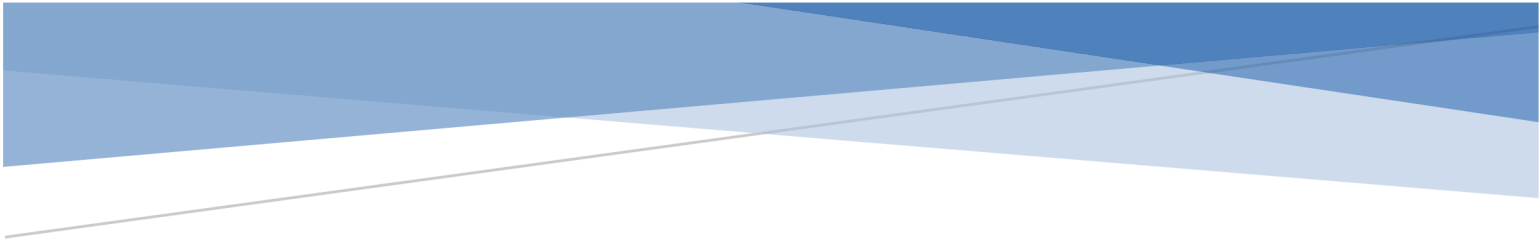


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RESPONSE TO CEC STAFF DATA REQUEST SET 4

San Jose Data Center 04 (22-SPPE-02)

SUBMITTED TO: CALIFORNIA ENERGY COMMISSION

SUBMITTED BY: **Microsoft**

August 2024



INTRODUCTION

Attached are Microsoft's responses to California Energy Commission (CEC) Staff Data Request Set No. 4 (89-116) for the SJ04 Data Center Application for Small Power Plant Exemption (SPPE) (22-SPPE-02). Staff issued Data Request Set No. 4 on July 23, 2024.

The Data Responses are grouped by individual discipline or topic area. Within each discipline area, the responses are presented in the same order as Staff presented them and are keyed to the Data Request numbers (89-116). Additional tables, figures, or documents submitted in response to a data request (e.g., supporting data, stand-alone documents such as plans, folding graphics, etc.) are found in Attachments at the end of the document and labeled with the Data Request Number for ease of reference.

For context, the text of the Background and Data Request precede each Data Response.

GENERAL OBJECTIONS

Microsoft objects to all data requests that require analysis beyond which is necessary to comply with the California Environmental Quality Act (CEQA) or which require Microsoft to provide data that is in the control of third parties and not reasonably available to Microsoft. Notwithstanding this objection, Microsoft has worked diligently to provide these responses swiftly to allow the CEC Staff to prepare the Draft Environmental Impact Report (DEIR).

BIOLOGICAL RSOUCES

BACKGROUND: Temporary versus Permanent Impacts

Microsoft SJC04 Updated PGE Reconductoring Bio Report – Part I of III (TN 255408-1) states that total estimated disturbance from reconductoring would be approximately 40 acres (p. 2). As described in Section 1.2.2, “snub poles” (page 5) are temporary wood poles used to facilitate pulling operations. Snub poles typically extend approximately 30-50 feet aboveground and approximately 5-7 feet below ground. Snub poles will be removed upon completion of each wire pull. Guard structures are another temporary wooden structure. Section 1.2.1 says guard structures “will disturb approximately 100 square feet” (p. 5). Staff needs to understand temporary and permanent impacts from reconductoring, and how estimates of those impacts were calculated.

DATA REQUESTS

89. Please describe if the estimate of 40 acres of disturbance includes temporary and permanent impacts, including snub poles, staging areas, and new tubular steel poles (Section 1.2.9 of TN 255408-1).

RESPONSE TO DATA REQUEST 89

PG&E's Reconductoring Project has not yet been fully designed. The full design will not likely be completed until after the CEC has made a decision on the SPPE. It is important to note that although the detailed engineering for the PG&E Reconductoring Project is not yet complete, because the project is reconductoring an existing line through an existing PG&E easement and right of way, potential disturbance outside of the right of way is not expected. Therefore, for CEQA purposes, and as described in the project's Biological Resources Report, the estimate of 40 acres of disturbance was derived from the assumption that any of the 87 existing towers or poles may need to be replaced, and that the extent of impacts around any tower or pole could be up to 100 feet wide and 200 feet long. The resulting impact acreage (20,000 square feet * 87 towers or poles) equals approximately 40 acres. This estimate was intended to be conservative, and to include all temporary and permanent impacts, including snub poles, staging areas, new tubular steel poles, access and other project components. It is likely that the actual extent of impacts will be lower than 40 acres, and there is no expectation that the extent of impacts will exceed 40 acres. It is also likely since the work will take place within the existing PG&E easement and right of way, the vast majority of the disturbance be temporary associated with the use of laydown and storage areas and replacing structures in the same location. Therefore the percentage of the 40 acres of disturbance that is “permanent” is likely to be very small.

90. If Geographic Information Systems (GIS) data is available, please provide the following datasets in a format compatible with ArcGIS Desktop software (preferably geodatabase or shapefile format) of the reconductoring alignment, mapped vegetation, and any special status species or habitat sightings.

RESPONSE TO DATA REQUEST 90

GIS data for the reconductoring alignment (including existing towers/poles and the existing line), habitat/land cover mapping, and California Natural Diversity Database (CNDDB) mapped occurrences of special-status species will be provided through a separate electronic file sharing service. It is important to note that files are being provided as three separate files, with any files showing the locations of existing PG&E infrastructure and CNDDB-mapped occurrences being provided pursuant to a Request For Confidentiality and therefore should not be public information. The files are being provided in the shapefile (.shp) format.

91. GIS electronic file formats: shapefile (.shp), geodatabase (.gdb), or ArcGIS Online Feature Service link. GIS files are to include a projection file (.prj) or note associated coordinate system and projection information.

RESPONSE TO DATA REQUEST 91

Please see Response to Data Request 90.

92. Electronic file(s) may be provided to staff by ftp site, DVD, portable flash drive, or other method that allows the complete and secure transfer of the file to staff.

RESPONSE TO DATA REQUEST 92

See Response to Data Request 90.

BACKGROUND: Mapping and Vegetation

In Microsoft SJC04 Updated PGE Reconductoring Bio Report – Part I of III (TN 255408-1), some areas were noted as inaccessible to surveys (page 15). Some inaccessible areas may or may not provide habitat for special status plants and/or animals, in particular, California seablite (Suaeda californica), a federally endangered and state-ranked plant species. However, there is a determination that this plant is not present (p. 28). Furthermore, Figure 3 lacks identifying details. While labeled solely as “Figure 3” (following page 15 and representing multiple figures), in other portions of the document there are references to a Figure “3e” and 3f” (TN 255408-1, Section 3).

