

DOCKETED

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Docketed Date:	7/8/2020



July 2, 2020

Honorable Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272, Galt, CA 95632

Dear Honorable Valentin Lopez, Chairperson:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the proposed Lafayette Backup Generating Facility (LBGF) and invites Amah Mutsun Tribal Band to consult regarding this project because of the tribe's traditional and cultural affiliation, and knowledge within the geographic area of the proposed project.

Project Description

This letter provides general information concerning the LBGF and invites you to participate in CEC consultations, pursuant to its Tribal Consultation Policy. The CEC received an application for a Small Power Plant Exemption (SPPE) from Digital Realty (the applicant) on May 20, 2020 for the proposed LBGF (20-SPPE-02). The LBGF would include forty-four 3-megawatt (MW) diesel-fired backup generators to provide uninterruptible power to data servers in the proposed Lafayette Data Center (LDC) in the event electricity cannot be supplied to the LDC from the utility, Silicon Valley Power. Additionally, there would be one 0.8-MW emergency generator to provide backup electricity for the LDC's administrative and office areas. The generators would exclusively be interconnected to the LDC, which has a maximum capacity of 99.8 MW, and would not be electrically interconnected to the electrical transmission grid.

The approximately 15.45-acre proposed project site, at 2825 Lafayette Street is in an area zoned for Heavy Industrial uses in the city of Santa Clara, California. The proposed project site is currently developed with two, two-story office buildings measuring approximately 326,000 square feet and associated paved parking and loading dock areas. The two-story office buildings at 2825 and 2845 Lafayette Street would be demolished. The applicant proposes to demolish the existing buildings and construct a three-story 576,120 square foot data center building, a utility substation, a generator equipment yard, 77 surface parking spaces, and landscaping. Non-native trees and ornamental landscaping are located along the Lafayette Street frontage of the property, as well as the northern, western, and southern property boundaries. The applicant also

proposes to remove shrubs, groundcover, and 375 (mostly parking lot) trees on site while protecting in-place trees not in conflict with proposed utilities, grading, storm water treatment facilities, and architectural improvements. New landscaping consisting of trees, large and medium shrubs, and groundcover would be installed along the property boundaries, building perimeters, storm water treatment facilities, and landscape beds distributed along the parking spaces. Additionally, the applicant proposes to construct storm water treatment areas consisting of bioretention areas and at-grade flow-through planter boxes totaling approximately 25,000 square feet. The storm water treatment areas would be located around the perimeter of the site and adjacent to paved parking areas.

Small Power Plant Exemption Process

The CEC has the exclusive authority to certify all thermal power plants (50 MW and greater) and related facilities proposed for construction in California. The SPPE process allows applicants with facilities between 50 and 100 MW to obtain an exemption from CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. In this case, the facility is subject to CEC's licensing authority unless the exemption is granted. Public Resources Code, section 25519(c) designates the CEC as the lead agency, in accordance with the California Environmental Quality Act (CEQA), for all facilities seeking an SPPE. CEQA requires the lead agency to consider the whole of the action. Therefore, the CEC will analyze the entire project, which includes the construction and operation of the data center building, backup generators, and utility substation.

CEC staff would like to consult with you to better understand Native American concerns regarding this project. Please respond to this letter in writing within 30 days if Amah Mutsun Tribal Band would like to request consultation.

To review the SPPE application, and find more information about the project, please visit the project webpage:

