

**DOCKETED**

<b>Docket Number:</b>	19-SPPE-02
<b>Project Title:</b>	Walsh Data Center
<b>TN #:</b>	231840
<b>Document Title:</b>	Email - Applicant Acceptance of Mitigation Measure Language
<b>Description:</b>	Applicant's email response confirming agreement to staff's proposed mitigation measures as presented in TN 231808.
<b>Filer:</b>	Steve Kerr
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	1/31/2020 11:16:45 AM
<b>Docketed Date:</b>	1/31/2020

**From:** [Scott Galati](#)  
**To:** [Payne, Leonidas@Energy](mailto:Payne, Leonidas@Energy)  
**Subject:** RE: Walsh Mitigation Measure language  
**Date:** Friday, January 31, 2020 9:30:24 AM

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Lon,

651 WP LLC has reviewed Staff's proposed mitigation measures and agrees to accept them. Thank you

Scott



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**From:** Payne, Leonidas@Energy [mailto:[leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov)]  
**Sent:** Thursday, January 30, 2020 12:05 PM  
**To:** Scott Galati  
**Subject:** Walsh Mitigation Measure language

Scott:

Before a proposed mitigated negative declaration can be released for public review, California Environmental Quality Act (CEQA) requires that "[r]evisions in the project plans or proposals [are] made by *or agreed to* by the applicant" which avoid or mitigate all potentially significant effects (Cal. Code Regs., tit. 14, 15070(b)(1)). Once CEC staff and the applicant have found consensus on the proposed mitigation measures necessary for the determination of Mitigated Negative Declaration (MND), staff will ensure that the agreed-upon mitigation measures are incorporated into the Initial Study. Staff will publish the MND and Initial Study and submit them to the State Clearinghouse for a 30 day public review period.

In its Initial Study, CEC staff will be including two new mitigation measures in the technical area of Biological Resources (MM BIO-1 and 2) which would supersede the applicant proposed mitigation for Biological Resources included in the Project Description chapter of the application. Staff believes these measures are necessary to address potential impacts to nesting birds. At this time, this is the

only technical area where staff believes such mitigation language is necessary. We have attached a near-final draft of the Bio technical section so you can see the mitigation language in context.

With this email, CEC staff seeks the applicant's acceptance of the attached mitigation measures for Biological Resources. We will be docketing this email and the attachments. Please docket your response at your earliest convenience so we can reference your docketed response in our Initial Study. If this mitigation language is not acceptable, we will proceed with noticing a public workshop or phone call to resolve the language and seek agreement.

Leonidas Payne—Project Manager  
California Energy Commission