DATA REQUESTS

93. Please provide a map(s) of areas inaccessible to surveys and mark California seablite potential habitat.

RESPONSE TO DATA REQUEST 93

The project biologist H. T. Harvey & Associates reviewed habitat mapping and considered the areas that were and were not accessible to survey for this species. It was determined that all tidal brackish marsh (located in the Warm Springs Marshes and along South Coyote Slough), as well as the diked salt marsh south of Pond A18, provided potentially suitable habitat for California seablite. During field surveys for this project, H. T. Harvey botanists used binoculars to look for this species where suitable habitat was visible from accessible areas and was able to observe numerous areas providing potential habitat. However, no record was kept of areas that could or could not be adequately observed, and thus it is infeasible to map the potential habitat that could not be adequately surveyed. Mapping such areas was not deemed necessary during project surveys because there is no reasonable expectation that this species occurs in the project's impact areas.

The last natural occurrence of California seablite in the south San Francisco Bay was recorded in 1986 in Fremont, approximately 440 feet north of the project site (CNDDDB Occurrence Number 14). Since then, all other occurrences of the species have been due to restoration efforts attempting to reintroduce the species back into San Francisco Bay. These reintroduction efforts have occurred in Emeryville (CNDDDB Occurrence Number 23) and Roberts Landing (CNDDDB Occurrence Number 20), both of which are approximately 30 miles away from the project site. The two methods by which seeds of this species disperse are through transfer on birds' feet and through hydrochory (spread of floating seeds over water) in tidally influenced channels. The likelihood that California seablite has dispersed into the project site from reintroduction sites 30 miles away is extremely low.

Given the apparent extirpation of California seablite from the far South Bay, the distance between the project site and known populations, and the lack of any detections of the species during a focused survey of numerous areas that were physically or visually accessible, this species is not expected to occur on the project site. This determination is consistent with that made by the U.S. Fish and Wildlife Service (USFWS), the agency having regulatory authority over the listed California seablite, in PG&E's Bay Area Habitat Conservation Plan (HCP) and the USFWS's Intra-Service Biological Opinion on issuance of an incidental take permit for the HCP (included in Attachment BIO DR-97). In those documents, the USFWS determined that PG&E operations and maintenance activities covered by the HCP, which include the activities comprising the proposed project, would not affect California seablite because it is absent from the action area.

94. Please provide an overarching Figure 3 with individual map book pages depicted and labeled. Label each corresponding Figure 3 with the controlling map book page.

RESPONSE TO DATA REQUEST 94

Figure 3 has been revised in accordance with this request, references corrected and is included in Attachment BIO DR-94.

95. Please label in Figure 3: Chicago Marsh; Ponds A18; A19; A22; A23; South Coyote Slough, and the Warm Springs Marshes, among any other notable features.

RESPONSE TO DATA REQUEST 95

Figure 3 has been revised in accordance with this request and is included in Attachment BIO DR-94

96. Please label the Santa Clara Valley Habitat Agency (SCVHA) burrowing owl preserve.

RESPONSE TO DATA REQUEST 96

Figure 3 has been revised in accordance with this request and is included in Attachment BIO DR-94

BACKGROUND: References

The applicant provides citations to numerous reference documents, which staff needs to review to determine permit compliance.

DATA REQUEST

97. Please provide a .pdf of:
- PG&E Bay Area Operations & Maintenance Habitat Conservation Plan (Bay Area HCP) (ICF 2017),
 - Section 404 RGP 40 (USACE 2018)
 - Waste Discharge Requirements/401 Water Quality Certification (SWRCB 2023)
 - USFWS's Biological Opinion (BO) for RGP 40 (USFWS 2021)
 - NMFS's BO for RGP 40 (NMFS 2023)
 - Nesting Bird Management Plan (PG&E et al. 2015)

- PG&E Avian Protection Plan (PG&E 2017)
- USFWS Intra-Service Biological Opinion on the Issuance of a Section 10(a)(1)(B) Incidental Take Permit to the Pacific Gas and Electric Company for the Pacific Gas and Electric Company Bay Area Operations & Maintenance Habitat Conservation Plan (USFWS 2017)
- USFWS Final Programmatic Formal Consultation for the Pacific Gas and Electric Company's (PG&E) Bay Area Operation and Maintenance (O&M) Program in Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma Counties, California (USFWS 2021)
- California Department of Fish and Wildlife (CDFW)'s Pacific Gas and Electric Company Bay Area Operations & Maintenance Incidental Take Permit Environmental Impact Report Volume 2. Final EIR (CDFW 2022)
- CDFW's 2022 PG&E Bay Area Incidental Take Permit (ITP #2081-2015-031-03)
- Warm Springs Seasonal Wetland Unit 2019 Annual Report (Kakouros and Loredo 2020)
- Loredo 2020, Loredo 2021, and Loredo 2023 (as reported in Section 2.1, TN 255408-1)
- Any supporting CEQA or NEPA documentation such as an EIR or EIS for any of the preceding requested documents

RESPONSE TO DATA REQUEST 97

Please see Attachment BIO DR-97 which includes all of the above documents in .pdf format. Please note that the supporting CEQA or NEPA documentation is limited to those documents relied upon in the Updated PG&E Reconductoring Bio Report. Also please note that the 4th and 9th bullets above refer to the same USFWS Biological Opinion for RGP 40.

BACKGROUND: Snowy Plover Critical Habitat

According to Microsoft SJC04 Updated PGE Reconductoring Bio Report – Part I of III (TN 255408-1) section 4.2.4, salt panne habitat in Ponds A22 and A23 provide breeding, roosting, and foraging habitat for western snowy plovers, which are resident within these areas year- round, and a portion of both ponds that include the survey area are designated as snowy plover critical habitat by the USFWS (p. 47).

DATA REQUEST

98. Based on staff's understanding of the applicant's materials, a permit may be held for the snowy plover. Please describe 1.) is there a federal nexus, and 2.) the process and/or permitting that would need to be undertaken before project-related work or placement of infrastructure within or spanning USFWS-designated critical habitat may take place.

RESPONSE TO DATA REQUEST 98

As described in the Revised Project Description, the PG&E Reconductoring Project will be subject to exclusive jurisdiction of the California Public Utilities Commission (CPUC) and would only proceed through PG&E coordination with the CPUC. Neither the CEC nor the City of San Jose has jurisdiction over these activities and the CEC is not making a determination that the PG&E Reconductoring Project complies with laws, ordinances, regulations or standards (LORS). In order to grant the SPPE, the CEC must conduct an appropriate CEQA review and such a review can and should rely on the issuance and enforcement of permits under the exclusive jurisdiction of other agencies.

Salt panne habitat in Ponds A22 and A23 is expected to be regulated as waters of the U.S. by the U.S. Army Corps of Engineers (USACE), even in light of the recent U.S. Supreme Court decision in *Sackett v. EPA* limiting the scope of Clean Water Act jurisdiction. Project activities within Ponds A22 and A23 are therefore subject to Regional General Permit (RGP) 40 issued by the USACE for PG&E's Bay Area operations and maintenance activities (including the activities to be performed for the proposed project). Potential effects of RGP 40-authorized activities on the western snowy plover, including effects on designated critical habitat for the species in Ponds A22 and A23, were described in the USFWS Biological Opinion for RGP 40. That Biological Opinion provides incidental take approval for all such effects, and no further USFWS consultation regarding project effects on the western snowy plover or its designated critical habitat is necessary.

