DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	261451
Document Title:	DR Response 3 - Attachment 7, Lake and Streambed Alteration Agreement
Description:	Revised Draft Lake and Streambed Alteration Agreement Application
Filer:	Ronelle Candia
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	1/29/2025 8:11:11 PM
Docketed Date:	1/30/2025

Attachment 7

Lake and Streambed Alteration Agreement

California Department of Fish and Wildlife Region 1

1602 Lake and Streambed Alteration Agreement Application

Potentia-Viridi Battery Energy Storage System Project

January 27, 2025

Prepared for:

California Department of Fish and Wildlife – Region 3
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

Prepared by:

Stantec Consulting Services Inc.
2999 Oak Road, Suite 800
Walnut Creek, CA 94597

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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	☑ Regular (*5 years or less*) ☐ Long-term (*greater than 5 years)*			
C. Project Term	Beginning (*year*)	2026	Ending (*year*)	2030

D. Seasonal Work Period

Season(s)*	Start Date (*month/day*)	End Date (*month/day*)	E. Number of Work Days
1	May 1	October 31	150
2			
3			
4			
5			

** 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 EPIMS Permitting Portal.**
B.	☐ Gravel/Sand/Rock Extraction (*Attachment A*) *Mine I.D. Number:* _____
C.	☐ Timber Harvesting (*Attachment B*) *THP Number:* _____
D.	Water Diversion/Extraction/Impoundment (*Attachment C*) – **Attachment no longer available. Notification shall be submitted through the EPIMS Permitting Portal.**
E.	☐ Routine Maintenance (*Attachment D*)
F.	Cannabis Cultivation (*Attachment E*) – **Attachment no longer available. Notification shall be submitted through the EPIMS Permitting Portal.**
G.	☐ CDFW Grant Programs *Agreement Number:* _____
H.	☐ Master
I.	☐ 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			
5			
6			
7			
8			
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 (gentie) 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?	☐ Yes ☑ No ☐ Unknown
E. County	Alameda

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ 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-7885-12
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/Longitude	*Latitude:* 37.712130	*Longitude:* -121.573369
	Latitude: ##.#####	*Longitude:* -###.#####
	Latitude: ##.#####	*Longitude:* -###.#####
	Latitude: ##.#####	*Longitude:* -###.#####
	Latitude: ##.#####	*Longitude:* -###.#####

9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	☐	☐	☐
Bank stabilization – rip-rap/retaining wall/gabion	☑	☐	☐
Boat dock/pier	☐	☐	☐
Boat ramp	☐	☐	☐
Bridge	☐	☐	☐
Channel clearing/vegetation management	☐	☐	☐
Culvert	☐	☐	☑
Debris basin	☐	☐	☐
Dam	☐	☐	☐
Filling of wetland, river, stream, or lake	☐	☐	☐
Geotechnical survey	☐	☐	☐
Habitat enhancement – revegetation/mitigation	☐	☐	☐
Levee	☐	☐	☐
Low water crossing	☐	☐	☐
Road/trail	☑	☐	☐
Sediment removal: pond, stream, or marina	☐	☐	☐
flood control	☐	☐	☐
Storm drain outfall structure	☐	☐	☐
Temporary stream crossing	☐	☐	☐
Utility crossing: horizontal directional drilling	☐	☐	☐
jack/bore	☐	☐	☐
open trench	☐	☐	☐
Water diversion without facility	☐	☐	☐
Water diversion with facility	☐	☐	☐
Other *(specify)*:	☐	☐	☐

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 56 square feet and 8 linear feet of Patterson Run for the placement of approximately 3.3 cubic yards of riprap below top of bank. The ford will impact approximately 1,600 square feet and 30 linear feet of Patterson Run for the placement of approximately 17 cubic yards of rock below top of bank.

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.

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 supplemental information.

☐ *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, WILDIFE, 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

1.0 CDFW 1602 LSAA APPLICATION CONTINUATION PAGES

1.1 PROJECT OR ACTIVITY INFORMATION

1.1.1 Box 10A – 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.

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). Construction is anticipated to take no more than 30 days to complete.

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 1,106 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

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.

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

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 Pupping 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.