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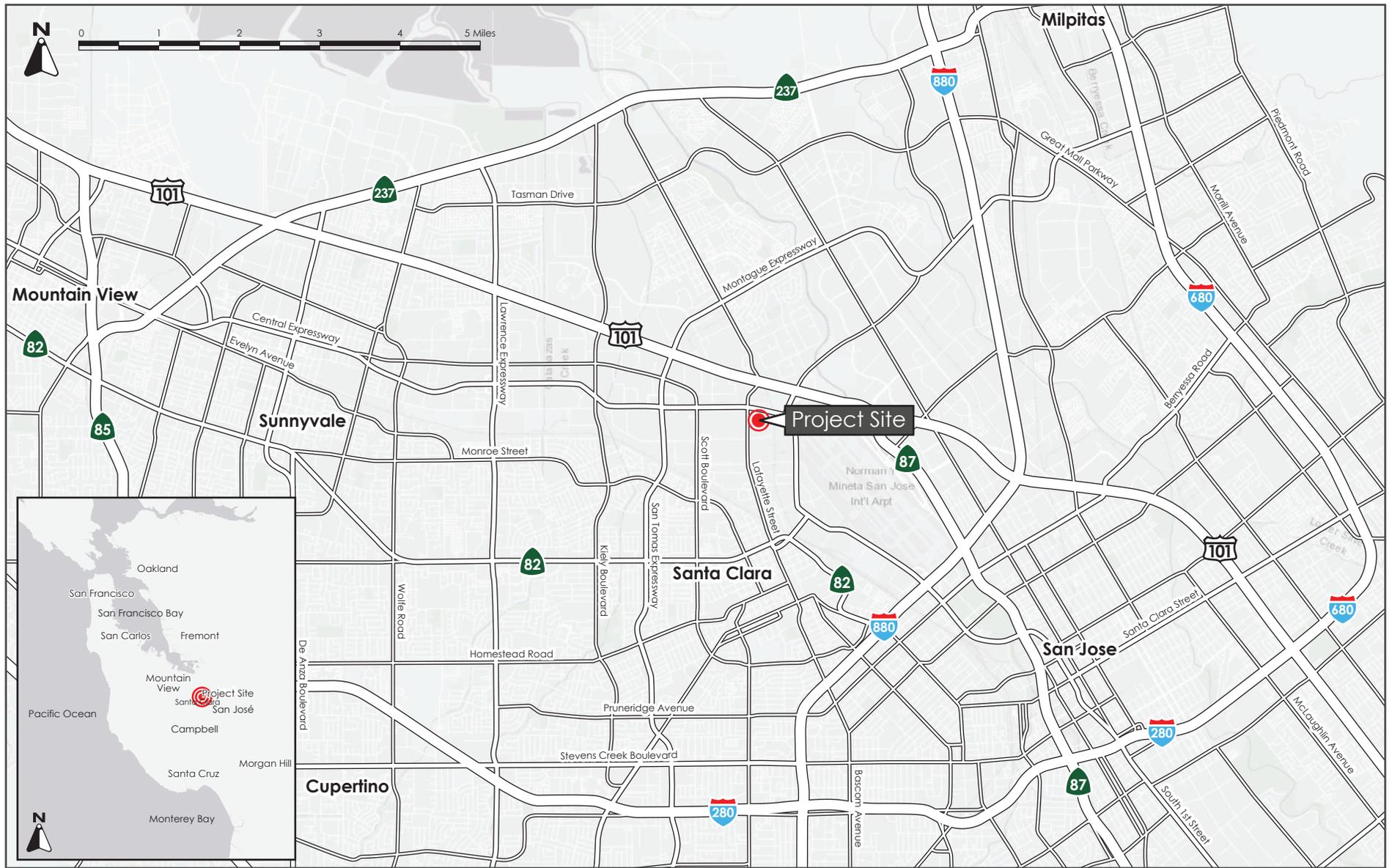


Sincerely,

Thomas Gates

Thomas Gates, PH.D.
Energy Commission Tribal Liaison

Enclosures: Regional Location Map
Project Location Map



REGIONAL MAP

FIGURE 1.2-1



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 1.2-3



July 2, 2020

Honorable Irene Zwierlein, Chairperson
Amah Mutsun Tribal Band of Mission San Juan Bautista
789 Canada Road, Woodside, CA 94062

Dear Honorable Irene Zwierlein, Chairperson:

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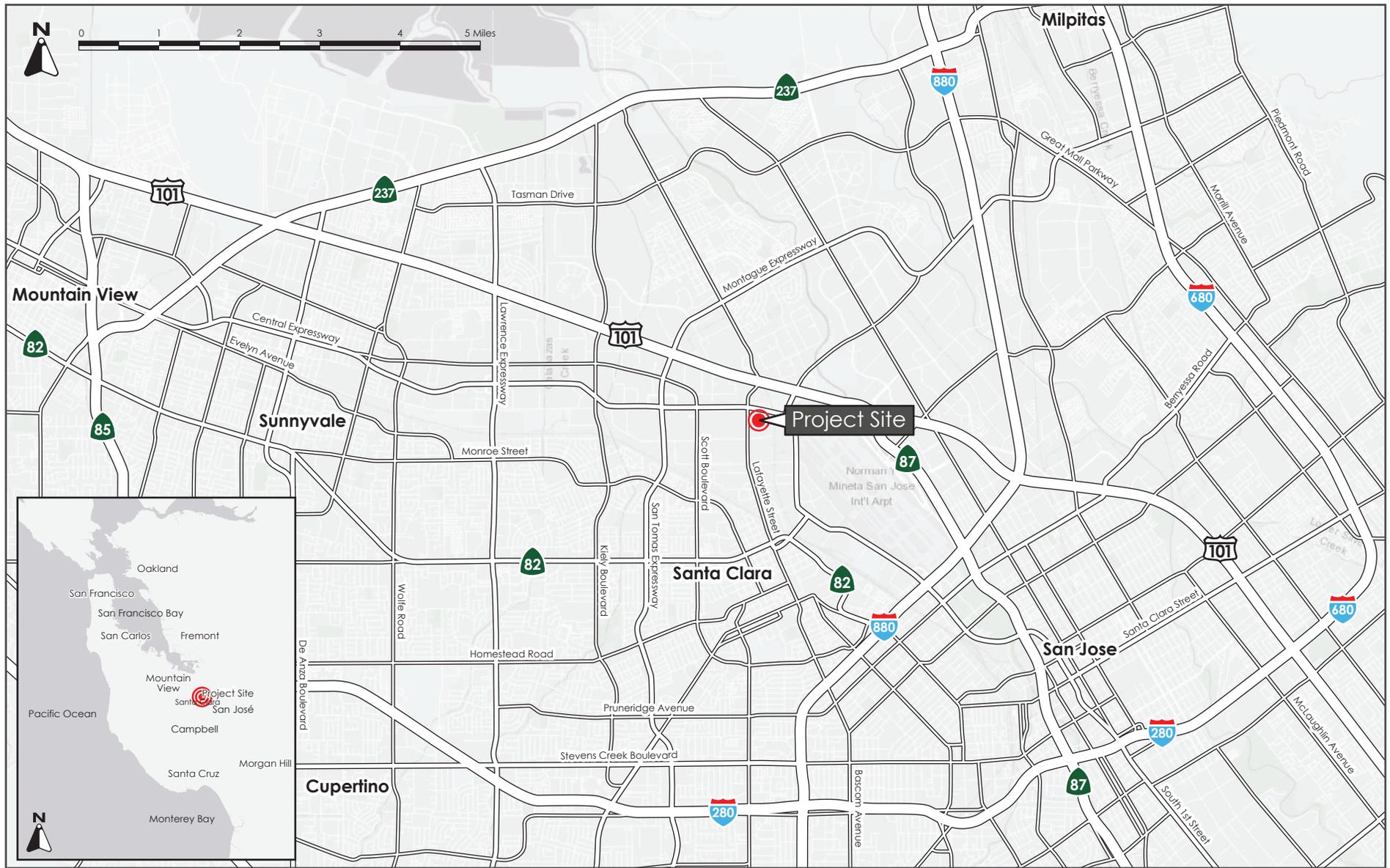


Sincerely,

Thomas Gates

Thomas Gates, PH.D.
Energy Commission Tribal Liaison

Enclosures: Regional Location Map
Project Location Map



REGIONAL MAP

FIGURE 1.2-1



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 1.2-3



July 2, 2020

Honorable Ann-Marie Sayers, Chairperson
Indian Canyon Mutsun Band of Costanoan
P.O. Box 28, Hollister, CA 95024

Dear Honorable Ann-Marie Sayers, Chairperson:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the proposed Lafayette Backup Generating Facility (LBGF) and invites Indian Canyon Mutsun Band of Costanoan to consult regarding this project because of the tribe's traditional and cultural affiliation, and knowledge within the geographic area of the proposed project.