BACKGROUND: Santa Clara Valley Habitat Agency

According to SCVHA, page 54, TN 255408, the survey area also passes through a SCVHA burrowing owl preserve adjacent to the San José-Santa Clara Regional Wastewater Facility. Portions of this area are mapped as burrowing owl and tricolored blackbird survey areas.

DATA REQUESTS

99. It does not appear that any coordination took place with the SCVHA to discuss potential impacts to the SCVHA burrowing owl preserve. Please undertake this

coordination, also discuss any feasible mitigation avenues not already encapsulated in existing permits or agreements.

RESPONSE TO DATA REQUEST 99

PG&E's towers and transmission lines that are located within the Santa Clara Valley Habitat Agency (SCVHA) burrowing owl preserve were present, and operations and maintenance activities were performed on those facilities as necessary, when the preserve was established. Acknowledging the need for continued operations and maintenance of those PG&E facilities, the conservation easement protecting the preserve considers "PG&E tower repair and maintenance" to be an allowed use within the preserve and does not require PG&E to coordinate with the SCVHA regarding PG&E's ongoing operations and maintenance activities.

PG&E is not seeking, and is not required to seek, SCVHA approval of PG&E's operations and maintenance activities, even within the burrowing owl preserve. PG&E is not one of the permittees to the Santa Clara Valley Habitat Plan. According to the SCVHA webpage (<https://scv-habitatagency.org/270/Participating-Special-Entities>):

"Public or quasi-public entities, such as special districts or entities not subject to the jurisdiction of the Co-Permittees, may conduct or initiate projects or ongoing activities within the permit area that could affect listed species and that may require take authorization from USFWS and/or CDFW. Such organizations may include existing or future school districts, water districts, irrigation districts, transportation agencies, local park districts, geologic hazard abatement districts, or other utilities or special districts that own land or provide public services. These public agencies, known as Participating Special Entities (PSE), can request coverage under the Habitat Plan. Municipalities that are not a Co-Permittee are not eligible to participate using this status."

PG&E does not need any approval from the SCVHA and thus does not need to apply or notify the SCVHA as a PSE. Nevertheless, as a courtesy, PG&E will notify the SCVHA prior to the initiation of proposed project activities that occur within the preserve.

The PG&E towers located within the burrowing owl preserve are at the extreme western edge of the preserve, more than 1,000 feet from the nearest burrowing owl "mound" provided and enhanced by the SCVHA to attract burrowing owls to the preserve. Nevertheless, PG&E would implement a number of measures to minimize impacts on burrowing owls during project implementation, as described in Section 6.2.9 of the project's Biological Resources Report. With implementation of those measures, project impacts on burrowing owls would be less than significant.

100. Please provide the results of SCVHA coordination in the form of meeting notes or as otherwise appropriate.

RESPONSE TO DATA REQUEST 100

Please see Response to Data Request 99.

BACKGROUND: State-Listed Species

Based on staff's understanding of the reconductoring application (TN 255408-1, page 33), CDFW's 2022 PG&E Bay Area Incidental Take Permit (ITP) is considered to cover PG&E's operations and maintenance and "establishes a comprehensive approach to avoid, minimize, and fully mitigate impacts on covered species and habitat". There are three covered species, California tiger salamander, Alameda whipsnake, and California freshwater shrimp within this ITP (as understood, staff has not yet had an opportunity to review the document; refer to Data Request 97, above). However, in Microsoft SJC04 Updated PGE Reconductoring Bio Report – Part I of III (TN 255408-1), it states "[w]ith implementation of avoidance and minimization measures (AMMs) and [best management practices] BMPs, take (as defined by [California Endangered Species Act] CESA) of other state-listed species, including the longfin smelt, California Ridgway's rail, California black rail, California least tern, Swainson's hawk, bank swallow, bald eagle, tricolored blackbird, and salt marsh harvest mouse, is not expected to occur, and take of the Crotch's bumble bee is highly unlikely" (p.33).

DATA REQUEST

101. Please describe further how the above state-listed species would be both impacted by reconductoring of the transmission line and mitigated by concurrent application of CDFW's 2022 ITP, which does not appear to cover the majority of the special-status species which may be found on or adjacent the project site.

RESPONSE TO DATA REQUEST 101

The above-referenced statement from the Biological Resources Report was not intended to imply that impacts on the longfin smelt, California Ridgway's rail, California black rail, California least tern, Swainson's hawk, bank swallow, bald eagle, tricolored blackbird, salt marsh harvest mouse, and Crotch's bumble bee would be mitigated by application of CDFW's ITP, as suggested by this data request. Rather, it is the implementation of avoidance and minimization measures (AMMs) and Best Management Practices (BMPs), which are described in detail in the Biological Resources Report, which would avoid take, as defined by the California Endangered Species Act (CESA), of those state-listed species.

For example, the California Ridgway's rail, California black rail, California least tern, Swainson's hawk, bank swallow, bald eagle, and tricolored blackbird are birds. Of these species, the California Ridgway's rail, California black rail, and tricolored blackbird could

potentially nest close enough to project activities that, in the absence of AMMs and BMPs, the project could physically impact eggs or young or disturb adults to the point of nest abandonment. However, such impacts would be avoided by implementation of the AMMs and BMPs listed in Sections 6.2.7 and 6.2.10 of the Biological Resources Report, most notably implementation of PG&E's Nesting Bird Management Plan. As a result, take of the California Ridgway's rail, California black rail, and tricolored blackbird would not occur. Project activities would not otherwise include any activities that could result in take, as defined by CESA ("hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"), of any of the seven state-listed bird species mentioned in data request 101. Therefore, take of these species will be avoided. CDFW's Draft Environmental Impact Report for the issuance of its Incidental Take Permit for PG&E's Bay Area operations and maintenance activities, which include the activities comprising the proposed project, concluded (page 3.4-79) that impacts on all these listed bird species would be less than significant with implementation of AMMs and BMPs.

Similarly, take of the longfin smelt will be avoided via implementation of the AMMs and BMPs described in Section 6.2.4 of the Biological Resources Report, and take of the salt marsh harvest mouse will be avoided via the implementation of the AMMs and BMPs described in Section 6.2.11. CDFW's Draft Environmental Impact Report for the issuance of its Incidental Take Permit for PG&E's Bay Area operations and maintenance activities, which include the activities comprising the proposed project, concluded (pages 3.4-73 and 3.4-82) that impacts on special-status fish and special-status mammals would be less than significant with implementation of AMMs and BMPs.

Take of the Crotch's bumble bee is highly unlikely to occur with implementation of the AMMs and BMPs described in Section 6.2.3 of the Biological Resources Report. CDFW's Draft Environmental Impact Report for the issuance of its Incidental Take Permit for PG&E's Bay Area operations and maintenance activities, which include the activities comprising the proposed project, concluded (page 3.4-71) that impacts on special-status bumble bees would be less than significant with implementation of AMMs and BMPs.

