maestra Renewables, LLC (“Applicant”), as well as a copy of the environmental review document when it is made available for public review.

We also request mailed notice of any and all hearings and/or actions related to the Project. These requests are made pursuant to Public Resources Code Sections 21092.2, 21080.4, 21083.9, 21092, 21108, and 21167(f) and Government Code Section 65092, which require state agencies to mail such notices to any person who has filed a written request. This request is also made pursuant to 20 C.C.R. Section 1209(a) in the California Energy Commission’s regulations.

CURE is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated

April 16, 2025

Page 2

with this Project. CURE has a strong interest in enforcing the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members.

Please use the following contact information for all correspondence:

U.S. Mail

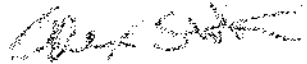
Alex Stukan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email

astukan@adamsbroadwell.com

If you have any questions, please call me at (650) 589-1660 or email me at the address above. Thank you for your assistance with this matter.

Sincerely,



Alex Stukan
Paralegal

AES:acp

Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 4/25/2025 4:14:08 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
CC: Ronelle Candia [rcandia@dudek.com]; Rocio Perez [rpe@eurowindenergy.com]
Subject: Potentia-Viridi Battery Energy Storage System, 24-OPT-04, Wildfire Hazards Worker Safety DRs Request

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Good morning, Eric

We are close to completing our DR responses for the first six technical areas, and we look forward to receiving the last three (Wildfire, Hazardous Materials, and Worker Safety) DRs from the CEC. Can you tell me when we will receive these last DRs? Please let me know if you have any questions or need any additional information.

Sincerely,

Kelena Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct: +1 (310) 839-8840
Facsimile: +1 (310) 839-1305
Email: KStrain@capstoneinfra.com
Web: www.capstoneinfrastructure.com

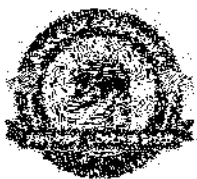
Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: April 17, 2025 7:59 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>
Subject: RE: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

Hi Kelly,

Yes, this is something the CEC will address. As an intervenor, CURE will receive copies of all mailed notices. TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
916-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Wednesday, April 16, 2025 5:05 PM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>
Subject: FW: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

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Good afternoon, Eric

We received the following CEC docket posting notification. Can you confirm the CEC will address this comment letter from Alex Stukan? Given the CEC will release the NOP and conduct the public hearing(s), I believe this to be the correct approach, but please let us know if this is not correct.

Sincerely,

Kelona Strain
Environmental & Permitting Manager

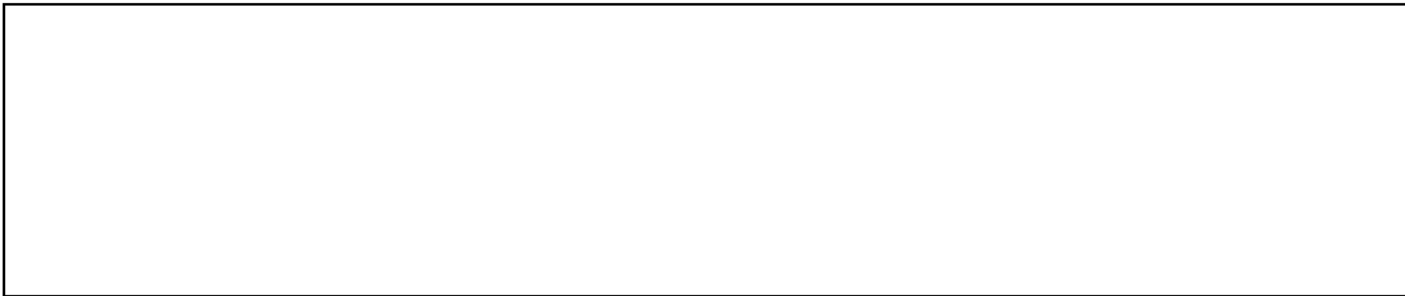
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Facsimile +1 (415) 643-1335
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: California Energy Commission <CEC@public.govdelivery.com>
Sent: April 16, 2025 2:44 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Subject: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

[View as a webpage/ Share](#)



Dear Subscribers,

The following 1 Comment(s) submitted to Docket Number **24-OPT-04** have been published:

- Docket Number: 24-OPT-04
 Project Title: Potentia-Viridi Battery Energy Storage System
 TN Number: 262698
 Title: Alex Stukan Comments - Request for Mailed Notice of Actions and Hearings
 Description:
 Filer: System
 Organization: Alex Stukan
 Role: Public
 Submission Date: 4/16/2025 2:41:05 PM
 Docketed Date: 4/16/2025
 Subject(s): Compliance
 Submission Type: Comment
 Page(s): 3

Thank you,
04/16/2025 14:43:23.917

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This email was sent to KStrain@capstoneinfra.com from the California Natural Resources Agency utilizing envDelivery, California Natural Resources Agency, 715 P Street, Sacramento, CA 95814

▪

Message

From: Qian, Wenjun@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4421BE8DF5F40EC851D73AFFCBFF913-QIAN, WENJU]
Sent: 5/8/2025 3:12:56 PM
To: ivirrueta@baaqmd.gov; jcheng@baaqmd.gov
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Xuna Cai (xcai@baaqmd.gov) [xcai@baaqmd.gov]
Subject: Re: Potentia-Viridi: BAAQMD Email Request
Attachments: Application Invoice T181578.pdf; IncompletenessLetter2_FID203846_AN722261.pdf; TN258532_20240815T163909_Federal, State, Other Agency Notification of Application Receipt for Potent.pdf; CEC-ARB MOU 1979.pdf

Hi Isis and Jimmy,

On August 7, 2024, the California Energy Commission (CEC) received an opt-in application for the Potentia-Viridi Battery Energy Storage System project (project). Levy Alameda, LLC (“Applicant”) proposes to construct, operate, and decommission a 400-megawatt (MW) battery energy storage system (BESS) in an unincorporated area in eastern Alameda County. The primary components of the proposed project include an up to 3,200-megawatt-hour BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. The project would also include two 900 bhp emergency diesel generators.

The CEC’s Opt-In Program was established by AB 205 in 2022. The program allows the CEC to oversee the permitting of clean energy facilities, including solar photovoltaic, onshore wind, and energy storage systems, and facilities that produce or assemble clean energy technologies or their components. In most cases, the CEC certificate supersedes other state and local permits. The issuance of an Opt-In certificate by CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. (Public Resources Code section 25545.1). Attached to this email is a factsheet on the Opt-in program ([https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In Certification Fact Sheet ala.pdf](https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In%20Certification%20Fact%20Sheet%20ala.pdf)). Statutory and regulatory provisions governing the Opt-In Program can be found at Chapter 6.2 of Division 15 of the Public Resources Code and California Code of Regulations, title 20, sections 1875 through 1882. The CEC acts as the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC’s Opt-In program.

On August 15, 2024, CEC sent notice of receipt (as attached) of Opt-In Application for Potentia-Viridi Battery Energy Storage/request for comments and information to Federal, State and other agencies, including Bay Area Air Quality Management District (BAAQMD). Under Public Resources Code section 25545.1 the issuance of a certificate by the CEC for the construction and operations of the Potentia-Viridi project is in lieu of permits issued by the BAAQMD. The CEC will maintain regular communication with BAAQMD and incorporate into its certification the language that BAAQMD would have included in a permit.

The applicant for the project forwarded the attached application invoice and incompleteness letter from BAAQMD to us. California Code of Regulations, title 20, section 1878.1 outlines the process for local agencies to request reimbursement for Opt-in projects. Similar to Application for Certification projects and language in the MOU with CARB (as attached), pursuant to Public Resources Code section 25538 the districts can be reimbursed for added costs, including lost fees, that are actually incurred by the district in complying with any request or duty specified in the agreement.

If you have any questions or would like to discuss this further, I'd be happy to set up a meeting at your convenience.

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor

Air Quality and Public Health Unit

Siting, Transmission, and Environmental Protection Division

California Energy Commission

715 P St, MS-46

Sacramento, CA 95814

Email: Wenjun.Qian@energy.ca.gov

Cell: (916) 695-5448



375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 771-6000
www.baaqmd.gov

Invoice Number:	T181578
Invoice Date:	01/06/2025
Due Date:	02/05/2025
Application Number:	722261
Facility ID:	203846
Customer Number:	B302504F203846

<p>TO: Levy Alameda LLC 16875 W Bernardino Drive STE 200 San Diego, CA 92127</p> <p>ATTN: Patrick Leitch</p> <p>Application No.: 722261</p> <p>Project Title: Emergency Standby Diesel Engine</p>	<p>Equipment Location: Potencia Viridi Energy Storage Facility 17257 PATTERSON PASS ROAD TRACY, CA 95377 Owner: Levy Alameda LLC</p> <p>Operator: Patrick Leitch Levy Alameda LLC</p> <p>For questions regarding check or online payments, please contact: (415) 749-4636 customerpayments@baaqmd.gov</p> <p>For questions regarding fees and other permit info, please contact: Isis Virrueta Air Quality Engineer (415) 749-4745 ivirrueta@baaqmd.gov</p>
---	--

A copy of BAAQMD Regulation 3: Fees is available on the website at <http://www.baaqmd.gov>. You may also obtain a copy of our regulations by calling Communications and Outreach at (415) 749-4900.

See next page for a detailed breakdown of the invoice fees.

Total Fees:	\$18,211.00
Amount Paid:	\$0.00
Amount Due:	\$18,211.00

Save Time, Pay Online: www.baaqmd.gov/Pay

Visa, Mastercard, Discover, and eCheck payments accepted online.

