

DOCKETED

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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

DATE: April 8, 2016

TO: Interested Parties

FROM: Jonathan Fong, Compliance Project Manager

**SUBJECT: Russell City Energy Center Project (01-AFC-7C)
Staff Analysis of Proposed Petition to Amend Visual Resources
Conditions of Certification VIS-10**

On June 1, 2015, Energy Commission staff docketed a petition (Amendment #5) for the Russell City Energy Center, LLC requesting to amend the Final Decision for the Russell City Energy Center (RCEC). The 600-megawatt natural gas-fired combined cycle facility was certified by the California Energy Commission (Energy Commission) in its Decision on September 11, 2002, and began commercial operation on August 8, 2013. The facility is located in the City of Hayward, in Alameda County, California.

The proposed modification would amend Visual Resources Condition of Certification **VIS-10** and seek approval of a revised offsite visual enhancement plan. The plan includes the painting of certain off-site buildings to blend in with the surrounding area, and tree plantings on a City of Hayward-owned parcel.

Staff has reviewed the petition and analyzed the potential for impacts resulting from the proposed modifications on environmental quality, public health and safety. Based on that analysis, staff proposes revisions to the Commission Decision, and recommends approval of the proposed modifications to Condition of Certification **VIS-10**.

It is staff's opinion that, with the implementation of this revised condition, the potential visual impacts of the facility would be reduced to a less than significant level. Staff has also determined that the facility would remain in compliance with applicable laws, ordinances, regulations, and standards, and the proposed changes to the condition of certification would not result in any significant, adverse, direct, indirect, or cumulative impacts to the environment (20 Cal. Code of Regs., § 1769). Energy Commission staff intends to recommend approval of the petition at the May 11, 2016 Business Meeting of the Energy Commission.

The Energy Commission's webpage for this facility, http://www.energy.ca.gov/sitingcases/russellcity_amendment/index.html has a link to the petition and the attached Staff Analysis on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Documents for this Proceeding (Docket Log)" option. After the Business Meeting, the Energy Commission's Order regarding this petition will also be available from the same webpage.

This notice has been mailed to the Energy Commission's list of interested parties and property owners adjacent to the facility site. It has also been e-mailed to the facility listserv. The listserv is an automated Energy Commission e-mail system by which information about this facility is e-mailed to parties who have subscribed. To subscribe,

go to the Energy Commission's webpage for this facility, cited above, scroll down the right side of the project webpage to the box labeled "Subscribe," and provide the requested contact information.

Any person may comment on the Staff Analysis. Those who wish to comment on the analysis are asked to submit their comments by 5:00 p.m., May 9, 2016. To use the Energy Commission's electronic commenting feature, go to the Energy Commission's webpage for this facility, cited above, click on the "Submit e-Comment" link, and follow the instructions in the on-line form. Be sure to include the facility name in your comments. Once submitted, the Energy Commission Dockets Unit reviews and approves your comments, and you will receive an e-mail with a link to them.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 01-AFC-07C
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with and approved by the Dockets Unit will be added to the facility Docket Log and become publically accessible on the Energy Commission's webpage for the facility.

If you have questions about this notice, please contact Jonathan Fong, Compliance Project Manager, at (916) 654-5005, or by fax to (916) 654-3882, or via e-mail to Jonathan.Fong@energy.ca.gov.

For information on participating in the Energy Commission's review of the petition, please call the Public Adviser at (800) 822-6228 (toll-free in California) or send your e-mail to publicadviser@energy.ca.gov. News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail to mediaoffice@energy.ca.gov.

Mail List 7078
Listserv russellcity_amendment

RUSSELL CITY ENERGY CENTER PROJECT (01-AFC-7C) PETITION TO AMEND THE ENERGY COMMISSION DECISION EXECUTIVE SUMMARY

Prepared by: Jonathan Fong, CPM

INTRODUCTION AND SUMMARY

On June 1, 2015, Energy Commission staff docketed a Petition to Amend (PTA, Amendment # 5) for the Russell City Energy Center, LLC requesting to amend the Final Decision for the Russell City Energy Center (RCEC). The 600-megawatt natural gas-fired combined cycle facility was certified by the California Energy Commission (Energy Commission) in its Decision on September 11, 2002. A subsequent amendment to relocate the RCEC 1,300 feet northwest of the original location (Amendment #1) was submitted on November 17, 2006 and approved by the Energy Commission on October 3, 2007. The facility is located in the City of Hayward, in Alameda County, California and began commercial operation on August 8, 2013.