In summary, the impacts determinations for CESA-listed species in the Biological Resources Report for the proposed project are consistent with those in CDFW's Environmental Impact Report, and all impacts to such species are less than significant with implementation of the AMMs and BMPs proposed by the project. The CEC EIR for the project should and can rely on the AMMs and the BMPs already in place and enforceable by other agencies to conclude potential impacts are less than significant. Such reliance should not result in the CEC duplicating such AMMs and BMPs as mitigation measures to be imposed upon Microsoft which would be enforced by the City of San Jose during construction and operation of the SJ04 Project. Similarly, since PG&E is already required to implement the AMMs and BMPs listed in existing and valid permits and Mitigation Monitoring and Report Programs applicable to PG&E's activities and

enforceable by other permitting agencies with exclusive jurisdiction over PG&E's activities, the CEC should not attempt to impose mitigation measures in its EIR over PG&E. They simply are not necessary to ensure findings of no significant impact in the EIR.

CULTURAL RESOURCES

BACKGROUND: Defining Project Area Boundaries

The revised 2024 Chronicle Cultural Resources Assessment Report (CRAR) does not adequately address Set 2 Data Request 58 (CEC 2023b). The revised 2024 CRAR (Sinsky et al. 2024) defines the Project Area as “The recycled waterline portion of the Project Area includes the waterline route and a surrounding one-parcel buffer, per CEC request.” This is not what was requested by CEC staff in the previous Data Request 58.

As noted in Set 2 Data Request 58, the CEC staff request was for a larger area than a one-parcel buffer, depending on conditions encountered during the survey and factoring-in a visual impact area. (TN 249643) The proposed project consists, in part, of constructing two large four-story buildings with screening above to conceal mechanical and electrical equipment for a total height of approximately 136 feet (DayZenLLC 2024, p. 7). The current Project Area (Sinsky et al. 2024, Figure1-3, p. 12), does not take into account a visual line-of-sight. By way of example, in the southeast corner of the Project Area, a building located at 2509 Orchard Parkway is not included in the Project Area, despite the fact that proposed new construction will be clearly visible from this multi-story building. Note: This building is also included in a subsequent data request regarding properties less than 50 years old.

DATA REQUEST

102. Please revise the Project Area to include both a one-building-parcel-band and a reasonable visual impact area surrounding the proposed project construction, per CEC staff request in Data Request Set 2 Request 58, extending farther out than the existing Chronicle 2024 CRAR “one-parcel buffer.” Please also refer back to Set 2 Data Request 58 for additional information and detail.

RESPONSE TO DATA REQUEST 102

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024.

BACKGROUND: Figure Needed

The Chronicle 2024 CRAR (Sinsky et al. 2024) does not have a single figure depicting all project components in relation to one another and the Project Area boundaries employed during the cultural resources assessment. Without this figure, it is difficult to assess whether survey coverage has adequately covered all project components.

DATA REQUEST

103. Please prepare a single figure depicting all project components in relation to each other in a manner similar to the above noted figure. Please title the figure, Proposed San Jose 04 Data Center and Related Facilities and include the figure in the revised CRAR.

RESPONSE TO DATA REQUEST 103

BACKGROUND: Properties Less than 50 Years Old

The Set 2 Data Request 61 (CEC 2023b [TN 249643]) was not adequately addressed. Properties (buildings and structures) less than 50 years old were not specifically identified by name, address, or parcel in a list or table in the CRAR. Rather, a one sentence statement was included saying that “Buildings that do not meet the age threshold and are not of exceptional importance will not be evaluated in this report” (Sinsky et al. 2024, p. 14). This blanket statement is made in referring to CEQA whereby “Resources that are 44 years or younger will not be considered for eligibility unless they can meet National Register of Historic Places (NRHP) Criteria Consideration G, which states that buildings that do not meet the age limit must be of exceptional importance” (Sinsky et al. 2024, p. 14). Without an appropriate list, CEC staff is unable to determine exactly what built environment features less than 50 years old were determined to not qualify as exceptionally significant.

DATA REQUESTS

104. Please provide the requested list or table identifying properties less than 50 years old by name, address, and/or parcel, along with a statement that a qualified architectural historian (Secretary of the Interior’s standards for professional architectural historians) has made the determination that these built environment features do not qualify as being of exceptional importance. Please refer to Set 2 Data Request 61 for additional information and details.

RESPONSE TO DATA REQUEST 104

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024.

105. Please prepare this list after a new Project Area boundary has been defined in accordance with the previously requested one-building-parcel-band Project Area concept that also incorporates a direct line-of-sight or a reasonable visual impact area from the project site. By way of example, one building less than 50 years old

directly across from the project site is 2509 Orchard Parkway. This building should be included in the Project Area and, if appropriate, in the requested list or table identifying properties less than 50 years old rejected as not having exceptional importance.

RESPONSE TO DATA REQUEST 105

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024.

BACKGROUND: Historic Period Built Environment Features Not Surveyed or Evaluated

Staff has determined that Set 2 Data Request 60 was not adequately addressed. Data Request 60 identified several historic period buildings and structures within the current CRAR Project Area as needing assessment, but they are not discussed in the revised CRAR (Sinsky et al. 2024, Table 4-7). It is unclear whether the applicant considered these built environment features as cultural resources.

DATA REQUEST

106. With respect to the built-environment features listed below, please:

- (1) Provide a clear statement that all buildings within a one-building/parcel-band of the project site were surveyed and evaluated, and a description of how and by whom they were surveyed.
- (2) Describe how Chronicle determined dates of construction for all built-environment features within the Project Area and a one-building/parcel-band of the project site.
- (3) Provide a table of all built-environment features examined. The table shall identify addresses, assessor parcel numbers, estimated dates of construction with a 45+/- year old stylistic determination if an exact date is unknown, and a California Register of Historical Resources eligibility determination. Other data may be listed based on Chronical Heritage's knowledge of the properties and Chronical Heritage's preferences.

Built-environment features include:

- PG&E's Newark-Trimble 115 kV power line as noted in the project description (DayZenLLC 2024).
- This power line is the "Transmission Line on the Project Site" referenced in previous Data Requests Set 2 (CEC 2023b, Table 1).

- Various other PG&E electrical facilities, including power lines, are referenced in the revised project description, and cultural resources in the vicinity of these power lines were recorded on DPR 523 forms and evaluated, but the powerlines themselves and any other associated electrical were not recorded or evaluated.
- Guadalupe River Channel: The existing Guadalupe Bike Trail is on top of a 45+ year old levee/dike. The Southern Bike Trail Extension of the proposed project connects to the Guadalupe Bike Trail.
- Various potentially historic or 45+ year old features are depicted in the application, including a sanitary sewer vent, public sidewalk, curbs, and gutters (DayZenLLC 2022d, 2022g). Although these features may be less than 50 years old, there is no indication in the CRAR (Sinsky et al. 2024) that these features were surveyed or evaluated as requested.
- Several industrial buildings across the river from the southwest corner of the project site appear, from staff examination of historic aerials, to have been built between 1968 and 1974.
- Roads and streets that appear to be greater than 45 years in age within the current project site and Project Area.

RESPONSE TO DATA REQUEST 106

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024.