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Honorable Ann-Marie Sayers, Chairperson

June 2, 2020

Page Two

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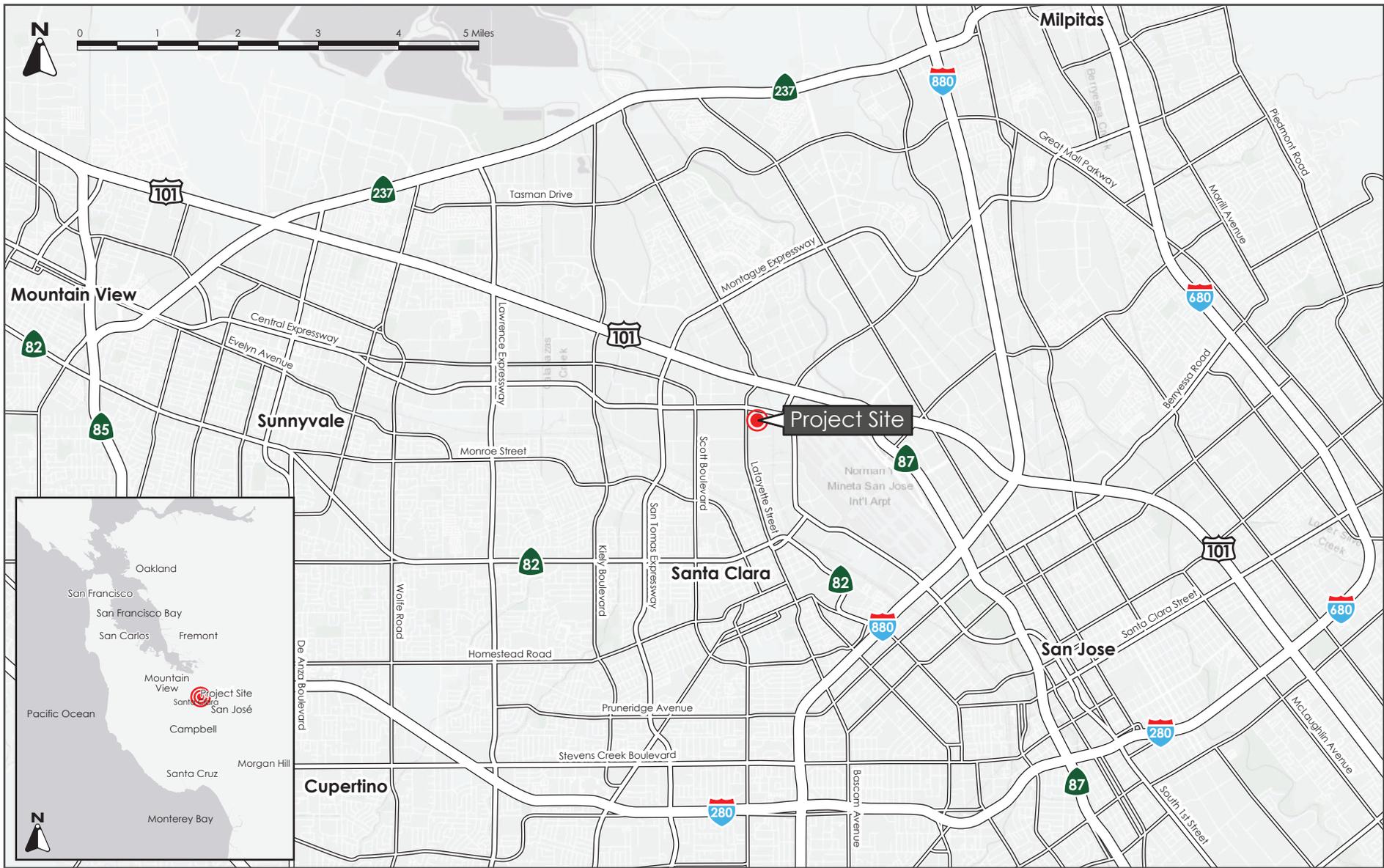


Sincerely,

Thomas Gates

Thomas Gates, PH.D.
Energy Commission Tribal Liaison

Enclosures: Regional Location Map
Project Location Map



REGIONAL MAP

FIGURE 1.2-1



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 1.2-3



July 2, 2020

Honorable Monica Arellano, Chairperson
Muwekma Ohlone Tribe of the San Francisco Bay Area
20885 Redwood Road, Suite 232, Castro Valley, CA 94546

Dear Honorable Monica Arellano, Chairperson:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the proposed Lafayette Backup Generating Facility (LBGF) and invites Muwekma Ohlone Tribe of the San Francisco Bay Area to consult regarding this project because of the tribe's traditional and cultural affiliation, and knowledge within the geographic area of the proposed project.