1.1.8 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). 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).

Appendix A FIGURES

● Project Location

0 1.5 3 Miles

(At original document size of 8.5x11)
1:250,000

N

Stantec

Notes

1. Coordinate System: NAD 1983 UTM Zone 10N

2. Data Sources: California State Parks, Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS, Esri, NASA, NGA, USGS, San Joaquin County GIS/Planning, California State Parks, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, Esri, USGS

Project Location
Midway
Alameda County, CA

Prepared by KDLP on 2024-06-12
IR by SE on 2024-06-12

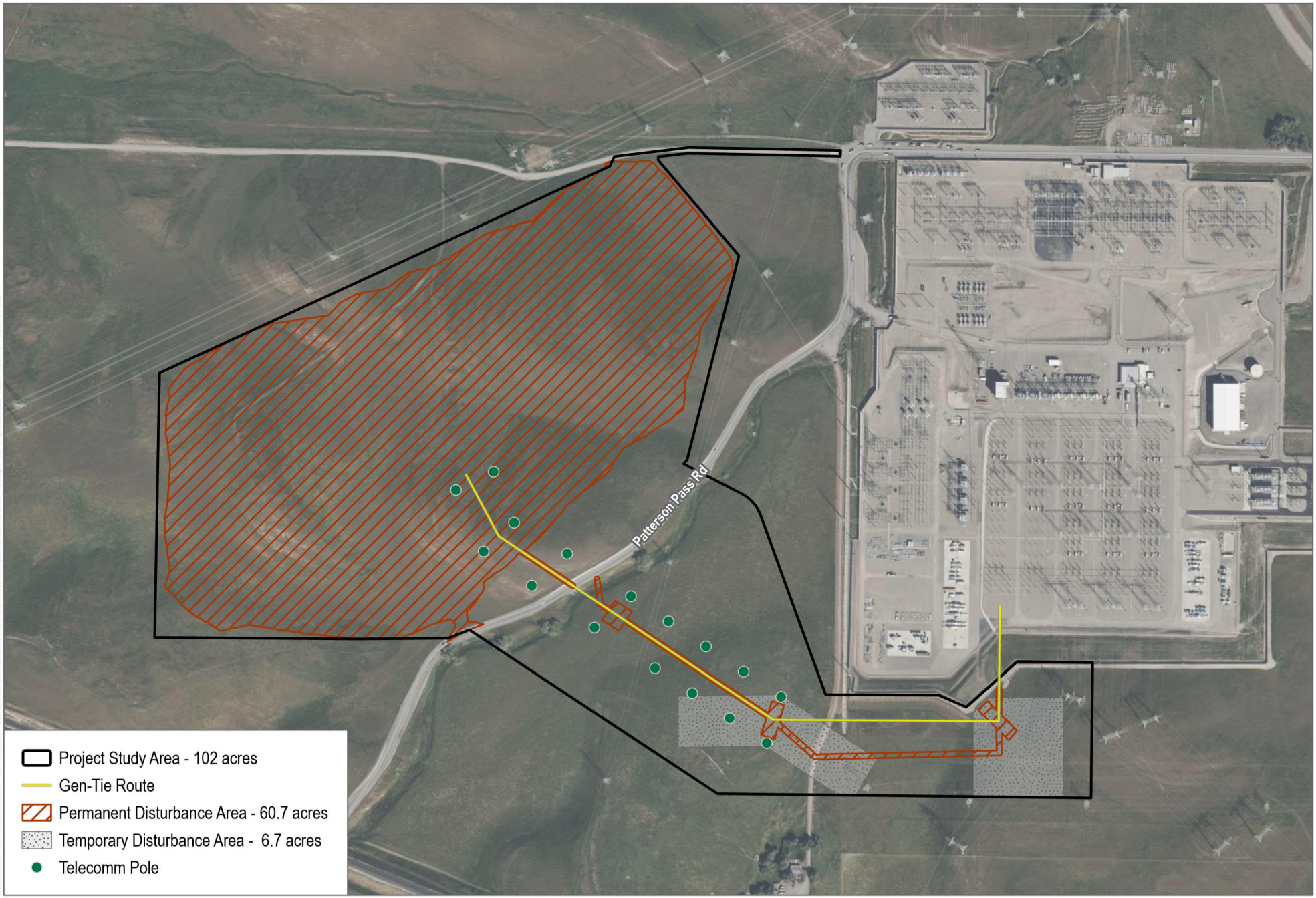
Client/Project
185706735

Potentia-Viridi Battery Energy Storage System
Biological Assessment

Figure No.
Figure 1

Title
Project Location

V:\18587\Active\185706735\Pro\PV_BESS_BA\PV_BESS_BA.aprx Revised: 2024-06-12 By: kdelapena