BACKGROUND: Regulatory Context Guidelines Needed

New DPR 523 Forms were prepared by Chronicle for cultural resources in both Santa Clara County and Alameda County and the resources evaluated in the CRAR for CEQA only, excluding local significance criteria. Evaluations per local criteria will need to be added for all identified resources.

DATA REQUEST

107. Please evaluate all cultural resources identified during the survey according to any relevant significance criteria published by the City of San José, County of Santa Clara, City of Hayward, or County of Alameda as appropriate.

RESPONSE TO DATA REQUEST 107

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024.

BACKGROUND: Update Record Search Data

The Chronicle 2024 CRAR (Sinsky et al. 2024 does not include a one-mile record search boundary around the northern microwave tower. This information is required per CEC Appendix B regulations.

DATA REQUESTS

108. Please conduct a new records search with a one-mile radius or buffer surrounding the proposed location of the northern microwave tower and provide the results of this records search (as specified in Cal. Code Regs., tit. 20, Appendix B(g)(2)(B), see also Cal. Code Regs., tit. 20, § 1704(c).)

RESPONSE TO DATA REQUEST 108

Chronical Heritage is currently conducting the records search as directed by this request and the results provided in the Revised CRAR. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024, however, it is possible that the information relating to the northern microwave tower may need to be provided after August 31, 2024.

109. Also, provide all site records and reports for previous record searches conducted including the Northwest Information Center letters dated 7/14/2022, 2/14/2023, and 8/18/2023 (Chronicle 2024: Attachment A) and the PaleoWest letter dated August 2, 2022 (PaleoWest 2022).

Note: Select site records and reports were previously requested in Data Requests Set 2, Data Request 63, page 12 (CEC 2023 [TN 249643]).

RESPONSE TO DATA REQUEST 109

The records requested in this data request will be provided to Staff using Staff provided secure electronic records transfer link.

BACKGROUND: Impacts of Northern Microwave Tower

The location of the proposed northern microwave tower is within or directly adjacent to the San Jose-Santa Clara Regional Wastewater Facility Streamline Moderne Industrial Historic District (P-43-003879).

There is no discussion of this district in the CRAR, or an evaluation of the effects that the installation of the tower may have on this district which, according to the P-43-003879 site record, “appears to meet the criteria for listing in the National Register of Historic Places (NRHP) under Criterion A and C at the local level” (ESA 2016, p. 1).

DATA REQUEST

110. Please update the built environment survey to inspect the location of the microwave tower to be located within the Zanker Road Substation at the City of San Jose/Santa Clara Regional Water Treatment Facility and evaluate the effects this tower may have on a potential NRHP eligible historic district.

RESPONSE TO DATA REQUEST 110

Chronical Heritage is revising the CRAR in response to this data request. The Revised CRAR will be docketed under a Repeated Request For Confidentiality on or before August 31, 2024, however, it is possible that the information relating to the norther microwave tower may need to be provided after August 31, 2024.

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HAZARDOUS AND HAZARDOUS MATERIALS

BACKGROUND: Fuel Vapor Monitoring for Interior Fuel Supply System

The applicant responses to Set 2 Data Requests 67 and 68 (TN249643), related to fuel safety measures, indicate that the fueling system shall include a “grounding system to prevent ignition of vapors which could lead to tank rupture” (p. 18). Neither the application, nor any of the other data responses, include any discussion of fuel vapors or their potential ignition. Since the generators are within the buildings, there is a potential that fuel vapors could leak and accumulate within areas of the building that could present a fire or explosion hazard.

DATA REQUESTS

111. Please provide information on any fuel vapor monitoring systems that would be provided in areas where fuel is stored or where vapors could accumulate.

RESPONSE TO DATA REQUEST 111

The generator fuel source will be diesel. Diesel is classified as a Class II liquid and does not require vapor monitoring by the San Jose Building Code. Diesel fuel does not have the same magnitude of vapor issues that are typically associated with gasoline which is a Class I liquid.

The fuel storage and distribution system will contain diesel fuel to support standby generators. Diesel has a minimum flash point of 125°F and the temperatures that the system will be exposed to during normal operation will be well below the flash point.

The generator day tanks and main storage tanks vents will terminate outside the building so any vapors produced, especially during abnormal operation, will be discharged safely to outside of the building to avoid accumulation within the building.

All rooms within the building with fuel storage will be provided with mechanical exhaust at minimum 1 CFM/SF to further prevent any accumulation of vapors. The exhaust will be discharged to outside of the building and will operate continuously.

112. Please provide procedures/measures that would be taken in the event of fuel vapor accumulation to prevent any adverse impacts.

RESPONSES TO DATA REQUEST 112

Please see Response to Data Request 111. An alarm will be generated at the Building Automation System to inform the building operators if exhaust system faults are detected. Building operators will evaluate and correct the fault condition to restore the exhaust system back to normal operation.

BACKGROUND: Location of Proposed PG&E Power Line to be Reconductored

Section 3.5.1 (Existing Newark-Trimble 115 kV Power Line) of the Revised Project Description (TN255061) notes that the transmission line and co-located transmission lines are shown in Figures 3.3-16 and 3.3-17. However, these figures were not included in the original Application and are not included in the Microsoft SJ04 Revised Project Description Figures file (TN255411). The location of this portion of the transmission line that is being reconducted is critical to assess the hazards and hazardous materials at these sites due to possible ground disturbance or tower modifications.

DATA REQUESTS

113. Please provide copies of Figures 3.3-16 and 3.3-17.

RESPONSE TO DATA REQUEST 113

Please See Attachment HAZ DR-113.

114. Please provide a figure and narrative identifying locations of towers/poles along the reconducted transmission line section.

RESPONSE TO DATA REQUEST 114

PG&E has not completed its design of the reconductoring project, but it is likely that any replacement of existing poles or towers will generally in the same location as the pole or tower being replaced. PG&E considers maps of the locations of specific poles and towers to be confidential. Microsoft will file drawings showing the locations of the existing poles and towers under a Request For Confidentiality as described in Response to Data Request 90 above.

BACKGROUND: Heights of Transmission Towers/Poles at and in the Vicinity of the Proposed Project Site

The proposed project site is in the vicinity of the Norman Y. Mineta San José International Airport and is in an airport safety zone. The construction of project facilities including the use of large construction equipment over 40 feet in height above grade require submittal to the FAA for review.

DATA REQUESTS

115. Please provide the heights of new or modified transmission poles/towers at and near the project site and identify any that would exceed the airport runway safety slope height.

RESPONSE TO DATA REQUEST 115

The SJ04 will interconnect to the existing PG&E 115 kV transmission line that crosses the Project Site. Based on the preliminary design, none of the transmission line towers that will be used to interconnect the new PG&E Switching Station to the existing PG&E on-site transmission line will exceed the ALLUC airport runway safety slope height. The maximum height of the new proposed transmission line towers on-site will be 105 feet above grade.

Any potential replacement of the existing transmission poles for the Reconductoring Project are anticipated to be the same height as the existing poles.