If paying by check or money order, remove this bottom portion and mail it using the envelope provided. The top portion is for your records.

Levy Alameda LLC
16875 W Bernardino Drive
STE 200
San Diego, CA 92127

THIS INVOICE IS NOW DUE AND PAYABLE

Invoice Number:	T181578
Invoice Date:	01/06/2025
Due Date:	02/05/2025
Application No.:	722261
Facility ID:	203846
Customer Number:	B302504F203846

The District only accepts checks or money orders by mail. Credit card information sent through the mail will be destroyed, and could delay or cancel your permit.

1. Make your check payable to BAAQMD
2. Write the invoice number T181578 on the face of the check.
3. If paying more than one invoice, write a separate check for each invoice.
4. Mail this portion with your check payment.

Amount Due:	\$18,211.00
--------------------	--------------------

Your Permit Application is subject to cancellation if payment is not received by the invoice due date. Your application will be reactivated upon payment of this invoice. Construction or operation of equipment without a permit/registration may result in appropriate enforcement action.

BAY AREA AIR QUALITY MGMT DIST.
375 Beale Street, Suite 600
San Francisco, CA 94105

PERMIT APPLICATION INVOICE

375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 771-6000
www.baaqmd.gov

Invoice Number:	T181578
Invoice Date:	01/06/2025
Due Date:	02/05/2025
Application Number:	722261
Facility ID:	203846
Customer Number:	B302504F203846

Date Applied	Fee Type	Amount
1/7/2025	Filing Fee	\$1,302.00
1/7/2025	Filing Fee	\$6,376.00
1/7/2025	Permit to Operate Fee	\$3,188.00
1/7/2025	Risk Screen Fee	\$3,188.00
1/7/2025	Risk Screen Fee Additional	\$3,188.00
1/7/2025	Toxics Surcharge Fee	\$318.00
	Total Fees:	\$18,211.00

Amount Paid: \$0.00

Amount Due: \$18,211.00

Application No.: 722261
Project Title: Emergency Standby Diesel Engine

Equipment Description	Fee Type	Fee Amount
Internal Combustion Engine	Filing Fee	\$651.00
Internal Combustion Engine	Initial Fee - Schedule B	\$3,188.00
Internal Combustion Engine	Permit to Operate Fee - Schedule B	\$1,594.00
Internal Combustion Engine	Risk Screen Fee - Schedule B	\$3,839.00
Internal Combustion Engine	Toxics Surcharge Fee	\$159.00
Internal Combustion Engine	Filing Fee	\$651.00
Internal Combustion Engine	Initial Fee - Schedule B	\$3,188.00
Internal Combustion Engine	Permit to Operate Fee - Schedule B	\$1,594.00
Internal Combustion Engine	Risk Screen Fee Additional - Schedule B	\$3,188.00
Internal Combustion Engine	Toxics Surcharge Fee	\$159.00



February 25, 2025

ATTN: Nicholas Lorenzen

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Application No.: 722261
Plant No.: 203846
Equipment Location: 17257 Patterson Pass Road,
Tracy, CA 95377

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION AND FILES

Dear Applicant:

Your application for an Authority to Construct and/or Permit to Operate the following equipment:

S-1 Emergency Standby Diesel Generator (900 bhp)
S-1 Emergency Standby Diesel Generator (900 bhp)
A-1 Selective Catalytic Reduction System
A-2 Selective Catalytic Reduction System

Has been assigned the above application number and is currently incomplete.

In order to complete our evaluation, we need the following information/clarifications:

- 1) *The project hasn't gone through the CEQA Process yet, we're in the middle of putting together the initial application to the CEC (lead agency) which includes an air quality technical analysis. The generators will be included in the CEQA analysis.*
This is a special situation since CEQA documents are required to deem the application complete. Do you have a timeframe for this process?
- 2) *The spec sheet for the generator notes that the engine family is EPA certified. Do you need more documentation than that?*
Please provide the EPA Family, this is a combination of letters and numbers usually available through the vendor, or in the engine's sticker.
- 3) *There would be fuel tank installed at the base of each generator. See page 5 of attached "global drawings" PDF attached. This is a larger than 260 gallons tank and while exemption in Regulation 2-1-123.1 does not apply, this could still be exempt by Regulation 2-1-123.3.2. Please confirm if you wish to obtain a Certificate of Exemption for this tank (filling and initial fees apply). Otherwise, you are responsible for the burden of proof of this exemption. If you would like to proceed with the Certificate of Exemption please fill out a T form.*

Depending on the responses to the above information requests, the invoice may be adjusted. If the invoice is modified, a revised invoice will be sent out. Your payment options are the following:

a. Follow the link below and put in the invoice # and the last four digits of your customer number. There will be a fee applied.

<https://myaironline.baaqmd.gov/account/findPayInvoice>

b. If you wish to pay by check, send it to the address in the invoice and mark the envelope Attention: Finance.

Please submit the requested information and your fees within 90 days, or the application will be canceled.

Depending on the responses to the above information requests, the District may have more questions and reserves the right to ask them at the appropriate time. Please provide all responses in a single file or email.

Let me know if you have any questions.

Sincerely,

Isis Virrueta
Isis Virrueta
Air Quality Engineer

POVI 0002271

DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	258532
Document Title:	Federal, State, Other Agency Notification of Application Receipt for Potentia-Viridi BESS (24-OPT-04) & distribution list
Description:	Emailed on August 15, 2024
Filer:	Ann Crisp
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/15/2024 4:39:11 PM
Docketed Date:	8/15/2024



August 15, 2024

Notice of Receipt of Opt-In Application for Potentia-Viridi Battery Energy Storage System project (24-OPT-04) / request for comments and information

This letter serves as notification that the California Energy Commission (CEC) has received an opt-in application for the Potentia-Viridi Battery Energy Storage System project (project). Levy Alameda, LLC ("Applicant") proposes to construct, operate, and decommission a 400-megawatt (MW) battery energy storage system (BESS) in an unincorporated area in eastern Alameda County. The approximately 85-acre project site is located within a portion of Assessor Parcel Number (APN) 99B-7890-002-04 located at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205. The primary components of the proposed project include an up to 3,200-megawatt-hour BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. Electric energy would be transferred from the existing power grid to charge project batteries and store electrical energy and discharge back to the power grid when the stored energy is needed. The project would be interconnected to the regional electrical transmission grid via an approximately 2,884-foot-long new single-circuit 500kV gen-tie line within a 200-foot-wide corridor between the project substation and the existing PG&E Tesla Substation. The gen-tie line would extend southeast from the project substation, crossing Patterson Pass Rd, and then proceed east to the Point of Interconnection (POI) at the Tesla Substation. The Applicant entered into a Large Generator Interconnection Agreement with the California Independent System Operator and PG&E on October 31, 2022. The Project Description (TN 258016) section of the application can be accessed directly at the following link: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=258016&DocumentContentId=93945>

In 2022, Assembly Bill 205 established a new Opt-In Certification Program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has the exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report for any facility that elects to opt into the CEC's jurisdiction.

The CEC provides the following notice pursuant to Public Resources Code section 25545.8, which states that subsections (g) and (k) of Public Resources Code section 25519 apply to an opt-in application. The relevant language from Public Resources Code section 25519 is as follows:

(g) The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities and to the Attorney General.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

The CEC has set up a webpage for the project at the following link:

<https://www.energy.ca.gov/powerplant/battery-storage-system/potential-iridi-battery-energy-storage-system>

The documents which comprise the opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-04>