SOURCE: Bing Maps 2023

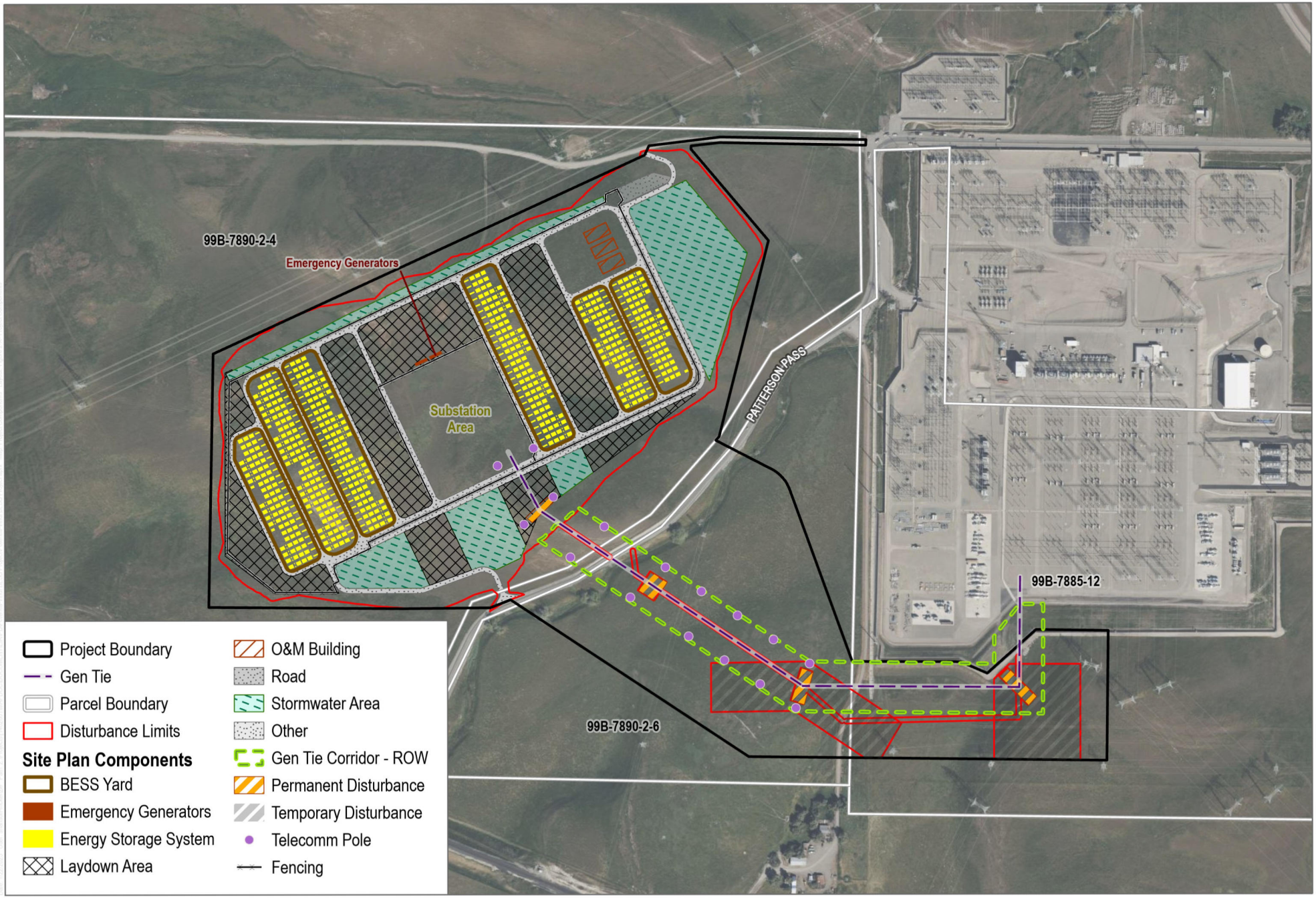
0 70 140 Meters

0 250 500 Feet

FIGURE 2-3

Project Site Aerial

Potentia-Viridi BESS Project



SOURCE: Bing Maps 2023, County of Alameda 2022

DUDEK

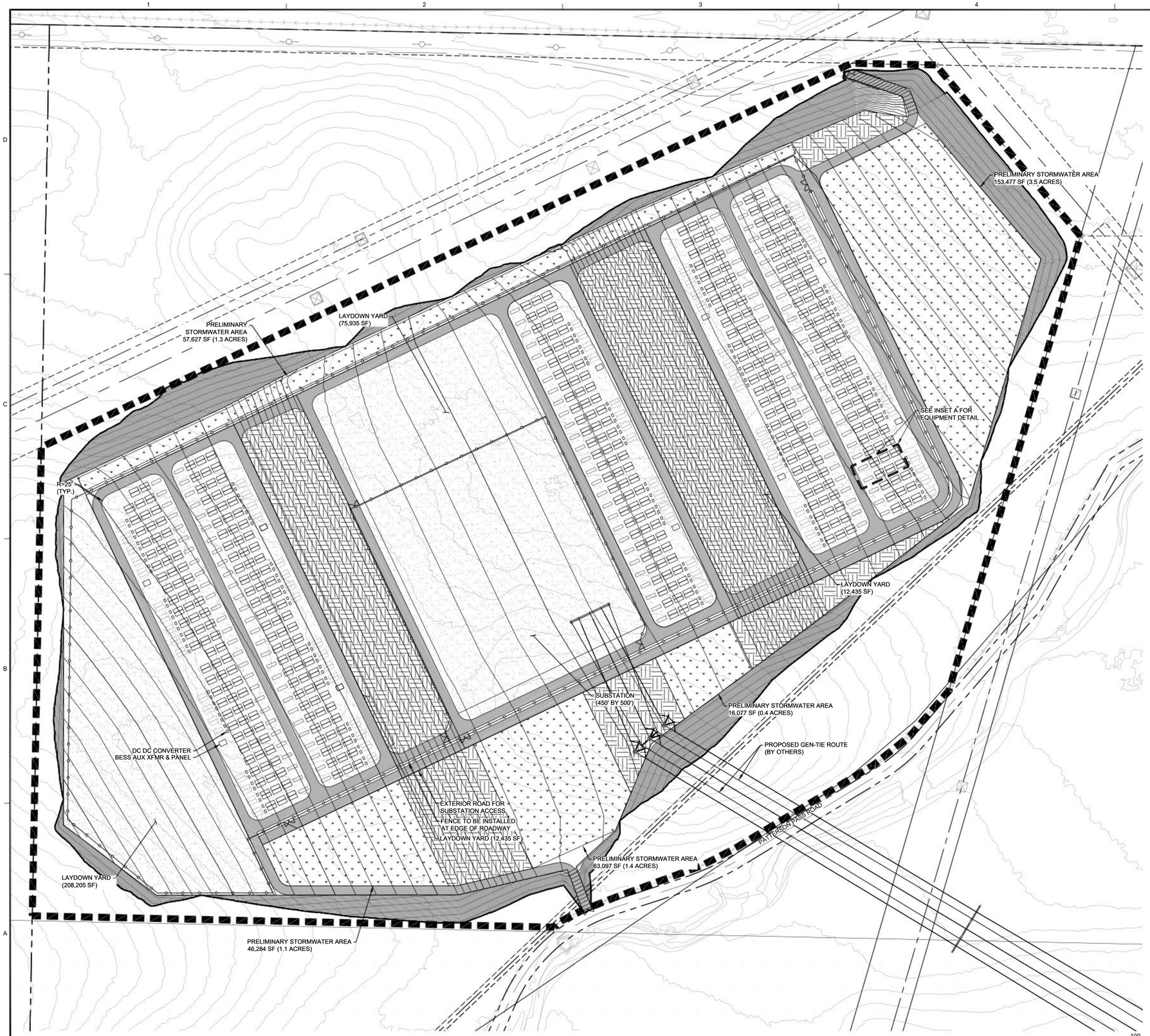
0 260 520 Feet

FIGURE 2-X

Project Components

Potentia-Viridi BESS Project

Appendix B IMPACTS TO WATERS OF THE STATE



LEGEND

- GRAVEL ACCESS ROAD
- GRAVEL
- STORMWATER/ LID AREA
- LANDSCAPE

EARTHWORK QUANTITIES
CUT = 588,018 CUBIC YARDS
FILL = 344,900 CUBIC YARDS
NET = 243,118 CUBIC YARDS (EXPORT)

TOTAL = 932,918 CUBIC YARDS

NOTE:
1. EARTHWORK QUANTITIES ARE ESTIMATES ONLY AND ARE NOT ADJUSTED FOR SHRINKAGE, CONSOLIDATION, AND CLEARING LOSS FACTORS. THESE QUANTITIES ARE TO BE USED FOR BONDING AND PERMIT PURPOSES ONLY.
2. CUT/FILL SLOPES ARE SHOWN NO STEEPER THAN 3:1.