PG&E will be required to file Form 7460 with the FAA for these structures since they are close to the Norman Y. Mineta San José International Airport. PG&E FAA Team will the forms for review with the FAA prior to construction. Although unlikely if the FAA review reveals that the poles need to be shorter, PG&E will review ways to reduce the height including potential elimination of the Live Line Maintenance Spacing and reducing the ground clearance buffer.

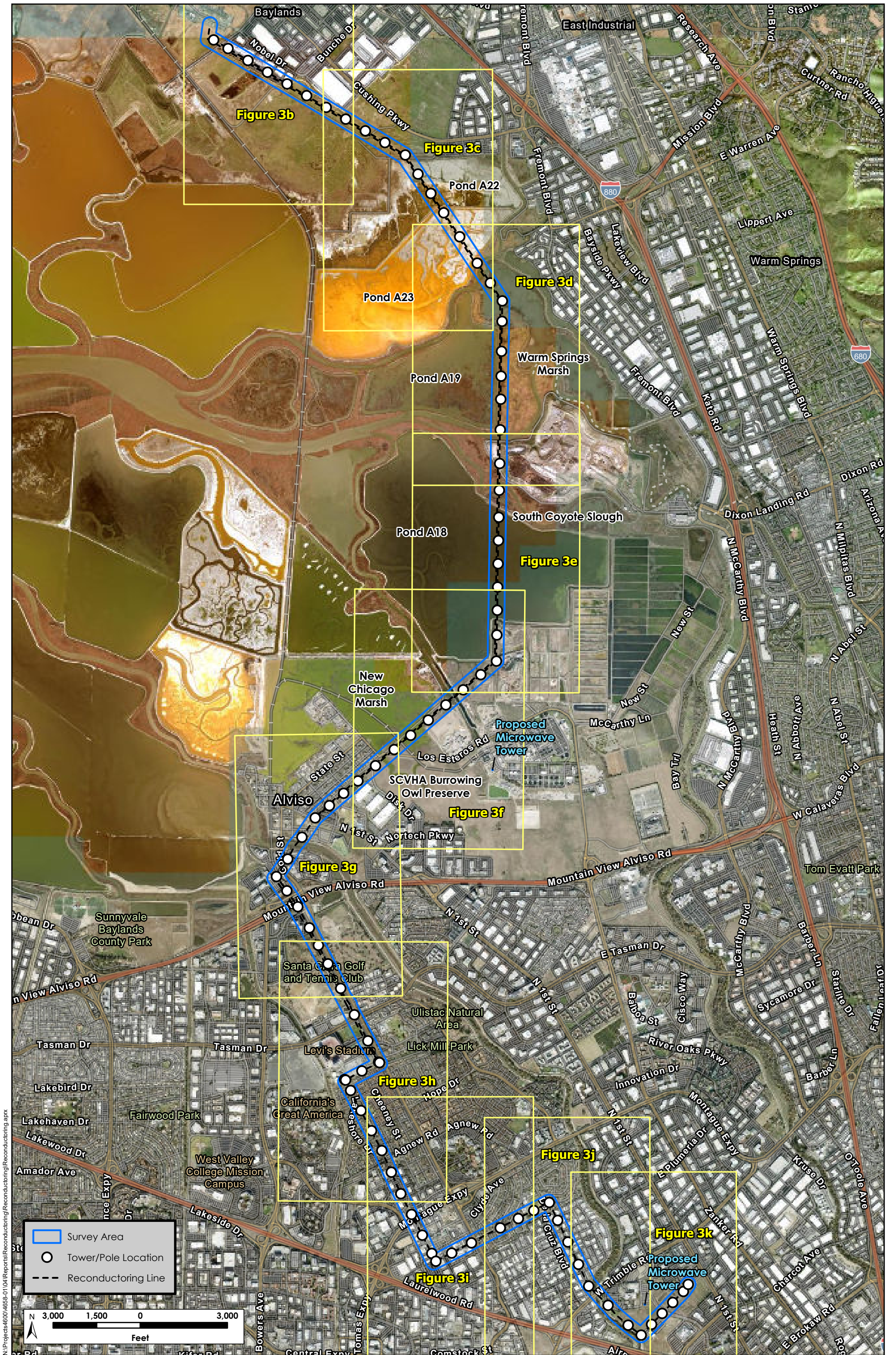
116. Please provide heights of construction equipment that will be used to erect project facilities, including the buildings and transmission towers/poles at and near the project site, that could exceed the airport runway safety slope height.

RESPONSE TO DATA REQUEST 116

Microsoft has already submitted and received approval from the FAA for cranes up to 180 feet above mean sea level on the project site (32 feet above mean sea level at grade plus 148 feet above grade). Obstruction Evaluation applications 2024-AWP-4237-OE-DNS, 4238, 4239 and 4240 identified crane positioning in the four corners of the site. These applications were approved on April 16, 2024 and are included in Attachment HAZ DR-116.

ATTACHMENT BIO DR-94

Revised Figure 3, Microsoft SJC04 Updated PGE Reconductoring Bio Report



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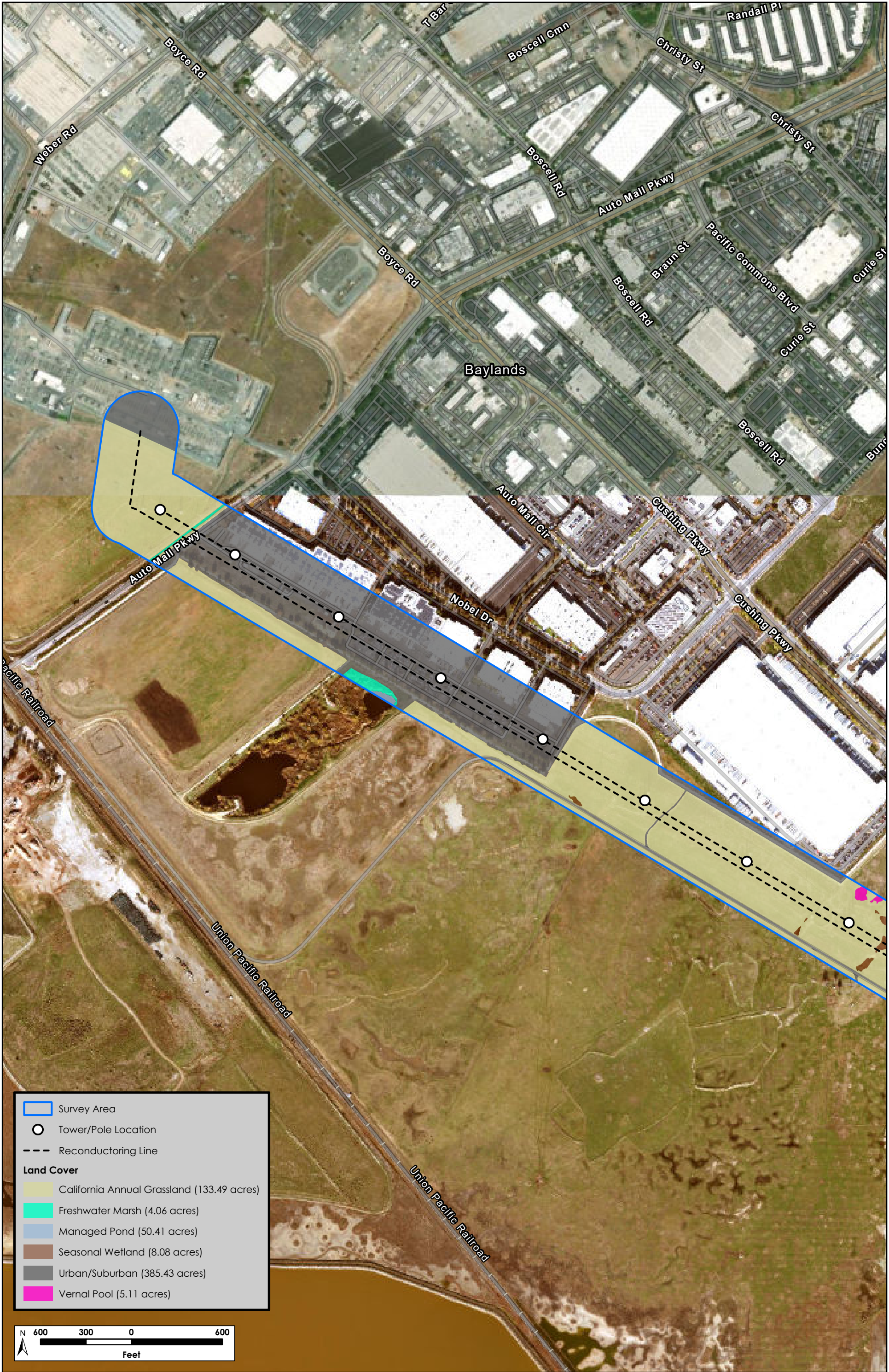