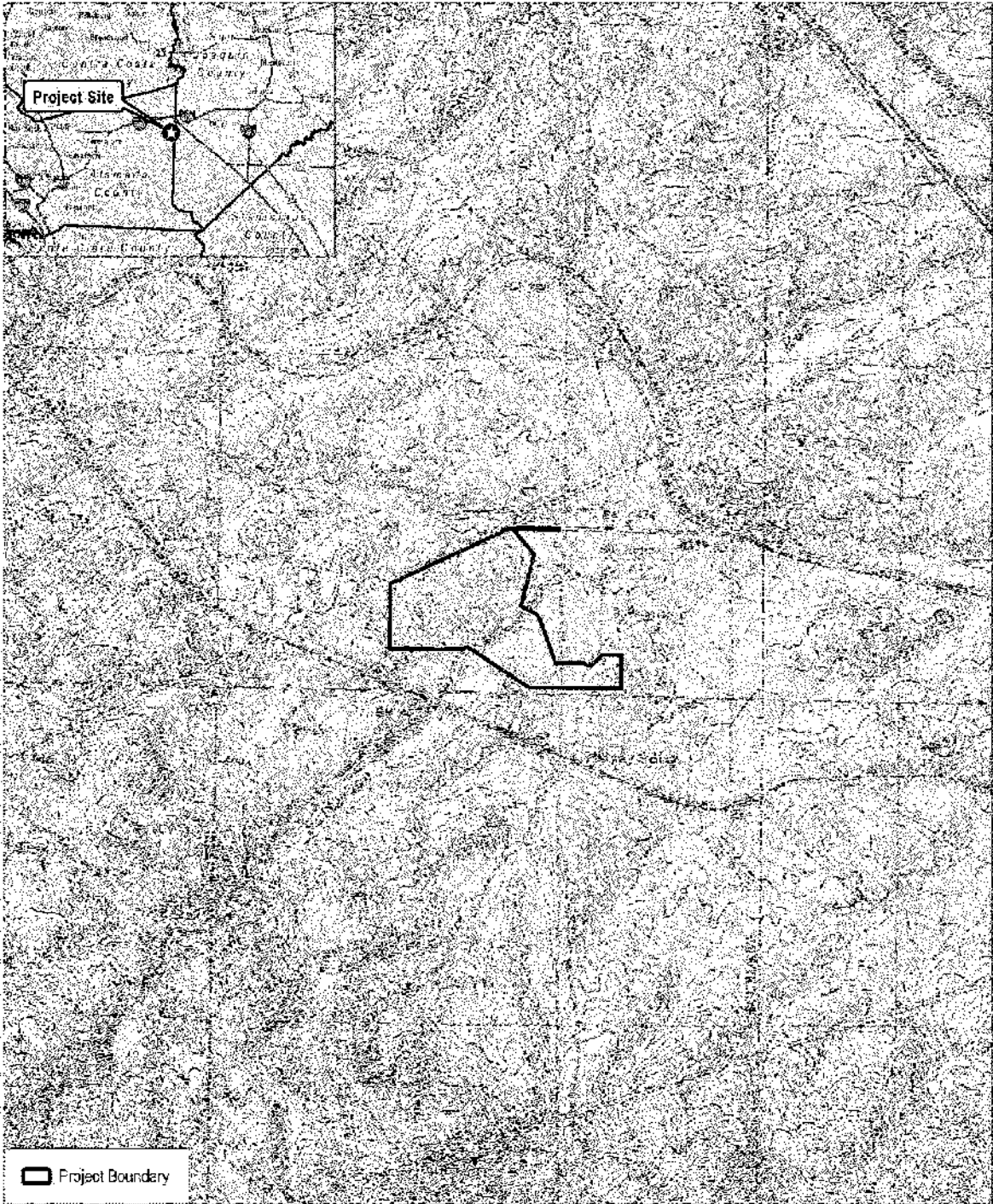
Pursuant to Public Resources Code section 25519(k), the CEC invites the comments and recommendations of your agency, and requests that you send us any relevant laws, ordinances, or regulations that your agency has promulgated or administered that are applicable to the proposed project.

To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project docket.

Feel free to reach out to me directly via email if you have any questions about this notice. Thank you.

Ann Crisp
Project Manager
California Energy Commission
ann.crisp@energy.ca.gov

Enclosures: Figure 2-1 Regional Map (from application, TN 258016)
Figure 2-3 Project Site Aerial (from application, TN 258016)




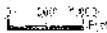
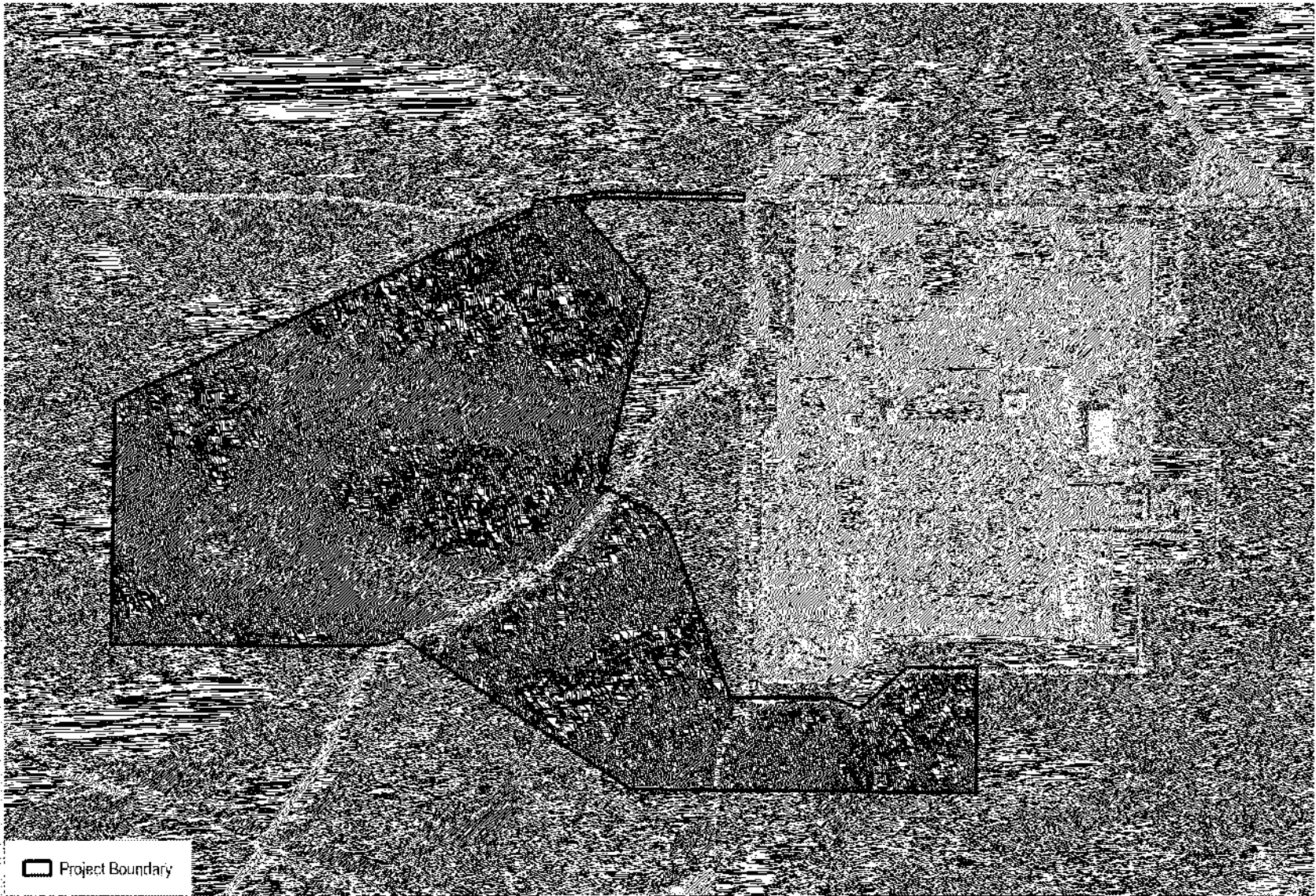
SOURCE: USGS 7.5-MINUTE QUADRAPEL
 Coastal Planning - Jointly Sponsored by CIP and CIP-22
DUDEK  

FIGURE 2-1
Regional Map
 SOURCE: USGS 7.5-MINUTE QUADRAPEL



Project Boundary

001.PDF 66g Mar 4 2023



FIGURE 2-3
Project Site Aerial
Tribune-Wiki BEUS Project

Distributed via email to the following contacts:

First	Last	Title	Agency
Xuna	Cai	Supervising Air Quality Engineer	BAAQMD, Engineering Division
Pamela	Leong	Director, Officer	BAAQMD, Engineering Division
Wendy	Goodfriend	Director, Planning and Climate Protection Division	BAAQMD, Planning and Climate Protection
Rebecca	Fancher	Staff Air Pollution Specialist	California Air Resources Board
Courtney	Graham	Manager	California Air Resources Board, Enforcement Division
LinYing	Li	Air Pollution Specialist	California Air Resources Board
Kerri	Kisko	Environmental Scientist	California Department of Conservation
			California Independent System Operator
Steve	Stewart	EACCS Steering Committee	East Alameda County Conservation Strategy
			California Department of Conservation
Erik	Alm	Office Chief - Office of Regional and Community Planning	Caltrans - District 4 Office of Regional and Community Planning; Local Development – Intergovernmental Review (LD-IGR)
Regina	Hunter	Branch Chief, Office of Public Affairs Customer Engagement	Caltrans - District 4 - Bay Area
		Encroachment Department	District 4-Encroachment Permits
Junming	Li	Water Supply Engineering	Zone 7 Water Agency
Elke	Rank	Senior Water Resources Planner	Zone 7 Water Agency
Steven	Blythe	Assistant Chief - Santa Clara Unit	Cal Fire
Baraka	Carter	Unit Chief	Cal Fire
Mary	Pakenham-Walsh	Chief, CA Delta Section	U.S. Army Corps of Engineers
Matthew	Dilorenzo	Regulatory Project Manager, CA Delta Section	U.S. Army Corps of Engineers
Michael	Fris	Field Supervisor	United States Fish and Wildlife Service, Sacramento Field Office
Ryan	Olah	Coast Bay Division, Division Supervisor	United States Fish and Wildlife Service, Sacramento Field Office
Matt	Lakin	Acting Director	United States EPA Region 9
Mertha	Sandy, Ph.D	Branch Chief	Office of Environmental Health Hazard Assessment, Reproductive and Cancer Hazard Assessment Branch
		CHP Special Projects Section	California Highway Patrol, Headquarters
Eddie	Miranda	District Manager	Cal/OSHA, Region 2, Modesto District Office

First	Last	Title	Agency
Nan	Singhasemanon	Assistant Director	Department of Pesticide Regulation, Human Health Assessment Branch
Wade	Crowfoot	Secretary	California Natural Resources Agency
James	Booth	District Conservationist	Natural Resources Conservation Services
Reginald	Pagaling	Chairperson	Native American Heritage Commission
Martha	Sandy, Ph.D	Branch Chief	Office of Environmental Health Hazard Assessment, Reproductive and Cancer Hazard Assessment Branch
Elizabeth	Brega	Senior Environmental Scientist	California Department of Environmental Protection
Thomas	Pienys	NEPA Reviewer Energy (Team Lead)	U.S. EPA, Region IX, Environmental Review Branch
Karla	Nemeth	Director	Department of Water Resources

Message

From: Isis O. Virrueta [ivirrueta@baaqmd.gov]
Sent: 5/8/2025 3:37:45 PM
To: Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]; Jimmy Cheng [jcheng@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Xuna Cai [xcai@baaqmd.gov]; Nicholas Lorenzen [nlorenzen@dudek.com]
Subject: RE: Potentia-Viridi: BAAQMD Email Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Wenjun,

I have been working on this project. On 2/25/2025, I received partial information and sent the second incomplete letter to the application contact. I have not received the rest of the information or fees.