The request in the current PTA would modify Visual Resources Condition of Certification **VIS-10** and approve a revised visual enhancement plan. The plan includes painting of offsite buildings and landscaping. The offsite landscaping plantings and building painting would screen portions of the RCEC and reduce the visual contrast of the facility from a key observation point (KOP) in the project vicinity.

DESCRIPTION AND NECESSITY OF THE PROPOSED MODIFICATIONS

The PTA proposes to modify the offsite visual enhancement plan by planting landscaping along a City of Hayward-owned parcel and the painting of several commercial buildings in the project vicinity. The intent of these measures is to reduce the visual impact of the RCEC from KOP 2 (Hayward Shoreline Interpretive Center).

The visual enhancement plan was originally required as a condition of certification from a previous PTA (Amendment #4) which was approved by the Energy Commission on May 8, 2014. The petition was approved to make administrative changes to certain Air Quality Conditions of Certification, change the timing requirements of **VIS-2** (Onsite Landscape Plan), deletion of **VIS-9** (trailside improvements, and a modification to **HAZ-5** (sulfuric acid tank). Modifications to the offsite visual enhancement plan (**VIS-10**) were not included in this analysis due to the unwillingness of property landowners to accept offsite landscaping.

STAFF'S ANALYSIS OF THE PROPOSED PROJECT CHANGES

Energy Commission technical staff has reviewed the PTA for potential environmental effects and consistency with applicable laws, ordinances, regulations and standards (LORS). Staff has determined that the technical or environmental areas of Air Quality, Biological Resources, Cultural Resources, Hazardous Materials Management, Facility Design, Land Use, Geological & Paleontological Resources, Noise & Vibration, Public Health, Socioeconomics, Traffic & Transportation, Transmission Line Safety & Nuisance, Transmission System Engineering, and Worker Safety & Fire Protection are

not affected by the proposed changes, and no revisions or new conditions of certification are needed to ensure the project remains in compliance with all applicable LORS. **Executive Summary Table 1** summarizes staff's review.

**EXECUTIVE SUMMARY Table 1
SUMMARY OF TECHNICAL AREA RESPONSE TO PETITION**

TECHNICAL AREAS REVIEWED	STAFF RESPONSE			New, Revised, or Removed Conditions of Certification Recommended
	Technical Area Not Affected	No Significant Environmental Impact*	Process As Amendment	
Air Quality	X			
Biological Resources	X			
Cultural Resources	X			
Hazardous Materials Management	X			
Facility Design	X			
Land Use	X			
Geological & Paleontological Resources	X			
Noise & Vibration	X			
Public Health	X			
Socioeconomics	X			
Soil & Water Resources		X		
Traffic & Transportation	X			
Transmission Line Safety & Nuisance	X			
Transmission System Engineering	X			
Visual Resources			X	X
Waste Management		X		
Worker Safety & Fire Protection	X			

*No Commission approval is necessary where staff determines there is no possibility that the proposed modifications would have a significant effect on the environment, and the modifications would not result in a change in or deletion of a condition adopted by the Commission in the Final Decision, or make changes that would cause project noncompliance with any applicable laws, ordinances, regulations, or standards (Cal. Code Regs., tit. 20, § 1769 (a)(2)).

Staff notes the following for these technical areas:

Soil & Water Resources: Staff has concluded that the proposed revisions to the visual enhancement plan as part of **VIS-10** would not result in impacts that would require additional mitigation related to stormwater runoff, wastewater discharge or water supply. The proposed area of offsite landscaping would be substantially reduced compared to the area analyzed in the Final Decision. Existing Conditions of Certification **SOIL & WATER-1, 2, and 3** would reduce any potential impacts related to stormwater runoff.

The proposed modification would not affect industrial process water use, industrial wastewater discharge, or sanitary wastewater. In accordance with Condition of Certification **SOIL & WATER-4**, recycled water shall be used for irrigation purposes. The proposed modification to **VIS-10** would reduce the amount of offsite landscaping and reduce the amount of recycled water used for irrigation. Staff has determined the proposed activities would not result in a change or deletion of Soil & Water Resources conditions adopted by the Energy Commission or make changes that would cause the project not to comply with any applicable Soil & Water Resources LORS.