3. PRELIMINARY EARTHWORK QUANTITIES ASSUME ONSITE MATERIAL IS ADEQUATE FILL. ASSUMPTIONS ARE TO BE CONFIRMED BASED ON GEOTECH RECOMMENDATIONS.
4. EARTHWORK QUANTITIES DO NOT INCLUDE GEN-TIE LINE.

SYSTEM SUMMARY	
ESS TYPE	SOLBANK
ESS QUANTITY	1000
PCS UNITS	140
BATTERY CAPACITY	400 MW/3200 MWH
BESS YARD	13.2 ACRES
PROJECT SUBSTATION	8.1 ACRES
ACCESS ROADS	7.2 ACRES
LAYDOWN YARD (INCLUDING O&M BUILDING)	8.0 ACRES
STORMWATER AREAS*	9.3 ACRES
OTHER**	6.2 ACRES
TOTAL PROJECT AREA	52.0 ACRES
TOTAL DISTURBED AREA***	57.0 ACRES

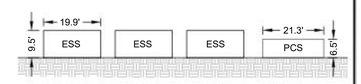
NOTE:
* PRELIMINARY STORMWATER TREAMENT AND STORAGE SIZING BASED ON ALAMEDA COUNTY STANDARDS
** INCLUDES SLOPED AREAS
*** TO GRADING DAYLIGHT

ABBREVIATIONS:

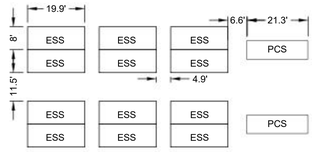
ESS	ENERGY STORAGE SYSTEM
PCS	POWER CONVERSION SYSTEM
POI	POINT OF INTERCONNECTION
XMFR	TRANSFORMER

GENERAL NOTES:
FUTURE STEEL FRAME O&M BUILDING (100'X50') WILL BE LOCATED WITHIN PROPOSED LAYDOWN YARD. EXACT BUILDING SIZE AND LOCATION TBD.

FIRE NOTES:
1) FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET.
2) INTERNAL RADII = 25' MINIMUM.



INSET A - ELEVATION



INSET A - PLAN

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.

100 50 0 100 200
SCALE: 1 INCH = 100 FEET

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1939 Harrison Street, Suite 320
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ph 510.251.9578
www.coffman.com

POTENTIA-VIRIDI BATTERY ENERGY STORAGE SYSTEM

LEVY ALAMEDA, LLC

NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION

PROJ. NO.	232059
DRAWN	LB
CHECKED	RB
DATE	12/18/25

SHEET TITLE:

CIVIL SITE PLAN

SHEET NO:

C-1.0

SHEET 4 OF 7

Appendix C BIOLOGICAL RESOURCES TECHNICAL REPORT