The application is identified as AN722261 and was submitted on 1/6/2025.

The initial incompleteness letter was sent on 1/7/2025.

However, the application I am working on is for two emergency generators larger than 1000 bhp with abatement devices.

In your email below, you mentioned additional equipment (battery energy storage system). Please clarify if you are willing to apply for an Authority to Construct/Permit to Operate for the additional equipment? Or is this inquiry related to the generators?

I have included the application contact in this email.

Please clarify the extension of your project to receive assistance with further steps.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (AQ/Env)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



Bay Area Air District
CL A Q A I T E D I S T R I C T

Exciting News! We've rebranded to better reflect our mission and vision.
Discover what's new at: www.baaqmd.gov/branding.

From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>

Sent: Thursday, May 8, 2025 8:13 AM

To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>

Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>

Subject: Re: Potentia-Viridi: BAAQMD Email Request

Some people who received this message don't often get email from wenjun.qian@energy.ca.gov. Learn why this is important

CAUTION: This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Isis and Jimmy,

On August 7, 2024, the California Energy Commission (CEC) received an opt-in application for the Potentia-Viridi Battery Energy Storage System project (project). Levy Alameda, LLC ("Applicant") proposes to construct, operate, and decommission a 400-megawatt (MW) battery energy storage system (BESS) in an unincorporated area in eastern Alameda County. The primary components of the proposed project include an up to 3,200-megawatt-hour BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. The project would also include two 900 bhp emergency diesel generators.

The CEC's Opt-In Program was established by AB 205 in 2022. The program allows the CEC to oversee the permitting of clean energy facilities, including solar photovoltaic, onshore wind, and energy storage systems, and facilities that produce or assemble clean energy technologies or their components. In most cases, the CEC certificate supersedes other state and local permits. The issuance of an Opt-In certificate by CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. (Public Resources Code section 25545.1). Attached to this email is a factsheet on the Opt-in program ([https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In Certification Fact Sheet ada.pdf](https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In%20Certification%20Fact%20Sheet%20ada.pdf)). Statutory and regulatory provisions governing the Opt-In Program can be found at Chapter 6.2 of Division 15 of the Public Resources Code and California Code of Regulations, title 20, sections 1875 through 1882. The CEC acts as the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's Opt-In program.

On August 15, 2024, CEC sent notice of receipt (as attached) of Opt-In Application for Potentia-Viridi Battery Energy Storage/request for comments and information to Federal, State and other agencies, including Bay Area Air Quality Management District (BAAQMD). Under Public Resources Code section 25545.1 the issuance of a certificate by the CEC for the construction and operations of the Potentia-Viridi project is in lieu of permits issued by the BAAQMD. The CEC will maintain regular communication with BAAQMD and incorporate into its certification the language that BAAQMD would have included in a permit.

The applicant for the project forwarded the attached application invoice and incompleteness letter from BAAQMD to us. California Code of Regulations, title 20, section 1878.1 outlines the process for local agencies to request reimbursement for Opt-in projects. Similar to Application for Certification projects and language in the MOU with CARB (as attached), pursuant to Public Resources Code section 25538 the districts can be reimbursed for added costs, including lost fees, that are actually incurred by the district in complying with any request or duty specified in the agreement.

If you have any questions or would like to discuss this further, I'd be happy to set up a meeting at your convenience.

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor

Air Quality and Public Health Unit

Siting, Transmission, and Environmental Protection Division

California Energy Commission

715 P St, MS-46

Sacramento, CA 95814

Email: Wenjun.Qian@energy.ca.gov

Cell: (916) 695-5448



Message

From: Xuna Cai [xcai@baaqmd.gov]
Sent: 5/8/2025 3:59:50 PM
To: Isis O. Virrueta [ivirrueta@baaqmd.gov]; Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]; Jimmy Cheng [jcheng@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Nicholas Lorenzen [nlorenzen@dudek.com]
Subject: RE: Potentia-Viridi: BAAQMD Email Request

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Hi Wenjun,

Thank you for reaching out to the Air District for the Potentia-Viridi Battery Energy Storage System project. I think that this is the first time for us to work on this type of opt-in projects along with CEC.

To help us better understand how this process works, I would recommend a conference call to discuss in more details and put everyone on the same page.

However, @Isis O. Virrueta is the permit engineer for the permit application related to the project and she works under a different manager. I will defer to her to decide how we should proceed and coordinate with you regarding this project.

Thanks,
Xuna

From: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Sent: Thursday, May 8, 2025 8:38 AM
To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>
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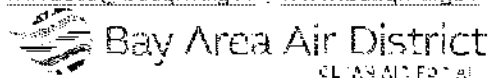
I have included the application contact in this email.

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Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Emile Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



Exciting News! We've rebranded to better reflect our mission and vision.
Discover what's new at: www.baaqmd.gov/branding.

From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Sent: Thursday, May 8, 2025 8:13 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>
Subject: Re: Potentia-Viridi: BAAQMD Email Request

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The CEC’s Opt-In Program was established by AB 205 in 2022. The program allows the CEC to oversee the permitting of clean energy facilities, including solar photovoltaic, onshore wind, and energy storage systems,

and facilities that produce or assemble clean energy technologies or their components. In most cases, the CEC certificate supersedes other state and local permits. The issuance of an Opt-In certificate by CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. (Public Resources Code section 25545.1). Attached to this email is a factsheet on the Opt-in program (https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In_Certification_Fact_Sheet_ada.pdf). Statutory and regulatory provisions governing the Opt-In Program can be found at Chapter 6.2 of Division 15 of the Public Resources Code and California Code of Regulations, title 20, sections 1875 through 1882. The CEC acts as the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's Opt-In program.

On August 15, 2024, CEC sent notice of receipt (as attached) of Opt-In Application for Potentia-Viridi Battery Energy Storage/request for comments and information to Federal, State and other agencies, including Bay Area Air Quality Management District (BAAQMD). Under Public Resources Code section 25545.1 the issuance of a certificate by the CEC for the construction and operations of the Potentia-Viridi project is in lieu of permits issued by the BAAQMD. The CEC will maintain regular communication with BAAQMD and incorporate into its certification the language that BAAQMD would have included in a permit.

The applicant for the project forwarded the attached application invoice and incompleteness letter from BAAQMD to us. California Code of Regulations, title 20, section 1878.1 outlines the process for local agencies to request reimbursement for Opt-in projects. Similar to Application for Certification projects and language in the MOU with CARB (as attached), pursuant to Public Resources Code section 25538 the districts can be reimbursed for added costs, including lost fees, that are actually incurred by the district in complying with any request or duty specified in the agreement.

If you have any questions or would like to discuss this further, I'd be happy to set up a meeting at your convenience.

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor

Air Quality and Public Health Unit

Siting, Transmission, and Environmental Protection Division

California Energy Commission

715 P St, MS-46

Sacramento, CA 95814

Email: Wenjun.Qian@energy.ca.gov

Cell: (916) 695-5448



Message

From: Qian, Wenjun@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4421BE8DF5F40EC851D73AFFCBFF913-QIAN, WENJU]
Sent: 5/8/2025 4:18:05 PM
To: Xuna Cai [xcai@baaqmd.gov]; Isis O. Virrueta [ivirrueta@baaqmd.gov]; Jimmy Cheng [jcheng@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Nicholas Lorenzen [nlorenzen@dudek.com]
Subject: RE: Potentia-Viridi: BAAQMD Email Request

Thanks, Isis and Xuna, for your responses. I agree that a conference call would be helpful for everyone.

Isis,

Would you be able to provide a few dates and times that work for your team to meet with us? We will coordinate to meet at our earliest convenience and will include our attorney in the meeting. It would be helpful if your legal counsel is also available to join the call.

Thanks.

Wenjun

From: Xuna Cai <xcai@baaqmd.gov>
Sent: Thursday, May 8, 2025 9:00 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: RE: Potentia-Viridi: BAAQMD Email Request

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Hi Wenjun,

Thank you for reaching out to the Air District for the Potentia-Viridi Battery Energy Storage System project. I think that this is the first time for us to work on this type of opt-in projects along with CEC.

To help us better understand how this process works, I would recommend a conference call to discuss in more details and put everyone on the same page.

However, @Isis O. Virrueta is the permit engineer for the permit application related to the project and she works under a different manager. I will defer to her to decide how we should proceed and coordinate with you regarding this project.

Thanks,

Xuna

From: Isis O. Virrueta <ivirrueta@baaqmd.gov>

Sent: Thursday, May 8, 2025 8:38 AM

To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Jimmy Cheng <jcheng@baaqmd.gov>

Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>

Subject: RE: Potentia-Viridi: BAAQMD Email Request

Good morning, Wenjun,

I have been working on this project. On 2/25/2025, I received partial information and sent the second incomplete letter to the application contact. I have not received the rest of the information or fees.

The application is identified as AN722261 and was submitted on 1/6/2025.

The initial incompleteness letter was sent on 1/7/2025.

However, the application I am working on is for two emergency generators larger than 1000 bhp with abatement devices.