Visual Resources: Staff has concluded with the implementation of the revised conditions, the project will remain in compliance with applicable LORS. Staff recommends approving the modifications to Visual Resources Condition of Certification **VIS-10**. Because approval of the revised visual enhancement plan would require a change to an adopted condition of certification, the requested change must be approved by the full Energy Commission at a Business Meeting (Cal. Code Regs., tit. 20, § 1769 (a)(2)). An analysis of the potential impacts of the proposed modifications is included in the Visual Resources Staff Analysis section below.

Waste Management: The potential hazardous materials generated during painting would include paint, empty containers, and possibly trace amounts of miscellaneous building materials. Staff has determined the proposed activities would not result in a change or deletion of Waste Management conditions adopted by the Energy Commission or make changes that would cause the project not to comply with any applicable Waste Management LORS.

ENVIRONMENTAL JUSTICE

The California Resources Agency recognizes that environmental justice communities are commonly identified as those where residents are predominantly minorities or low-income; where residents have been excluded from the environmental policy setting or decision-making process; where they are subject to a disproportionate impact from one or more environmental hazards; and where residents experience disparate implementation of environmental regulations, requirements, practices, and activities in their communities. Environmental justice efforts attempt to address the inequities of environmental protection in these communities.

An environmental justice analysis is composed of the following:

1. Identification of areas potentially affected by various emissions or impacts from a proposed project;
2. Providing notice (in appropriate languages, when possible) of the proposed project and opportunities for participation in public workshops to environmental justice communities;
3. A determination of whether there is a significant population of minority persons or persons below the poverty level living in an area potentially affected by the proposed project; and

3. A determination of whether there is a significant population of minority persons or persons below the poverty level living in an area potentially affected by the proposed project; and
4. A determination of whether there may be a significant adverse impact on a population of minority persons or persons below the poverty level caused by the proposed project alone, or in combination with other existing and/or planned projects in the area.

CALIFORNIA RESOURCES AGENCY

California law defines environmental justice as “the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Gov. Code §65040.12; Pub. Resources Code, §71000-71400). All departments, boards, commissions, conservancies and special programs of the Resources Agency must consider environmental justice in their decision-making process if their actions have an impact on the environment, environmental laws, or policies. Such actions that require environmental justice consideration may include:

- adopting regulations;
- enforcing environmental laws or regulations;
- making discretionary decisions or taking actions that affect the environment;
- providing funding for activities affecting the environment; and
- interacting with the public on environmental issues.

