

DOCKETED	
Docket Number:	21-SPPE-01
Project Title:	CA3 Backup Generating Facility-Vantage
TN #:	239155
Document Title:	Memo - Issues ID Report, Status Report and Proposed Schedule for CA3 SPPE
Description:	Incomplete SPPE application
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Organization:	California Energy Commission
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M e m o r a n d u m

To: Commissioner Karen Douglas, Presiding Member
Commissioner Siva Gunda, Associate Member

Date: August 2, 2021

From: **California Energy Commission**
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Subject: ISSUES IDENTIFICATION REPORT, STATUS REPORT, AND PROPOSED SCHEDULE FOR THE CA3 BACKUP GENERATING FACILITY SMALL POWER PLANT EXEMPTION (21-SPPE-01)

In its *Notice of Committee Conference and Related Orders* docketed July 27, 2021, the CA3 Backup Generating Facility SPPE Committee ordered California Energy Commission (CEC) staff to file "an Issues Identification Report, Status Report, and Proposed Schedule, summarizing the major issues identified to date, reporting the status on activities conducted to date and issues that require resolution before hearings can be conducted, and proposing a schedule for the conduct of this proceeding."

Status Report / Issues Identification

To summarize, Vantage Data Services (applicant) docketed an incomplete Small Power Plant Exemption (SPPE) application for the project on April 5, 2021; the applicant then filed a missing element of the application, Part II on April 12, 2021. The Landscape Plan and a revised General Arrangement and Site Layout were docketed by the applicant on May 28, 2021. Staff has requested and received responses to Data Request Set 1 and Data Request Set 2. Staff is preparing Data Request Set 3. Staff is aware of incomplete and/or in-process information for the following issue areas.

Biological Resources. Staff provided proposed changes to the applicant's project design measure PD-BIO-2 included in the SPPE application as mitigation for potential impacts to special-status bat species. The modifications were accepted by the applicant in its Response to Data Requests Set 2. Staff is working with California Department of Fish and Wildlife (CDFW) to ensure there are no other changes to PD-BIO-2 necessary to avoid, minimize, and/or mitigate potential impacts to special-status bat species potentially affected by project activities, including demolition and tree removal.

Additionally, staff is awaiting the submittal of the Final Tree Disposition Plan, requested of the applicant as part of Data Request Set 2 (DR 38). This plan would be reviewed by

the City of Santa Clara and would include the trees proposed for removal and tree protection details for trees to remain in place.

Energy and Energy Resources. Silicon Valley Power (SVP) is currently preparing a System Impact Study to better understand the impacts of the project on SVP's Central Loop. Staff is awaiting submittal of the impact study to better evaluate the project's overall impact on the transmission system and on SVP's ability to serve the project.

Aesthetics and Land Use. The City of Santa Clara conducted a Project Clearance Committee meeting on June 22, 2021 to consider the proposed CA3 developer application, rendering a decision of incompleteness. The committee determined the project does not meet the city's front yard landscaped setback requirement and would require removing existing mature tree canopy along the Walsh Avenue frontage as proposed. This encroachment does not have the support of the planning staff; therefore, the city has asked the applicant to redesign the frontage and examine an alternate location for the generator yard. This revision may require modifications to the air modeling [**Air Quality**] and noise studies [**Noise**].

Staff is working diligently to gather information necessary for its analysis. Staff previously docketed Data Request Set 1 on June 7, 2021, and the applicant provided incomplete responses to Data Request Set 1 on June 15, 2021. The applicant docketed the supplemental responses to Data Request Set 1 on June 22, 2021. Staff docketed Data Request Set 2 on June 25, 2021, and the applicant provided responses to Data Request Set 2 on July 22, 2021. Staff is currently preparing Data Request Set 3, which will address the topic areas of Biological Resources, Energy and Energy Resources, and Land Use. The Notice of Receipt was docketed on July 15, 2021 and published in four languages, English, Mandarin Chinese, Spanish, and Vietnamese in newspapers of general circulation on July 30, 2021.

Concurrently with staff's information gathering activities, staff is drafting its environmental evaluation document. Staff has determined, and has informed the applicant, that its environmental document for this project will be an Environmental Impact Report (EIR).

Based on staff's analysis of the project as it is presently described in docketed materials, staff can report that there are no apparent issues in the technical areas of Agriculture/Forestry, Cultural and Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. For each of these technical areas, staff is drafting the corresponding technical section for internal review and quality control for later compilation into staff's environmental document.

Given the present status of the discovery effort, staff is unable to make definitive statements for the technical areas of Aesthetics, Air Quality and Public Health, Biological Resources, Energy and Energy Resources, Environmental Justice, Greenhouse Gas Emissions, Land Use, and Noise.

On July 1, 2021, staff sent tribal consultation letters to the following tribal entities, Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band (consultation per AB 52 amendments to CEQA), Rumsen Amia Turiataj Ohlone, and Tamien Nation.

Pursuant to Public Resources Code, section 21092 and Title 20, California Code of Regulations, section 1714, staff is preparing a combination Notice of Preparation/Agency Request for Participation (NOP) document that will be distributed to the State Clearinghouse and Agency Distribution List, including the City of Santa Clara, Bay Area Air Quality Management District, Santa Clara Valley Transportation Authority, Santa Clara Valley Habitat Agency, Santa Clara Valley Water District, Native American Heritage Commission, California Department of Fish and Wildlife, California Public Utilities Commission, California Independent System Operator, Silicon Valley Power, California Department of Toxic Substance Control, and Norman Y. Mineta San Jose International Airport.

Project Schedule

Due, in part, to potential pending revisions to the project design resulting from the City of Santa Clara Project Clearance Committee determination, and the ongoing information gathering phase, it is not possible for staff to produce a definitive estimate for publication of its environmental document. Given the determination to document staff's analysis in an EIR, staff will conduct the NOP related activities, determine if a scoping meeting is needed, develop an Alternatives section, and prepare additional rounds of data requests, if necessary. As staff receives the forthcoming information, staff will communicate schedule related information in future status reports.

Staff recommends that the Scheduling Order associated with this proceeding match the language recently approved for the Lafayette SPPE proceeding, which state that publication of staff's environmental document should occur No later than 60 days following staff acknowledgement.

Staff proposes the following schedule:

Incomplete Application materials docketed	4/5/2020
Supplemental Application materials docketed	4/12/2021
Revised Site Layout and Landscape Plan docketed	5/28/2021
Data Request Set 1 docketed	6/7/2021
Incomplete Responses to Data Request Set 1 docketed	6/15/2021
Supplemental Responses to Data Request Set 1 docketed	6/22/2021
Data Request Set 2 docketed	6/25/2021
Tribal Consultation Letters sent	7/1/2021
Notice of Receipt docketed	7/15/2021

Responses to Data Request Set 2 docketed	7/22/2021
Staff Memo re: Issue ID and Schedule docketed	8/2/2021
Committee Status Conference (scheduled)	8/10/2021
Notice of Preparation docketed	TBD
Data Request Set 3 docketed	TBD
Staff's Draft EIR published (60 days after staff acknowledgement that no further project information is needed)	TBD
Deadline for comments on staff's Draft EIR (45 days per CEQA)	TBD
Staff Files responses to comments and Final EIR (30 days after comment deadline)	TBD
SPPE hearing related testimony and activities	TBD
Committee proposed decision	TBD
Commission Decision at Business Meeting	TBD