Figure 3b. Land Cover Map

Microsoft San José City Data Center 4 PG&E Reconductoring (4658-04)
August 2024



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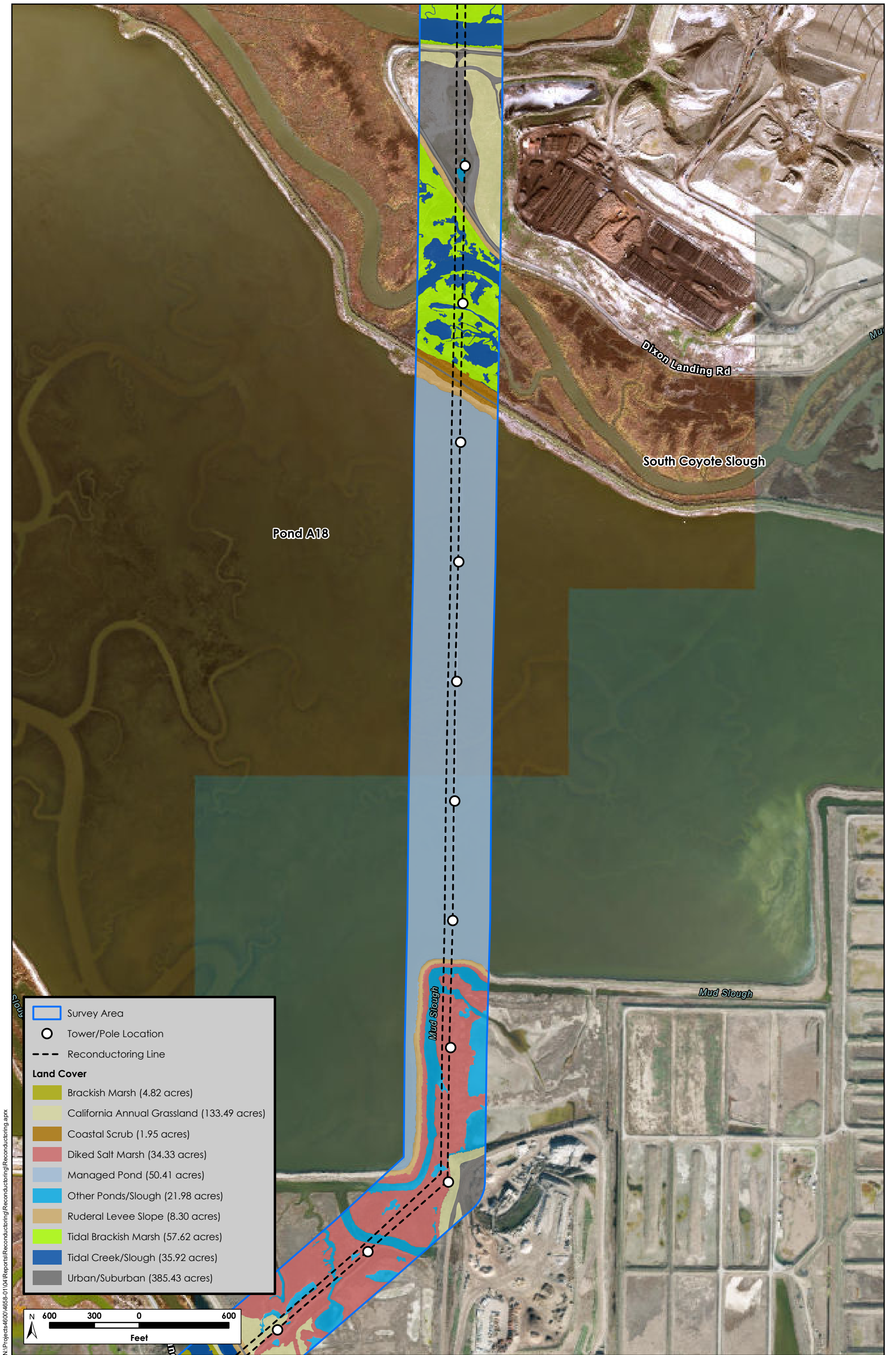
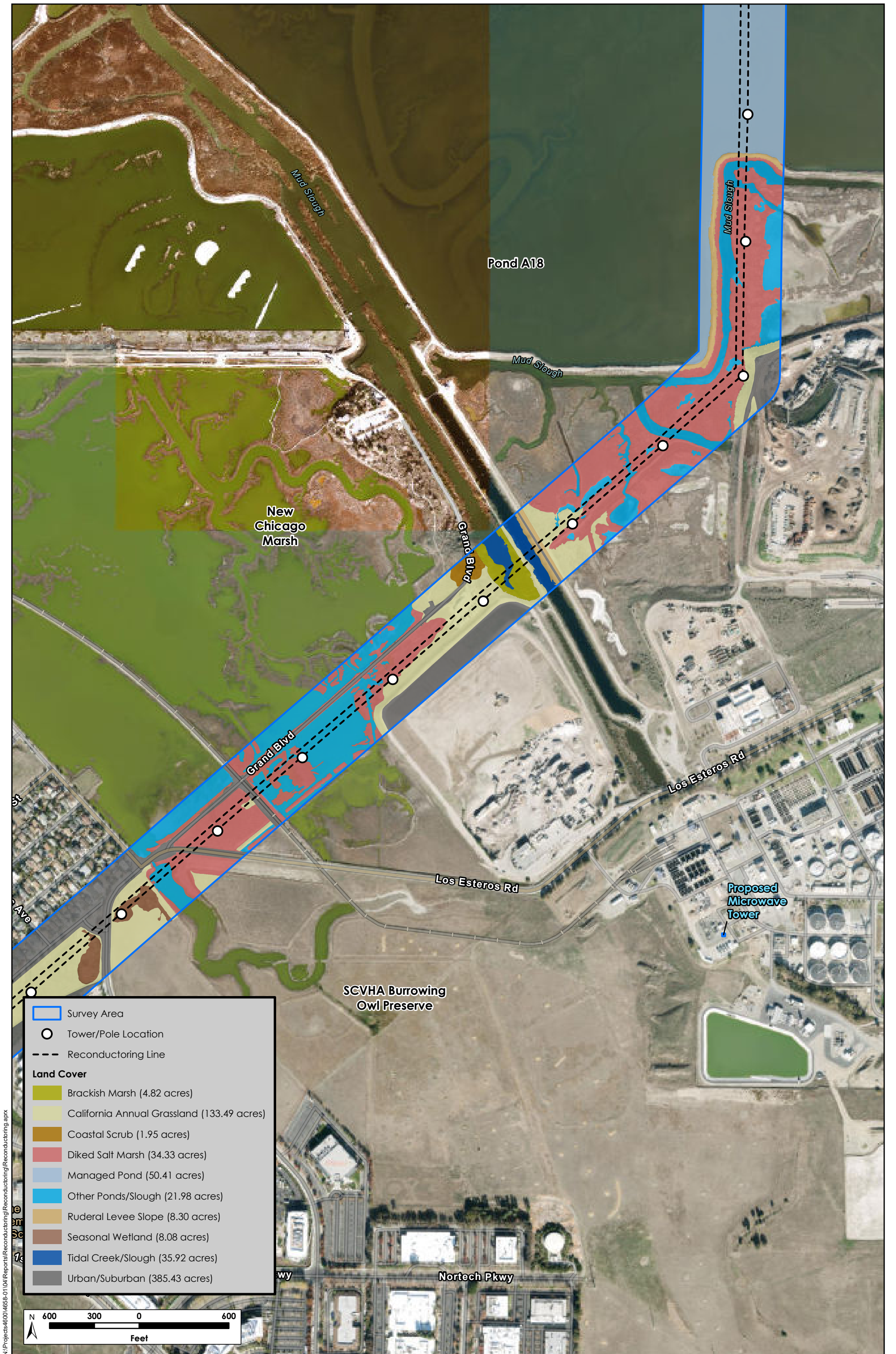