DEMOGRAPHIC SCREENING ANALYSIS

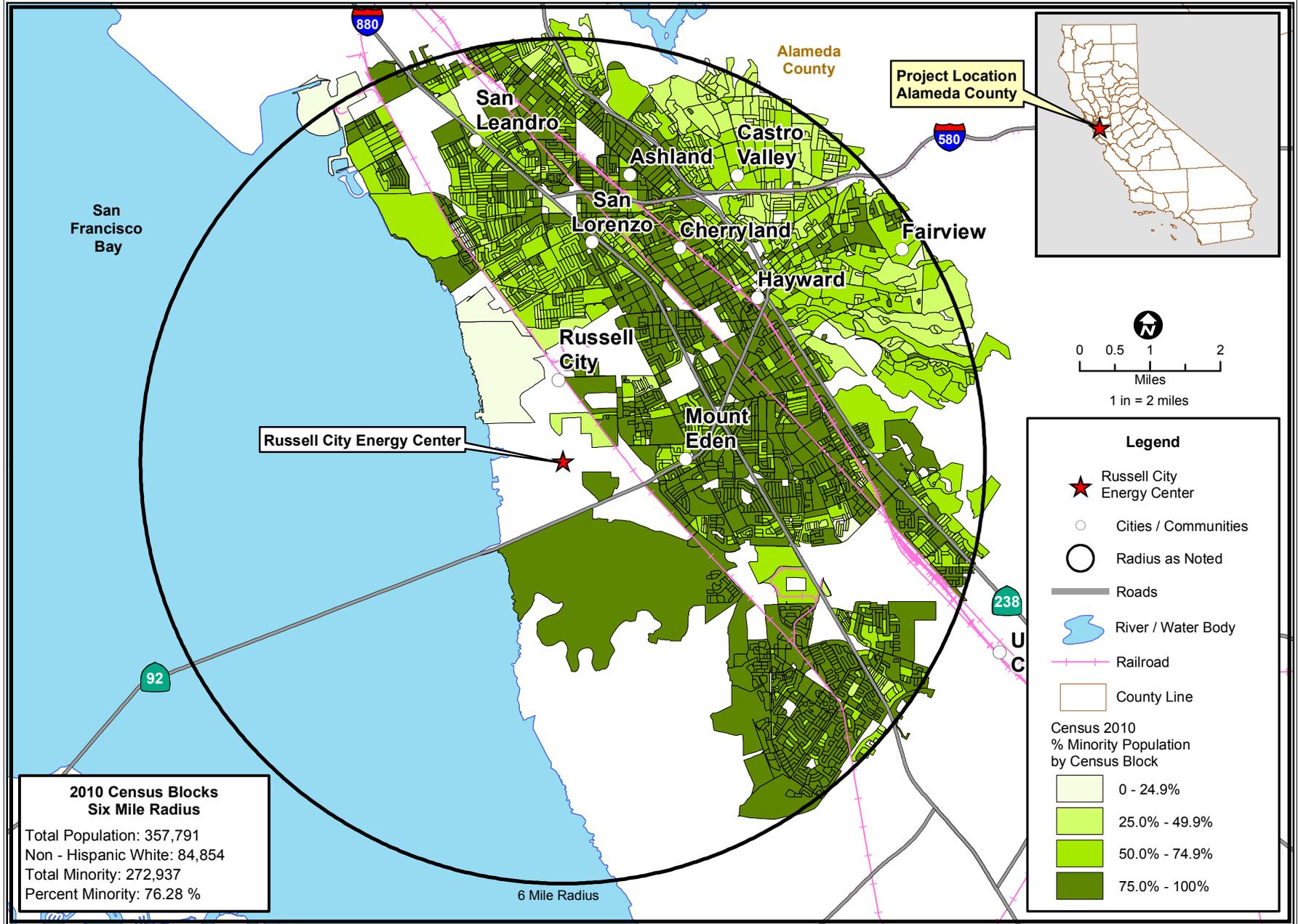
As part of its CEQA analysis for the PTA, staff used demographic screening to determine whether a low-income and/or minority population exists within the potentially affected area of the RCEC project site^[1]. The demographic screening is based on information contained in two documents: Environmental Justice: Guidance Under the National Environmental Policy Act (CEQ, December, 1997) and Guidance for Incorporating Environmental Justice Concerns in EPA’s Compliance Analyses (U.S. EPA, April, 1998), which provides staff with information on outreach and public involvement. The Council on Environmental Quality document defines minority individuals as members of the following groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

Based on the 2010 Census data presented in **Executive Summary Environmental Justice Figure**, the total population within the six-mile radius of the project site was 357,791 persons with a minority population of 272,937 persons, or 76.28 percent of the total population. This constitutes an environmental justice population which triggers further scrutiny for purposes of an environmental justice analysis. However, staff has determined that with implantation of revised condition of certification **VIS-10**, there would be no direct, indirect, cumulative or environmental impacts.

^[1] Demographic screening data is presented in the end of this section.

ENVIRONMENTAL JUSTICE POPULATION FIGURE

Russell City Energy Center - Census 2010 Minority Population by Census Block - Six Mile Radius



STAFF RECOMMENDATIONS AND CONCLUSIONS

Staff concludes that the following required findings mandated by 20 California Code of Regulations, section 1769(a)(3), can be made, and staff recommends approval of the petition by the Energy Commission based on the following findings:

- the proposed modifications would not change the findings in the Energy Commission's Decision pursuant to Title 20, California Code of Regulations, section 1755;
- there would be no new or additional unmitigated, significant environmental impacts associated with the proposed modifications;
- the facility would remain in compliance with all applicable LORS;
- the proposed modification would be beneficial to the public, and project owner because the visual enhancement plan as modified would reduce the RCEC's visual contrast and dominance in the project area; and
- the proposed modifications are justified because there has been a substantial change in circumstances since the Energy Commission certification, in that the off-site visual enhancement mitigation measures have been determined to be infeasible due to physical constraints and property owner objections.

RUSSELL CITY ENERGY CENTER (01-AFC-7C)

Petition to Amend Final Commission Decision

Visual Resources Staff Analysis

Prepared by Mark R. Hamblin

SUMMARY OF CONCLUSIONS

Staff recommends revising Condition of Certification **VIS-10** in the Commission Decision for the Russell City Energy Center (RCEC). The proposed revisions to **VIS-10** achieve the intent of the condition as stated in the Commission Decision. The proposed modifications would not cause a substantial adverse impact on the environment, and the project would continue to conform to laws, ordinances, regulations, and standards (LORS) pertaining to aesthetics, scenic resources, and the landscape (visual resources).