In your email below, you mentioned additional equipment (battery energy storage system). Please clarify if you are willing to apply for an Authority to Construct/Permit to Operate for the additional equipment? Or is this inquiry related to the generators?

I have included the application contact in this email.

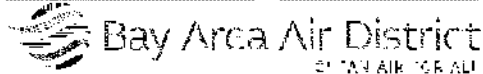
Please clarify the extension of your project to receive assistance with further steps.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (station)
Bay Area Air Quality Management District
Engineering Division
375 Deale Street, Suite 600
San Francisco, CA 94103

ivirrueta@baaqmd.gov | www.baaqmd.gov



Exciting News! We've rebranded to better reflect our mission and vision.
Discover what's new at: www.baaqmd.gov/branding.

From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>

Sent: Thursday, May 8, 2025 8:13 AM

To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>

Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>

Subject: Re: Potentia-Viridi: BAAQMD Email Request

Some people who received this message don't often get email from wenjuncqian@energy.ca.gov. Learn why this is important

CAUTION: This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Isis and Jimmy,

On August 7, 2024, the California Energy Commission (CEC) received an opt-in application for the Potentia-Viridi Battery Energy Storage System project (project). Levy Alameda, LLC ("Applicant") proposes to construct, operate, and decommission a 400-megawatt (MW) battery energy storage system (BESS) in an unincorporated area in eastern Alameda County. The primary components of the proposed project include an up to 3,200-megawatt-hour BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. The project would also include two 900 bhp emergency diesel generators.

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If you have any questions or would like to discuss this further, I'd be happy to set up a meeting at your convenience.

Thanks.

Wenjunc Qian, Ph.D., P.E.

Program and Project Supervisor
Air Quality and Public Health Unit
Siting, Transmission, and Environmental Protection Division
California Energy Commission
715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



Message

From: Kelly Strain [KStrain@capstoneinfra.com]
Sent: 5/8/2025 9:34:57 PM
To: Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
CC: Ronelle Candia [rcandia@dudek.com]
Subject: RE: Potentia-Viridi Battery Energy Storage System, 24-OPT-04 Meeting May 13

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Good afternoon, Eric

Yes, we would like to go over our biological resources DR responses with you, Ann, and possibly CDFW. We want to ensure our responses address the CECs inquiries.

Sincerely,

Kelene Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 839-6340
Facsimile +1 (310) 618-1335
Email kstrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: May 8, 2025 2:27 PM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>
Subject: RE: Potentia-Viridi Battery Energy Storage System, 24-OPT-04 Meeting May 13

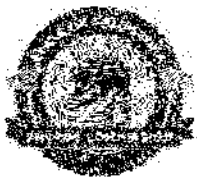
Hi Kelly,

If I understand you correctly, you would like to give us preview of your responses to the BIO DR's, or do you have questions while you are still in the process of drafting responses to the BIO DR's?

I am OK with CDFW being present, but allow me to ask Ann Crisp, the supervisor for BIO.

Thanks for reaching out, it is appreciated.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission
316-661-8458
Eric.Veerkamp@energy.ca.gov
www.energy.ca.gov



From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: Thursday, May 8, 2025 11:24 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>
Subject: RE: Potentia-Viridi Battery Energy Storage System, 24-OPT-04 Meeting May 13

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Good morning, Eric

In preparation for next week's meeting with the CEC, we would like to focus on our biological resources DR responses. Is that amenable to you and your bio team? Also, would you feel it best to invite CDFW to the meeting?

Thank you,

Kelone Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 899-5140
Facsimile +1 (415) 640-1307
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Kelly Strain
Sent: April 28, 2025 2:16 PM
To: 'Veerkamp, Eric@Energy' <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; 'Rocio Perez' <rpe@eurowindenergy.com>
Subject: RE: Potentia-Viridi Battery Energy Storage System, 24-OPT-04 Meeting Tuesday April 29
Importance: High

Eric,

We believe it is best that we continue as planned with tomorrow's meeting to discuss our progress. Can you confirm the meeting will remain on the calendar?

Thank you,

Kelone Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 833-5040
Facsimile +1 (310) 619-1335
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Kelly Strain <KStrain@capstoneinfra.com>
Sent: April 25, 2025 9:14 AM
To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>
Subject: Potentia-Viridi Battery Energy Storage System, 24-OPT-04, Wildfire Hazards Worker Safety DRs Request

Good morning, Eric

We are close to completing our DR responses for the first six technical areas, and we look forward to receiving the last three (Wildfire, Hazardous Materials, and Worker Safety) DRs from the CEC. Can you tell me when we will receive these last DRs? Please let me know if you have any questions or need any additional information.

Sincerely,

Kelone Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (310) 899-5040
Facsimile +1 (310) 649-1335
Email KStrain@capstoneinfra.com
Web www.capstoneinfrastructure.com

Los Angeles, California

From: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Sent: April 17, 2025 7:59 AM
To: Kelly Strain <KStrain@capstoneinfra.com>
Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>
Subject: RE: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

Hi Kelly,
Yes, this is something the CEC will address. As an intervenor, CURE will receive copies of all mailed notices.
TY.

Eric W. Veerkamp
Project Manager
STEP Division
California Energy Commission

916-661-8458

Eric.Veerkamp@energy.ca.gov

www.energy.ca.gov



From: Kelly Strain <KStrain@capstoneinfra.com>

Sent: Wednesday, April 16, 2025 5:05 PM

To: Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>

Cc: Ronelle Candia <rcandia@dudek.com>; Rocio Perez <rpe@eurowindenergy.com>; Lauren McLeod <LMcLeod@capstoneinfra.com>

Subject: FW: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

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Good afternoon, Eric

We received the following CEC docket posting notification. Can you confirm the CEC will address this comment letter from Alex Stukan? Given the CEC will release the NOP and conduct the public hearing(s), I believe this to be the correct approach, but please let us know if this is not correct.

Sincerely,

Kelona Strain
Environmental & Permitting Manager

CAPSTONE INFRASTRUCTURE CORPORATION

Direct +1 (916) 899-5140
Facsimile +1 (916) 643-1335
Email KStrain@capstoneinfra.com
Website www.capstoneinfrastructure.com

Los Angeles, California

From: California Energy Commission <CEC@public.govdelivery.com>

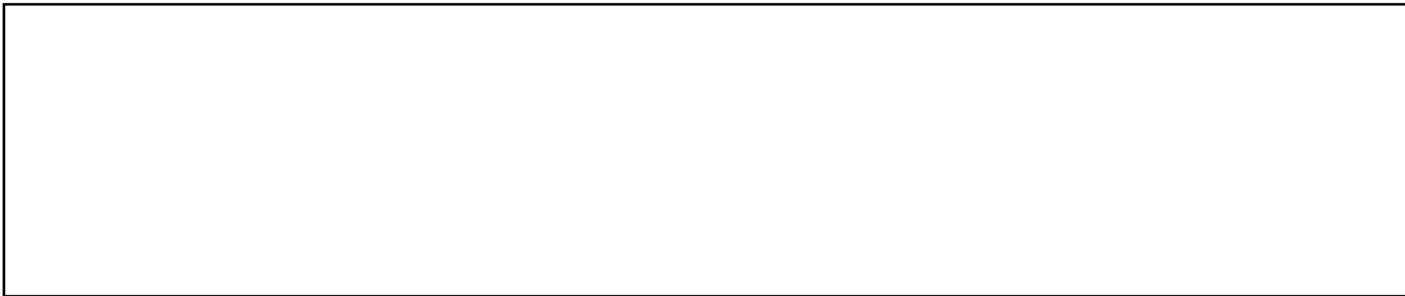
Sent: April 16, 2025 2:44 PM

To: Kelly Strain <KStrain@capstoneinfra.com>

Subject: 1 Document(s) filed in Potentia-Viridi Battery Energy Storage System, 24-OPT-04,

[View as a webpage/ Share](#)

POVI 0002292



Dear Subscribers,

The following 1 Comment(s) submitted to Docket Number **24-OPT-04** have been published:

- Docket Number: 24-OPT-04
 Project Title: Potentia-Viridi Battery Energy Storage System
 TN Number: 262698
 Title: Alex Stukan Comments - Request for Mailed Notice of Actions and Hearings
 Description:
 Filer: System
 Organization: Alex Stukan
 Role: Public
 Submission Date: 4/16/2025 2:41:05 PM
 Docketed Date: 4/16/2025
 Subject(s): Compliance
 Submission Type: Comment
 Page(s): 3

Thank you,
04/16/2025 14:43:23.917

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 Sacramento, CA 95814



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Message

From: Field @EnergyVeterans.org [field@energyveterans.org]
Sent: 5/15/2025 8:40:24 PM
To: Freeman, Arwen L [arwen_freeman@fws.gov]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Subject: Potentia-Viridi

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Hi Arwen,
It was nice meeting you today.

Here is the CEC's website where you can subscribe – scroll down and you'll see the Subscribe box on the lower right.
<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Regarding the Section 7 consultation – the data response we received in January 2025 stated, “A Biological Assessment (BA) was provided to the USACE as an appendix to the CWA, Section 404 application. This BA is currently being reviewed under Section 7 consultation with the USFWS. Consultation was initiated by USACE on September 6, 2024 and the process is on-going”.

I believe the name of the future wind turbines is the Mulqueeny Ranch Wind Repowering project – I'll try to find more information on this.

