

DOCKETED

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Memorandum

To: Commissioner Karen Douglas, Presiding Member
Commissioner Patty Monahan, Associate Member

Date: February 21, 2020

From: **California Energy Commission**
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Subject: **STATUS REPORT FOR THE SEQUOIA BACKUP GENERATING FACILITY (19-SPPE-03)
APPLICATION FOR SMALL POWER PLANT EXEMPTION (SPPE) PROCEEDING**

In its Notice of Joint Committee Conference docketed on February 14, 2020, the Committee overseeing the Sequoia Backup Generating Facility SPPE proceeding ordered staff to file a status report by February 21, 2020 describing the status of the project and bringing any matters relevant to the completion of the project to the Committee's attention.

On January 23, 2020, staff published an Initial Study and Proposed Mitigated Negative Declaration (IS/PMND) for the Sequoia Data Center inclusive of the associated Sequoia Backup Generating Facility (collectively referred to as the project). The public comment deadline associated with this document is February 28, 2020. Public comment may be received at the Joint Committee Conference on February 26, 2020.

In staff's opinion, the project does not present issues that require resolution prior to the evidentiary hearing. Staff's conclusion is that environmental impacts associated with project construction and operation would be less than significant or could be less than significant with mitigation incorporated. Mitigation measures agreed to by the applicant are required in the issue areas of Biological Resources, and Geology and Soils (specifically, paleontological resources). These mitigation measures are described in Chapter 1 ("Proposed Mitigated Negative Declaration and SPPE Recommendation") of the IS/PMND. As confirmed in Appendix D of the IS/PMND, the City of Santa Clara has accepted responsibility for mitigation monitoring and to ensure the implementation of the mitigation measures. As stated in the IS/PMND, staff proposes that the California Energy Commission (CEC) find that the project will not have a significant effect on the environment or energy resources. Additionally, staff recommends that the backup generating facility be exempted from CEC jurisdiction and that further permitting be handled at the local level.

Staff has no further comments for the Committee's consideration, but awaits the Committee's final scheduling order covering the remainder of the proceeding.