INTRODUCTION

On June 1, 2015, Russell City Energy Company, LLC (project owner) filed a Petition to Amend (PTA) the Commission Decision for the RCEC (Amendment No. 5) to revise Condition of Certification **VIS-10** to allow painting of selected exterior walls on offsite buildings (warehouses) in proximity to the RCEC and the planting of trees on a city-owned property. **VIS-10** requires offsite landscaping only. Because the project owner has no offsite building or property ownership or control, current offsite landowner objections or restrictions and property constraints have made **VIS-10** as stated in the Commission Decision infeasible to implement.

SUMMARY OF THE COMMISSION DECISION

On September 11, 2002, the Energy Commission approved the RCEC at the intersection of Enterprise and Whitesell streets in the “Industrial Corridor” of the city of Hayward, California. The RCEC was not built at this location and was re-certified (Amendment No. 1) by the Energy Commission on October 3, 2007 at its present location off Depot Road, 1,300 feet north and west of its original location.

The original and amended license issued for the project included visual resources conditions of certification. Condition of Certification **VIS-10** was required as a means to compensate for the RCEC’s visual impact in the landscape by reducing the visibility of existing, highly color- contrasting offsite buildings that line the edge of the Hayward Regional Shoreline¹ in proximity to the project. Specifically, **VIS-10** requires planting a

¹ Hayward Regional Shoreline is a regional park located on the shores of the San Francisco Bay in Hayward, California. It is part of the East Bay Regional Parks system. Hayward Regional Shoreline consists of 1,811 acres of salt, fresh, and brackish water marshes, seasonal wetlands, and public trails.

row of evergreen trees along the west edge of the Industrial Corridor, starting at the warehouse complex to the west of the RCEC and continuing southerly along the parking lot of the Whitesell Business Park. See **Visual Resources Figure 1** – Conceptual Offsite Landscape Plan, June 2002.

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS COMPLIANCE

There have been no changes to the applicable LORS that were identified in the Energy Commission Final Decision for the Russell City Energy Center. Furthermore, the Commission required Condition of Certification **VIS-10** to mitigate an environmental impact, not to ensure LORS conformance. The revised **VIS-10** would not cause the project to be out of conformance with applicable LORS pertaining to aesthetics, scenic resources, and the landscape (visual resources).

ENVIRONMENTAL IMPACT ANALYSIS

The intent of **VIS-10** was to compensate for the RCEC's visual contrast and dominance in the landscape by reducing the visibility of highly color- contrasting and dominating offsite buildings that line the edge of the Hayward Shoreline (buildings not under the RCEC ownership or control) as seen from the Hayward Shoreline Interpretive Center – Key Observation Point (KOP) 2. See **Visual Resources Figure 2** – View from Hayward Shoreline Interpretive Center to Project Site, January 2007.

Staff stated in the 2002 RCEC Final Staff Assessment the following regarding the planting of offsite trees.

“The Applicant proposes in Measure 3 of their Visual Mitigation Plan to plant trees along the western edge of the Industrial Corridor to screen views of the industrial buildings and structures in the immediate vicinity of the project site. Hence, to compensate for the project's visual contrast with and dominance of the setting, this proposal would reduce the visibility of other highly contrasting and dominating structures in the view from KOP 2 toward the project site. The highly reflective colors of the existing structures cause a high degree of contrast with the setting and degrade the visual quality of the view from KOP 2.” (Russell City Energy Center Project Final Staff Assessment, June 2002, p. 4.11-19)

During the original licensing proceeding, the project owner contacted landowners to obtain their permission and cooperation for the use of their land or leasehold for offsite tree planting. In 2002, Calpine received approvals from landowners to plant the trees.² However, in 2012, the project owner discovered new landowner restrictions and

² Final Staff Assessment, pg. 4.11-19 and Appendix VR-5, June 2002.