Thanks again for talking with me today, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Crisp, Ann@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B89C4DE7ECE742679D19E1E3EE713DC2-CRISP, ANN@]
Sent: 5/21/2025 10:23:16 PM
To: Freeman, Arwen L [arwen_freeman@fws.gov]; Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]
CC: Giblin, Bridget E [bridget_giblin@fws.gov]
Subject: Re: [EXTERNAL] Potentia-Viridi

From: Freeman, Arwen L <arwen_freeman@fws.gov>
Sent: Wednesday, May 21, 2025 2:58 PM
To: Field @EnergyVeterans.org <field@energyveterans.org>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Giblin, Bridget E <bridget_giblin@fws.gov>
Subject: Re: [EXTERNAL] Potentia-Viridi

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Thank you for your quick response Julie. Yes, feel free to send the Teams invite to Bridget and I.

-Arwen

Arwen Freeman
Fish and Wildlife Biologist
Coast Bay Division
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825
(916)-414-6643

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Wednesday, May 21, 2025 2:41 PM
To: Freeman, Arwen L <arwen_freeman@fws.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Giblin, Bridget E <bridget_giblin@fws.gov>
Subject: RE: [EXTERNAL] Potentia-Viridi

Hi Arwen,
I am available at 10:00-10:30 tomorrow. Would you like me to send a Teams invite?

From: Freeman, Arwen L <arwen_freeman@fws.gov>
Sent: Wednesday, May 21, 2025 1:22 PM
To: Field @EnergyVeterans.org <field@energyveterans.org>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Giblin, Bridget E <bridget_giblin@fws.gov>
Subject: Re: [EXTERNAL] Potentia-Viridi

Hi Julie,

Thank you for sending over this information. Is Corps' contact for this project Matthew Di Loreto with the Corps' identification number SPK-2024-00486? I have been informed that this project was split but both projects have the same name. I have cc'd my colleague, Bridget Giblin, who is currently

working on the BO for a project with the same name and Corps contact and ID number. If you are available tomorrow between 10am-11am or anytime between 12pm-3pm, Bridget and I will be available for a quick Teams call.

Thank you,
Arwen

Arwen Freeman
Fish and Wildlife Biologist
Coast Bay Division
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825
(916)-414-6643

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Thursday, May 15, 2025 1:40 PM
To: Freeman, Arwen L <arwen_freeman@fws.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: [EXTERNAL] Potentia-Viridi

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Hi Arwen,
It was nice meeting you today.

Here is the CEC's website where you can subscribe – scroll down and you'll see the Subscribe box on the lower right.
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I believe the name of the future wind turbines is the Mulqueency Ranch Wind Repowering project – I'll try to find more information on this.

Thanks again for talking with me today, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Giblin, Bridget E [bridget_giblin@fws.gov]
Sent: 5/22/2025 6:51:03 PM
To: Field @EnergyVeterans.org [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=028b79d1e64c47218ca23229d1319826-3859a5b7-75]; Freeman, Arwen L [arwen_freeman@fws.gov]
CC: Crisp, Ann@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b89c4de7ece742679d19e1e3ee713dc2-Crisp, Ann@]
Subject: Re: [EXTERNAL] Potentia-Viridi

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Hi Julie,

Thank you for taking the time to meet today. It was great to get some clarity on the project, especially having joined midway through.

Unfortunately, I am not in a position to make a determination on behalf of PG&E. PG&E will need to decide whether to incorporate this project into their annual work plans and if they have take coverage to extend to this project, provided those activities are covered under the HCP. The applicant will need to coordinate with PG&E to determine whether PG&E will assume responsibility for the O&M actions.

Ann, nice to meet you! I will add you as a recipient of the biological opinion when it is rendered.

Thanks,
Bridget

Bridget Giblin
Fish and Wildlife Biologist
Coast Bay Division
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825
(916) 414-6624

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Thursday, May 22, 2025 10:41 AM
To: Freeman, Arwen L <arwen_freeman@fws.gov>; Giblin, Bridget E <bridget_giblin@fws.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: RE: [EXTERNAL] Potentia-Viridi

Hi Arwen and Bridget,
Thank you both for meeting this morning. I'm glad we were able to figure this out. I forgot to ask if it's possible for you to let us know once it is determined if there will be coverage under the PG&E HCP?

Bridget, I've cc'd Ann Crisp on this email. Ann is the bio senior with CEC.

Ann, Bridget will add your name to the cc: list when the BO is issued so that CEC gets a copy.

Thanks, Julie

From: Freeman, Arwen L <arwen_freeman@fws.gov>
Sent: Wednesday, May 21, 2025 1:22 PM
To: Field @EnergyVeterans.org <field@energyveterans.org>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>; Giblin, Bridget E <bridget_giblin@fws.gov>
Subject: Re: [EXTERNAL] Potentia-Viridi

Hi Julie,

Thank you for sending over this information. Is Corps' contact for this project Matthew Di Loreto with the Corps' identification number SPK-2024-00486? I have been informed that this project was split but both projects have the same name. I have cc'd my colleague, Bridget Giblin, who is currently working on the BO for a project with the same name and Corps contact and ID number. If you are available tomorrow between 10am-11am or anytime between 12pm-3pm, Bridget and I will be available for a quick Teams call.

Thank you,
Arwen

Arwen Freeman
Fish and Wildlife Biologist
Coast Bay Division
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825
(916)-414-6643

From: Field @EnergyVeterans.org <field@energyveterans.org>
Sent: Thursday, May 15, 2025 1:40 PM
To: Freeman, Arwen L <arwen_freeman@fws.gov>
Cc: Crisp, Ann@Energy <Ann.Crisp@energy.ca.gov>
Subject: [EXTERNAL] Potentia-Viridi

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Hi Arwen,
It was nice meeting you today.

Here is the CEC's website where you can subscribe – scroll down and you'll see the Subscribe box on the lower right.
<https://www.energy.ca.gov/powerplant/energy-storage-system/potentia-viridi-battery-energy-storage-system>

Regarding the Section 7 consultation – the data response we received in January 2025 stated, “A Biological Assessment (BA) was provided to the USACE as an appendix to the CWA, Section 404 application. This BA is currently being reviewed under Section 7 consultation with the USFWS. Consultation was initiated by USACE on September 6, 2024 and the process is on-going”.

I believe the name of the future wind turbines is the Mulqueeny Ranch Wind Repowering project – I'll try to find more information on this.

Thanks again for talking with me today, Julie

Julie Myrah
Senior Biologist
Cell: (209) 747-7994

Message

From: Isis O. Virrueta [ivirrueta@baaqmd.gov]
Sent: 5/20/2025 5:00:51 PM
To: Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]; Jimmy Cheng [jcheng@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]; Nicholas Lorenzen [nlorenzen@dudek.com]; Xuna Cai [xcai@baaqmd.gov]
Subject: RE: Potentia-Viridi: BAAQMD Email Request

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Hi Wenjun,

Anne Baptiste is working with Erika Giorgi, I believe, to set this meeting. We are internally collecting our availability at this moment.

We are holding the cancellation due to unpaid fees for a few days until we clarify everything.

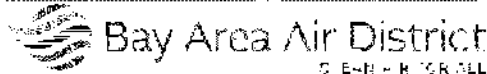
Also, please keep in mind that the application I am working on includes only two diesel generators; there are minor data details that need to be clarified, and fees must be provided.

Additionally, the Engineering Division does not *usually* make significant changes to the project once an application is submitted. Any additional equipment or changes to the proposed equipment must be done via a new application. We can discuss this with our Legal team during the meeting.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (She/Her)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Sent: Tuesday, May 20, 2025 8:56 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>;

Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>; Xuna Cai <xcai@baaqmd.gov>

Subject: RE: Potentia-Viridi: BAAQMD Email Request

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Hi Isis and Jimmy,

We'd like to schedule a meeting with you to discuss the Potentia-Viridi project and the Opt-In process. Would your team be available during any of the following time slots for a 30-minute call? If none of these times work, please suggest some alternatives.

5/21 9-11 am

5/22 8:30-9 am, 1-3 pm

5/23 9-11 am, 1-2:30 pm

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor

Air Quality and Public Health Unit

Siting, Transmission, and Environmental Protection Division

California Energy Commission

715 P St, MS-46

Sacramento, CA 95814

Email: Wenjun.Qian@energy.ca.gov

Cell: (916) 695-5448



From: Qian, Wenjun@Energy

Sent: Thursday, May 8, 2025 9:18 AM

To: Xuna Cai <xcai@baaqmd.gov>; Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>

Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@energy.ca.gov>;

Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Nicholas

Lorenzen <nlorenzen@dudek.com>

Subject: RE: Potentia-Viridi: BAAQMD Email Request

Thanks, Isis and Xuna, for your responses. I agree that a conference call would be helpful for everyone.

Isis,

Would you be able to provide a few dates and times that work for your team to meet with us? We will coordinate to meet at our earliest convenience and will include our attorney in the meeting. It would be helpful if your legal counsel is also available to join the call.

Thanks.

Wenjun

From: Xuna Cai <xcai@baaqmd.gov>
Sent: Thursday, May 8, 2025 9:00 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Nicholas Lorenzen <nlorenz@dudek.com>
Subject: RE: Potentia-Viridi: BAAQMD Email Request

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Hi Wenjun,

Thank you for reaching out to the Air District for the Potentia-Viridi Battery Energy Storage System project.

I think that this is the first time for us to work on this type of opt-in projects along with CEC.

To help us better understand how this process works, I would recommend a conference call to discuss in more details and put everyone on the same page.

However, @Isis O. Virrueta is the permit engineer for the permit application related to the project and she works under a different manager. I will defer to her to decide how we should proceed and coordinate with you regarding this project.