Figure 3e. Land Cover Map

Microsoft San José City Data Center 4 PG&E Reconductoring (4658-04)
August 2024



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H. T. HARVEY & ASSOCIATES
Ecological Consultants

Figure 3f. Land Cover Map

Microsoft San José City Data Center 4 PG&E Reconductoring (4658-04)
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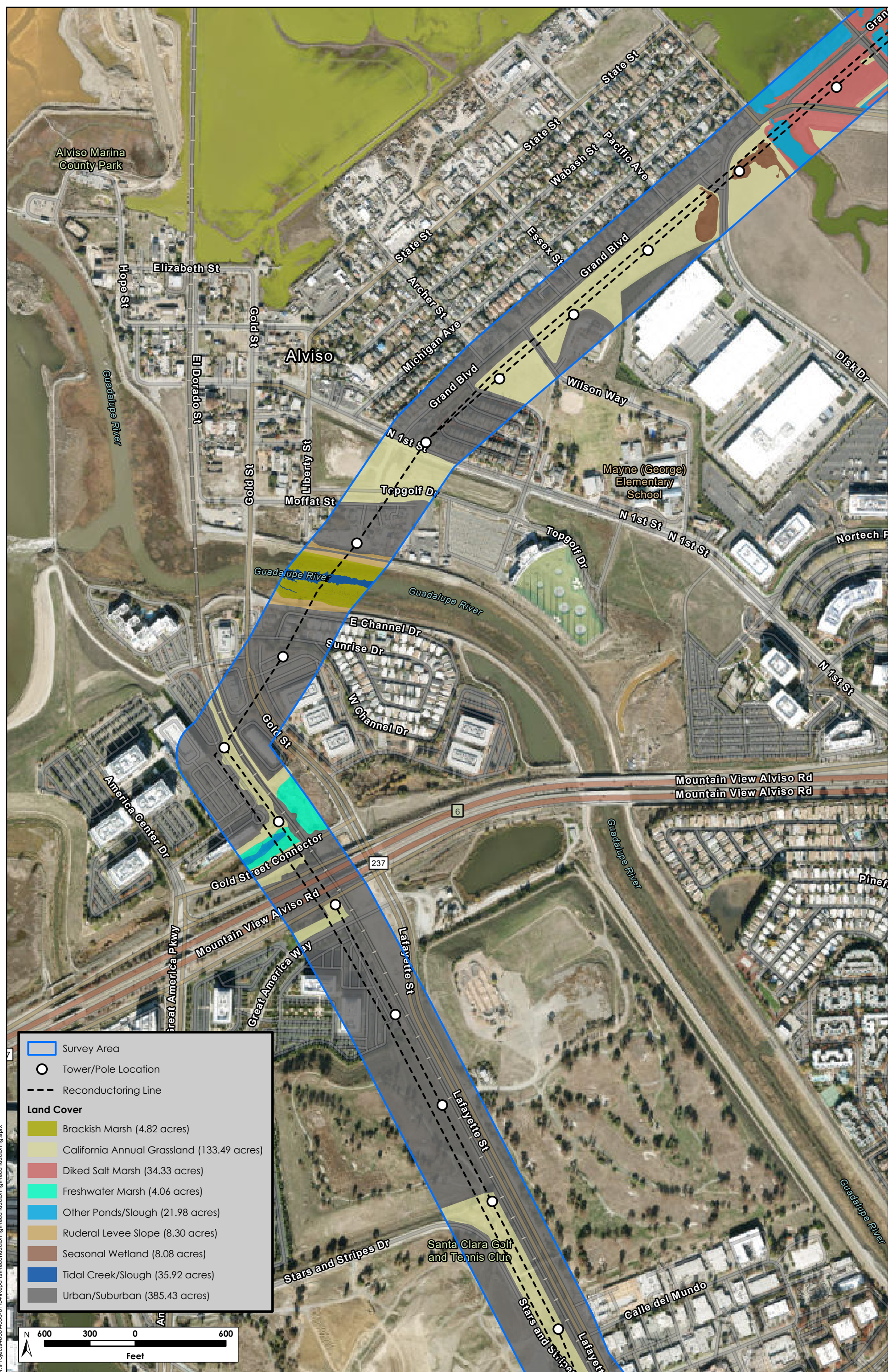




Figure 3h. Land Cover Map



Figure 3j. Land Cover Map

Microsoft San José City Data Center 4 PG&E Reconductoring (4658-04)
August 2024



Figure 3k. Land Cover Map

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