VISUAL RESOURCES - FIGURE 1

Russell City Energy Center - Conceptual Offsite Landscaping Plan, June 2002

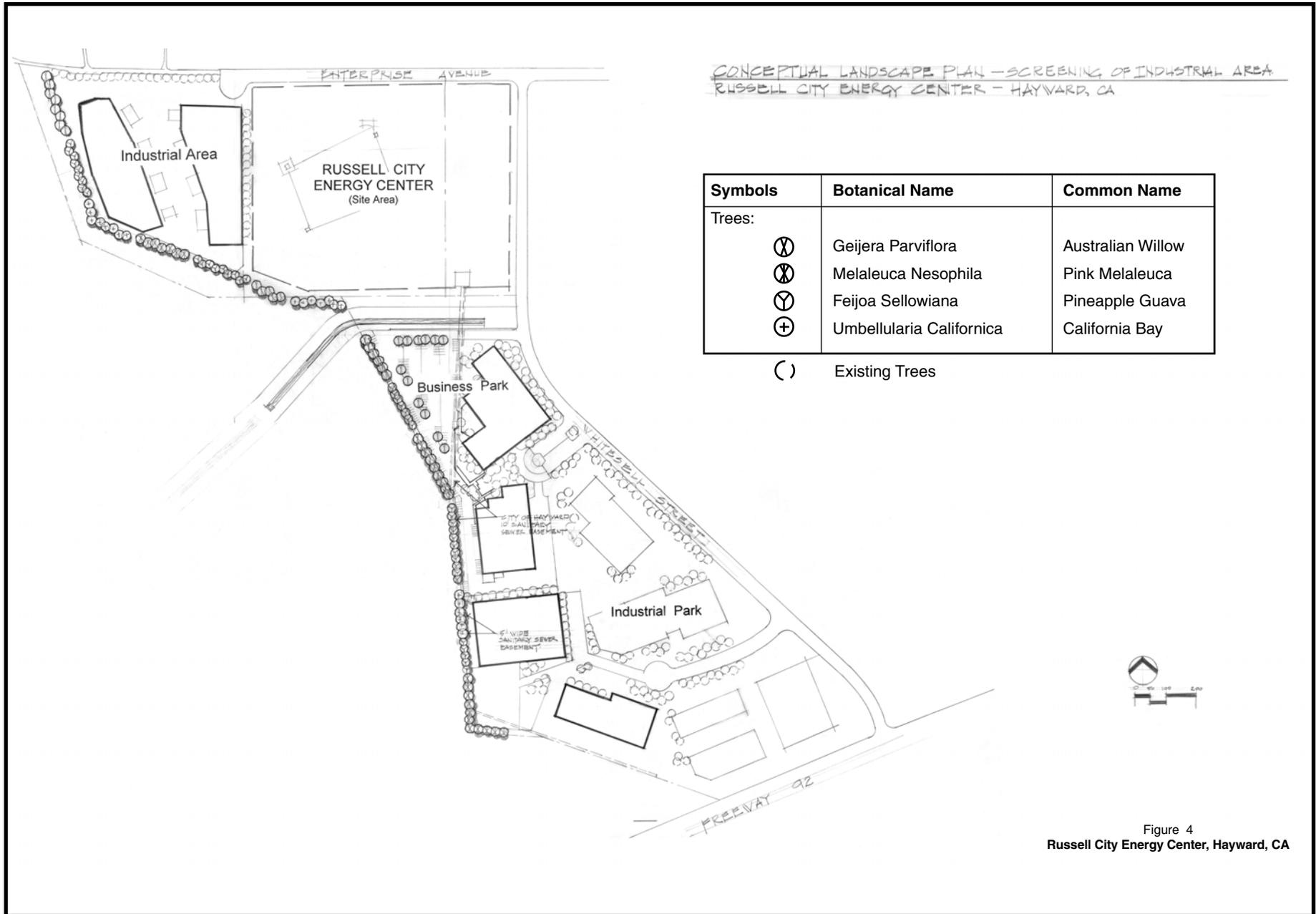


Figure 4
Russell City Energy Center, Hayward, CA

VISUAL RESOURCES

VISUAL RESOURCES - FIGURE 2

Russell City Energy Center - View From Hayward Shoreline Interpretive Center to Project Site, January 2007



VISUAL RESOURCES

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION & ENVIRONMENTAL PROTECTION DIVISION

SOURCE: CEC staff

property constraints made it infeasible to plant trees on many of the properties - see table below.