Thanks,
Xuna

From: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Sent: Thursday, May 8, 2025 8:38 AM
To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Jimmy Cheng <jcheng@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcai@baaqmd.gov>; Nicholas Lorenzen <nlorenz@dudek.com>
Subject: RE: Potentia-Viridi: BAAQMD Email Request

Good morning, Wenjun,

I have been working on this project. On 2/25/2025, I received partial information and sent the second incomplete letter to the application contact. I have not received the rest of the information or fees.

The application is identified as AN722261 and was submitted on 1/6/2025.

The initial incompleteness letter was sent on 1/7/2025.

However, the application I am working on is for two emergency generators larger than 1000 bhp with abatement devices.

In your email below, you mentioned additional equipment (battery energy storage system). Please clarify if you are willing to apply for an Authority to Construct/Permit to Operate for the additional equipment? Or is this inquiry related to the generators?

I have included the application contact in this email.

Please clarify the extension of your project to receive assistance with further steps.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (at/bm)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105

ivirrueta@baaqmd.gov | www.baaqmd.gov



Bay Area Air District
C E R T I F I E D

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From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>

Sent: Thursday, May 8, 2025 8:13 AM

To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Jimmy Cheng <jcheng@baaqmd.gov>

Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>; Xuna Cai <xcui@baaqmd.gov>

Subject: Re: Potentia-Viridi: BAAQMD Email Request

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CAUTION: This email originated from outside of the BAAQMD network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Isis and Jimmy,

On August 7, 2024, the California Energy Commission (CEC) received an opt-in application for the Potentia-Viridi Battery Energy Storage System project (project). Levy Alameda, LLC ("Applicant") proposes to construct, operate, and decommission a 400-megawatt (MW) battery energy storage system (BESS) in an unincorporated area in eastern Alameda County. The primary components of the proposed project include an up to 3,200-megawatt-hour BESS facility, an operations and maintenance (O&M) building, a project substation, a 500-kilovolt (kV) overhead intertie transmission (gen-tie) line, and interconnection facilities within the Pacific Gas and Electric Company (PG&E) owned and operated Tesla Substation. The project would be composed of lithium-iron phosphate batteries, or similar technology batteries, with proven safety and performance records, available at the time of procurement. The project would also include two 900 bhp emergency diesel generators.

The CEC's Opt-In Program was established by AB 205 in 2022. The program allows the CEC to oversee the permitting of clean energy facilities, including solar photovoltaic, onshore wind, and energy storage systems, and facilities that produce or assemble clean energy technologies or their

components. In most cases, the CEC certificate supersedes other state and local permits. The issuance of an Opt-In certificate by CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, for the use of the site and related facilities, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. (Public Resources Code section 25545.1). Attached to this email is a factsheet on the Opt-in program (https://www.energy.ca.gov/sites/default/files/2024-06/Opt-In_Certification_Fact_Sheet_ada.pdf). Statutory and regulatory provisions governing the Opt-In Program can be found at Chapter 6.2 of Division 15 of the Public Resources Code and California Code of Regulations, title 20, sections 1875 through 1882. The CEC acts as the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's Opt-In program.

On August 15, 2024, CEC sent notice of receipt (as attached) of Opt-In Application for Potentia-Viridi Battery Energy Storage/request for comments and information to Federal, State and other agencies, including Bay Area Air Quality Management District (BAAQMD). Under Public Resources Code section 25545.1 the issuance of a certificate by the CEC for the construction and operations of the Potentia-Viridi project is in lieu of permits issued by the BAAQMD. The CEC will maintain regular communication with BAAQMD and incorporate into its certification the language that BAAQMD would have included in a permit.

The applicant for the project forwarded the attached application invoice and incompleteness letter from BAAQMD to us. California Code of Regulations, title 20, section 1878.1 outlines the process for local agencies to request reimbursement for Opt-in projects. Similar to Application for Certification projects and language in the MOU with CARB (as attached), pursuant to Public Resources Code section 25538 the districts can be reimbursed for added costs, including lost fees, that are actually incurred by the district in complying with any request or duty specified in the agreement.

If you have any questions or would like to discuss this further, I'd be happy to set up a meeting at your convenience.

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor
Air Quality and Public Health Unit
Siting, Transmission, and Environmental Protection Division
California Energy Commission
715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



Message

From: Qian, Wenjun@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4421BE8DF5F40EC851D73AFFCBFF913-QIAN, WENJU]
Sent: 5/22/2025 11:00:34 PM
To: Isis O. Virrueta [ivirrueta@baaqmd.gov]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Nicholas Lorenzen [nlorenzen@dudek.com]; Anne Baptiste [abaptiste@baaqmd.gov]; Carrie Schilling [cschilling@baaqmd.gov]; Alfonso Borja [aborja@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Isis and team,

We searched our records but couldn't find the engine family information either. The applicant submitted the same engine spec sheets to us and BAAQMD. CEC could obtain the engine family information from the applicant. However, since your incompleteness letter also mentions diesel tank exemption, perhaps BAAQMD should send the revised incompleteness letter directly to the applicant.

For your reference, the applicant's most recent (January 2025) air quality and public health analyses and responses are available on our project webpage (<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-0PT-04>), as Erika shared earlier.

261400	1/29/2025	<u>DR Response 2 - Attachment 4. Revised Section 3-1. Air Quality</u> This revised section describes existing conditions related to air quality, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant or potentially significant impacts related to implementation of the project. 36 page(s)
261404	1/29/2025	<u>DR Response 2 - Attachment 3 - Air Quality and GHG Technical Report</u> This technical report assess the potential air quality and greenhouse gas emissions impacts associated with implementation of the Potentia-Viridi BESS Project. 5600 page(s)
261419	1/29/2025	<u>DR Response 2 - Attachment 17. Revised Section 3-9. Public Health</u> This revised section discusses activities that could potentially affect public health as they relate to the construction and operation of the project. 18 page(s)

Please let us know if you have additional questions.

Thanks.

Wenjun Qian, Ph.D., P.E.
Program and Project Supervisor
Air Quality and Public Health Unit
Siting, Transmission, and Environmental Protection Division
California Energy Commission

715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



From: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Sent: Thursday, May 22, 2025 10:09 AM
To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

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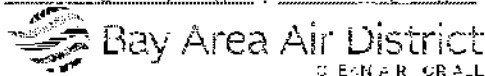
Team,

I have revised the letter with the data required. Since this is a very special project, some items like CEQA documents or Certificate of Exemption may not apply; in the meantime, you can provide the technical data while we clarify and move forward with the project.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (senior)
Bay Area Air Quality Management District
Engineering Division
375 Emile Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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From: Isis O. Virrueta
Sent: Thursday, May 22, 2025 9:47 AM
To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: FW: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Hi Team,

This is the information still required; however, please note:

-CEQA documents – pending due to EIR under preparation

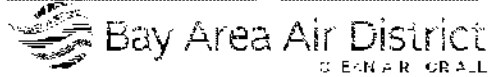
-EPA Family – you have provided emission factors and an EPA Family, but we need to have written proof that this is the correct EPA Family. This can be found in the EPA Certificate or Statement of Exhaust Emissions (Spec Sheets).

Feel free to let me know if you have any questions.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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From: Isis O. Virrueta
Sent: Tuesday, February 25, 2025 1:58 PM
To: Nicholas Lorenzen <nlorenzen@dudok.com>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Hi Nicholas,

Thank you for the information. I have a few follow up questions.
Find them attached.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov

From: Nicholas Lorenzen <nlorenzen@dudok.com>
Sent: Tuesday, February 11, 2025 10:42 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

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Hi Isis,
Thank you for the detailed response. Please see the following initial responses to the incompleteness letter.

- 1) The project hasn't gone through the CEQA Process yet, we're in the middle of putting together the initial application to the CEC (lead agency) which includes an air quality technical analysis. The generators will be included in the CEQA analysis.
- 2) The generators are identical, and they will have identical but separate abatement devices. They will have separate exhausts.
- 3) See the attached HRA form for the other generator.
- 4) The spec sheet for the generator notes that the engine family is EPA certified. Do you need more documentation than that?
- 5) There would be fuel tank installed at the base of each generator. See page 5 of attached "global drawings" PDF attached.
- 6) Yes, the abatement device includes both a SCR and DPF as part of the system
- 7) The Eco cube's make, and model should be in the initial submission package, but I've attached here as well. Let me know if more information is needed.

Thanks again for your letter and let me know if it would be easier to talk through this on a call.

Nicholas Lorenzen
Air Resources Specialist

O: 805 308 8517
dudek.com

From: Isis O. Virrueta <ivirrueta@beaagmd.gov>
Sent: Tuesday, January 7, 2025 11:09 AM
To: Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Dear Nicholas L.,

My name is Isis Virrueta, I will be evaluating the project in the subject line.

After my initial review I have deemed the application:

Incomplete for Fees and Data

Incomplete for Fees

Incomplete for Data

Find the incompleteness letter and invoice attached.

Please send back the complete data in a single email or email threads.

Based on preliminary information the project:

Triggers a refined Health Risk Assessment: *Inconclusive/Yes/No*

Triggers the Public Notice Requirements: *Inconclusive /Yes/No*

It is located within an Overburdened Community: *Inconclusive /Yes/No*

This loop is the preferred way of communication, feel free to add your internal staff to this email to keep them posted.

Allow up to 72 hours for correspondence to be addressed. Otherwise, please follow up with a High Importance Tag.

Currently, the average review takes 6-12 months to be approved. If there is any sensitive deadline for this project, please let me know.

Please reach out to me with any further questions.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Bond Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

Message

From: Isis O. Virrueta [ivirrueta@baaqmd.gov]
Sent: 5/23/2025 1:54:47 PM
To: Qian, Wenjun@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4421be8df5f40ec851d73affcbff913-Qian, Wenju]; Giorgi, Erika@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d171e5d706e34c26ad9d13c230f2349f-1324b266-6e]; Jiang, Tao@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=385e043d00344c059acf8926c0dbd8d1-Jiang, Tao@]; Nicholas Lorenzen [nlorenzen@dudek.com]; Anne Baptiste [abaptiste@baaqmd.gov]; Carrie Schilling [cschilling@baaqmd.gov]; Alfonso Borja [aborja@baaqmd.gov]
CC: Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Veerkamp, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16598e8714e422fb3216b7b05602c48-Veerkamp, E]
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

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Thank you for letting me know.

My application contact is Nicholas Lorenzen, included in this email.

Please let me know if he is the correct contact or the "applicant contact".

Otherwise, please provide the information.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
275 Emile Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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From: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>
Sent: Thursday, May 22, 2025 4:01 PM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudek.com>; Anne Baptiste <abaptiste@baaqmd.gov>; Carrie Schilling <cschilling@baaqmd.gov>; Alfonso Borja <aborja@baaqmd.gov>
Cc: Hughes, Joseph@Energy <Joseph.Hughes@energy.ca.gov>; Veerkamp, Eric@Energy <Eric.Veerkamp@energy.ca.gov>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Isis and team,

We searched our records but couldn't find the engine family information either. The applicant submitted the same engine spec sheets to us and BAAQMD. CEC could obtain the engine family information from the applicant. However, since your incompleteness letter also mentions diesel tank exemption, perhaps BAAQMD should send the revised incompleteness letter directly to the applicant.

For your reference, the applicant's most recent (January 2025) air quality and public health analyses and responses are available on our project webpage (<https://ehling.energy.ca.gov/Lists/DocketLog.aspx?DocketNumber=24-GPT-04>), as Erika shared earlier.

261400	1/29/2025	<u>DR Response 2 - Attachment 4, Revised Section 3-1, Air Quality</u> This revised section describes existing conditions related to air quality, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant or potentially significant impacts related to implementation of the project. 36 page(s)
261404	1/29/2025	<u>DR Response 2 - Attachment 3 - Air Quality and GPG Technical Report</u> This technical report assess the potential air quality and greenhouse gas emissions impacts associated with implementation of the Potentia-Viridi BESS Project. 5600 page(s)
261419	1/29/2025	<u>DR Response 2 - Attachment 17, Revised Section 3-9, Public Health</u> This revised section discusses activities that could potentially affect public health as they relate to the construction and operation of the project. 18 page(s)

Please let us know if you have additional questions.

Thanks.

Wenjun Qian, Ph.D., P.E.

Program and Project Supervisor
Air Quality and Public Health Unit
Siting, Transmission, and Environmental Protection Division
California Energy Commission
715 P St, MS-46
Sacramento, CA 95814
Email: Wenjun.Qian@energy.ca.gov
Cell: (916) 695-5448



From: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Sent: Thursday, May 22, 2025 10:09 AM
To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <tao.jiang@energy.ca.gov>; Nicholas Lorenzen <nlorenzenn@dudek.com>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

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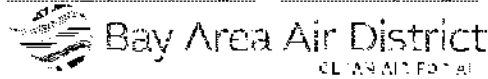
Team,

I have revised the letter with the data required. Since this is a very special project, some items like CEQA documents or Certificate of Exemption may not apply; in the meantime, you can provide the technical data while we clarify and move forward with the project.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (sub-station)
Bay Area Air Quality Management District
Engineering Division
375 Doyle Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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Discover what's new at: www.baaqmd.gov/branding.

From: Isis O. Virrueta

Sent: Thursday, May 22, 2025 9:47 AM

To: Qian, Wenjun@Energy <Wenjun.Qian@energy.ca.gov>; Giorgi, Erika@Energy <Erika.Giorgi@Energy.ca.gov>; Jiang, Tao@Energy <Tao.Jiang@energy.ca.gov>; Nicholas Lorenzen <nlorenzen@dudak.com>

Subject: FW: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Hi Team,

This is the information still required; however, please note:

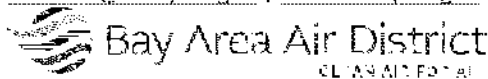
- CEQA documents – pending due to EIR under preparation
- EPA Family – you have provided emission factors and an EPA Family, but we need to have written proof that this is the correct EPA Family. This can be found in the EPA Certificate or Statement of Exhaust Emissions (Spec Sheets).

Feel free to let me know if you have any questions.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (sub-station)
Bay Area Air Quality Management District
Engineering Division
375 Doyle Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov



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Discover what's new at: www.baaqmd.gov/branding.

From: Isis O. Virrueta
Sent: Tuesday, February 25, 2025 1:58 PM
To: Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Hi Nicholas,

Thank you for the information. I have a few follow up questions.
Find them attached.

Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Beale Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov

From: Nicholas Lorenzen <nlorenzen@dudek.com>
Sent: Tuesday, February 11, 2025 10:42 AM
To: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Subject: RE: AN722261, FID203846 Potentia Viridi Energy Storage Facility

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Hi Isis,

Thank you for the detailed response. Please see the following initial responses to the incompleteness letter.

- 1) The project hasn't gone through the CEQA Process yet, we're in the middle of putting together the initial application to the CEC (lead agency) which includes an air quality technical analysis. The generators will be included in the CEQA analysis.
- 2) The generators are identical, and they will have identical but separate abatement devices. They will have separate exhausts.
- 3) See the attached HRA form for the other generator.
- 4) The spec sheet for the generator notes that the engine family is EPA certified. Do you need more documentation than that?
- 5) There would be fuel tank installed at the base of each generator. See page 5 of attached "global drawings" PDF attached.
- 6) Yes, the abatement device includes both a SCR and DPF as part of the system
- 7) The Eco cube's make, and model should be in the initial submission package, but I've attached here as well. Let me know if more information is needed.

Thanks again for your letter and let me know if it would be easier to talk through this on a call.

Nicholas Lorenzen

| O: 805 308 8517

From: Isis O. Virrueta <ivirrueta@baaqmd.gov>
Sent: Tuesday, January 7, 2025 11:09 AM
To: Nicholas Lorenzen <nlorenzen@dudek.com>
Subject: AN722261, FID203846 Potentia Viridi Energy Storage Facility

Dear Nicholas L.,

My name is Isis Virrueta, I will be evaluating the project in the subject line.

After my initial review I have deemed the application:

Incomplete for Fees and Data

Incomplete for Fees

Incomplete for Data

Find the incompleteness letter and invoice attached.
Please send back the complete data in a single email or email threads.

Based on preliminary information the project:

Triggers a refined Health Risk Assessment: *Inconclusive/Yes/No*

Triggers the Public Notice Requirements: *Inconclusive/Yes/No*

It is located within an Overburdened Community: *Inconclusive/Yes/No*

This loop is the preferred way of communication, feel free to add your internal staff to this email to keep them posted. Allow up to 72 hours for correspondence to be addressed. Otherwise, please follow up with a High Importance Tag. Currently, the average review takes 6-12 months to be approved. If there is any sensitive deadline for this project, please let me know.

Please reach out to me with any further questions.
Sincerely,

Isis O. Virrueta

Air Quality Engineer II (she/her)
Bay Area Air Quality Management District
Engineering Division
375 Ross Street, Suite 600
San Francisco, CA 94105
ivirrueta@baaqmd.gov | www.baaqmd.gov





May 20, 2025

ATTN: Nicholas Lorenzen

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Application No.: 722261
Plant No.: 203846
Equipment Location: 17257 Patterson Pass Road,
Tracy, CA 95377

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION AND FEES

Dear Applicant:

Your application for an Authority to Construct and/or Permit to Operate the following equipment:

S-1 Emergency Standby Diesel Generator (4680 bhp)
A-1 ECOCUBE System

S-2 Emergency Standby Diesel Generator (4680 bhp)
A-2 ECOCUBE System

Has been assigned the above application number and is currently incomplete.

In order to complete our evaluation, we need the following information/clarifications:

- 1) **Please provide the EPA Family. The EPA Family is a combination of letters and numbers usually available through the vendor or on the engine's sticker or EPA Certificate.**
- 2) For the diesel storage tank, please confirm if you wish to obtain a Certificate of Exemption for this tank (filling and initial fees apply). Otherwise, you are responsible for the burden of proof of this exemption. If you want to proceed with the Certificate of Exemption, please complete a T form and provide a Safety Data Sheet for the fuel.
- 3) Please note that CEQA review documentation must be provided. Further data may be required.
- 4) **Please provide payment.**

Depending on the responses to the above information requests, the invoice may be adjusted. If the invoice is modified, a revised invoice will be sent out. Your payment options are the following:

a. Follow the link below and put in the invoice # and the last four digits of your customer number. There will be a fee applied.

<https://myaironline.baaqmd.gov/account/findPayInvoice>

b. If you wish to pay by check, send it to the address in the invoice and mark the envelope Attention: Finance.

Please submit the requested information and your fees within 90 days, or the application will be canceled.

Depending on the responses to the above information requests, the District may have more questions and reserves the right to ask them at the appropriate time. Please provide all responses in a single file or email.

Let me know if you have any questions.

Sincerely,

Isis Virrueta

Isis Virrueta
Air Quality Engineer