Landowner	Landowner Restriction	Property Constraint
Figone	Landowner not allowing landscaping.	Landowner has repeatedly expressed not allowing landscaping on the property or along adjacent private road also owned by landowner.
City of Hayward	City of Hayward will allow landscaping on the western 10 feet of their property.	East Bay Regional Park District (EBRPD) water supply pipeline and easement within 10 feet of planting area. A second easement is within 10 feet of planting area.
Northern California Industrial Portfolio Inc.	Planting trees not feasible on their parcel due to lack of available space.	A warehouse and paved parking lot cover the parcel and a city pipeline crosses it.
Huynh Investment, LLC.	Landowner will allow limited number of trees.	Underground sanitary sewer pipeline.
Whitesell Z, LLC.	Landowner not allowing landscaping.	Landowner prefers to keep existing view of baylands.
Salem Broadcasting Company	Planting trees not feasible on parcel.	Underground electrical grounding grid crosses property.
Parker One, LLC	Landowner not allowing landscaping.	Two buildings and a parking lot cover the southwest area of the property. An EBRPD pipeline crosses the property.
SB Hayward, LLC	Landowner not allowing landscaping.	
East Bay Regional Park District	Planting trees not feasible on parcel.	Parcel is a seasonal wetland as per U.S. Fish & Wildlife Service.
Source: Allison Bryan, EHS Manager, Calpine Corporation, September 2012		

Because of landowner restrictions and property constraints, the PTA proposes another option to reduce the high color contrast of exterior walls on offsite warehouses. Instead of growing trees to screen or partially screen the view of exterior walls, the RCEC project owner proposed painting selected exterior walls in muted colors, and planting a row of trees on a city-owned parcel, to reduce their contrast.

During the summer of 2014, the RCEC project owner, with the consent and cooperation of the owners of the offsite buildings and at the project owner's expense, painted in muted colors selected exterior walls of five buildings seen from KOP 2. The project owner chose the colors in consultation with the building owners and city of Hayward and Energy Commission staff.

On June 25, 2015, Energy Commission staff conducted a field observation to view the completed painting. The completed painting of the exterior walls has significantly reduced their color contrast in the landscape as viewed from the Hayward Shoreline Interpretive Center. See **Visual Resources Figure 3** - Post-Painting View from the Hayward Shoreline Interpretive Center, June 25, 2015.

Pursuant to **VIS-10**, the project owner and city of Hayward staff began working on a tree-planting scheme in 2010 that included planting a row of trees along the western edge of a city-owned property that borders the regional shoreline. City staff approved the tree-planting plan on October 28, 2014. Accordingly, the project owner planted the trees in January 2015 (see **Visual Resources Figure 4** – Google Earth View Showing Trees Planted on the City Owned Property dated October 30, 2015). The planted trees help screen the view of the wall of the warehouse at the terminus of Enterprise Avenue from KOP 2.

CONCLUSIONS AND RECOMMENDATIONS

Painting the exterior building walls in muted colors significantly reduced their previous high color-contrast and dominance in the landscape as seen from the Hayward Shoreline Interpretive Center (KOP 2). The painting of the exterior walls and the planting of trees on the city-owned property was finished in January 2015. The revised Condition of Certification **VIS-10** would not cause a substantial adverse impact on the environment, and the RCEC would continue to conform with LORS pertaining to aesthetics, scenic resources, and the landscape.

Staff recommends replacing **VIS-10** with a revised visual resources treatment plan that requires photographic documentation in the Annual Compliance Report.

VISUAL RESOURCES - FIGURE 3

Russell City Energy Center - Post Painting View From Hayward Shoreline Interpretive Center, June 25, 2015



VISUAL RESOURCES

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: CEC staff

VISUAL RESOURCES - FIGURE 4

Russell City Energy Center - Google Earth View Of Trees Planted On City-Owned Property Dated October 30, 2015



VISUAL RESOURCES

PROPOSED MODIFICATION TO CONDITION OF CERTIFICATION

Staff has prepared a revised Condition of Certification **VIS-10** in bold and underlined text. The original **VIS-10** is in ~~strikethrough~~ below.

VIS-10 The project owner shall take all feasible steps to implement a color treatment and landscape concept plan (plan) that includes five (5) existing offsite buildings (warehouses) along the eastern edge of the Hayward Regional Shoreline that have publicly visible exterior walls that face or nearly face the Hayward Shoreline Interpretive Center - Key Observation Point (KOP) 2.

The plan is to include the following pertaining to the painting of the selected exterior warehouse walls.

- a) Exterior walls shall be painted in muted colors, and finishes shall not create excessive reflectivity. Colors shall be selected in consultation with the building owners, city of Hayward staff, and the Compliance Project Manager (CPM).
- b) Offsite building owners who had exterior walls painted shall be provided a maximum of five (5) gallons of paint for the future maintenance and up-keep of the walls. Future maintenance and up-keep of the painted walls will not be the responsibility of the project owner.

The plan is to include the following pertaining to the planting of trees on the city-owned property.

- c) Maintenance procedures, including routine annual or semi-annual debris removal, replacement of unsuccessful plantings, and any necessary irrigation, for the life of the project.

Verification: The project owner shall report in the Annual Compliance Report (ACR) the status of the paint on the offsite warehouse exterior walls and the tree planting on the city-owned property. The ACR shall include a current color photograph(s) from KOP 2 showing the painted exterior walls of the five warehouses, and a current close-up color photograph(s) of the trees on the city-owned property.

~~**VIS-10** Prior to the start of construction, the project owner shall prepare and implement an approved off-site landscaping plan. Consistent with Measure 3 of the Visual Mitigation Plan, the project owner shall install 204 trees along the west side of the warehouse and industrial park complexes that line the eastern edge of the shoreline wetlands. The extent of the landscaping area, as shown in Visual Resources Figure 14 shall be expanded to include the berm from Breakwater Avenue north to Johnson Road. Trees shall be planted close together to create a~~

~~dense screen. Trees planted along the edge of the Whitesell Business Park parking lot shall be pruned up as they grow to allow westward views from the parking lot to the shoreline open space. Trees planted close to the walls of the warehouses shall be allowed to take on a bush-like form to maximize their screening potential. All tree species shall be fast growing and evergreen and shall be 24" box size when planted. The project owner shall provide an appropriate level of irrigation and fertilization to ensure optimal tree growth, health, and appearance.~~

~~**Protocol:** Prior to start of construction, the project owner shall submit an offsite landscape plan to the City of Hayward and the U.S. Fish and Wildlife Service, if applicable, for review and comment, and to the CPM for review and approval. The submittal to the CPM shall include the City's comments. The plan shall include, but not be limited to:~~

- ~~1) A detailed landscape, grading, and irrigation plan, at a reasonable scale, which includes a list of proposed tree and shrub species and installation sizes, and a discussion of the suitability of the plants for the site conditions and mitigation objectives.~~
- ~~2) An installation schedule. The project owner shall not implement the landscape plan until the project owner receives approval of the plan from the CPM. The planting must be completed by the start of commercial operation, and the planting must occur during the optimal planting season.~~
- ~~3) Maintenance procedures, including any needed irrigation and a plan for routine annual or semi-annual debris removal for the life of the project; and~~
- ~~4) A procedure for monitoring for and replacement of unsuccessful plantings for the life of the project. The project owner shall not implement the plan until the project owner receives approval of the plan from the CPM.~~

~~**Verification:** At least 90 days prior to start of construction, the project owner shall submit the offsite landscape plan to the CPM for review and approval.~~

~~If the CPM notifies the project owner that revisions of the submittal are needed before the CPM would approve the submittal, within 30 days of receiving that notification, the project owner shall prepare and submit to the CPM a revised submittal.~~

~~The project owner shall notify the CPM within seven days after completing installation of the landscape screening that the planting and irrigation system are ready for inspection.~~

~~The project owner shall report landscape maintenance activities, including replacement of dead vegetation, for the previous year of operation in the Annual Compliance Report.~~

REFERENCES

Russell City Energy Center Amendment No. 1 Final Commission Decision (01-AFC-7c), October 2007. Docketed October 2, 2007.

Russell City Energy Center Commission Decision (01-AFC-7) July 2002. Docketed September 11, 2002.

Russell City Energy Center, LLC. Russell City Energy Center Application For Certification (01-AFC-7), July 2001.

Russell City Energy Company, LLC. Russell City Energy Center Petition to Amend Commission Decision for Russell City Energy Center (Amendment No. 5) (01-AFC-7C). Docketed June 1, 2015.

Russell City Energy Center Petition to Amend Commission Decision for Russell City Energy Center (Amendment No. 4) (01-AFC-7C). Docketed November 8, 2012.

Russell City Energy Center Project Final Staff Assessment (01-AFC-7), June 2002. Docketed June 10, 2002.

Russell City Energy Center Staff Assessment Amendment No. 1 (01-AFC-7c), June 2007. Docketed June 29, 2007.

U.S. Department of Transportation Federal Highway Administration, A Guide to Visual Quality in Noise Barrier Design, Chapter 3. Visual Design Principles, n.d.