Project Description

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Honorable Monica Arellano, Chairperson

June 2, 2020

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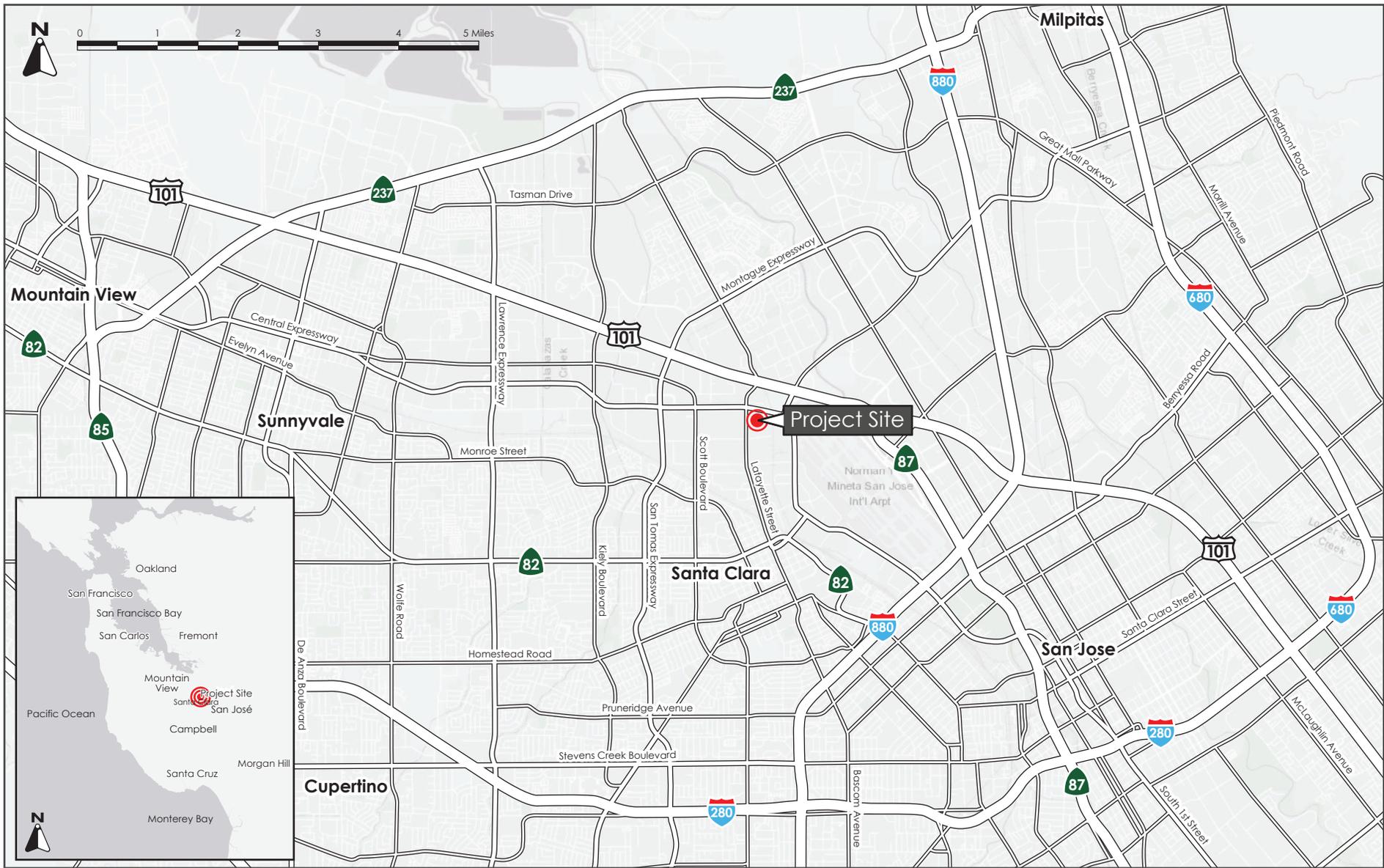


Sincerely,

Thomas Gates

Thomas Gates, PH.D.
Energy Commission Tribal Liaison

Enclosures: Regional Location Map
Project Location Map



REGIONAL MAP

FIGURE 1.2-1



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 1.2-3



July 2, 2020

Honorable Katherine Erolinda Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717, Linden, CA 95236

Dear Honorable Katherine Erolinda Perez, Chairperson:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the proposed Lafayette Backup Generating Facility (LBGF) and invites North Valley Yokuts Tribe to consult regarding this project because of the tribe's traditional and cultural affiliation, and knowledge within the geographic area of the proposed project.

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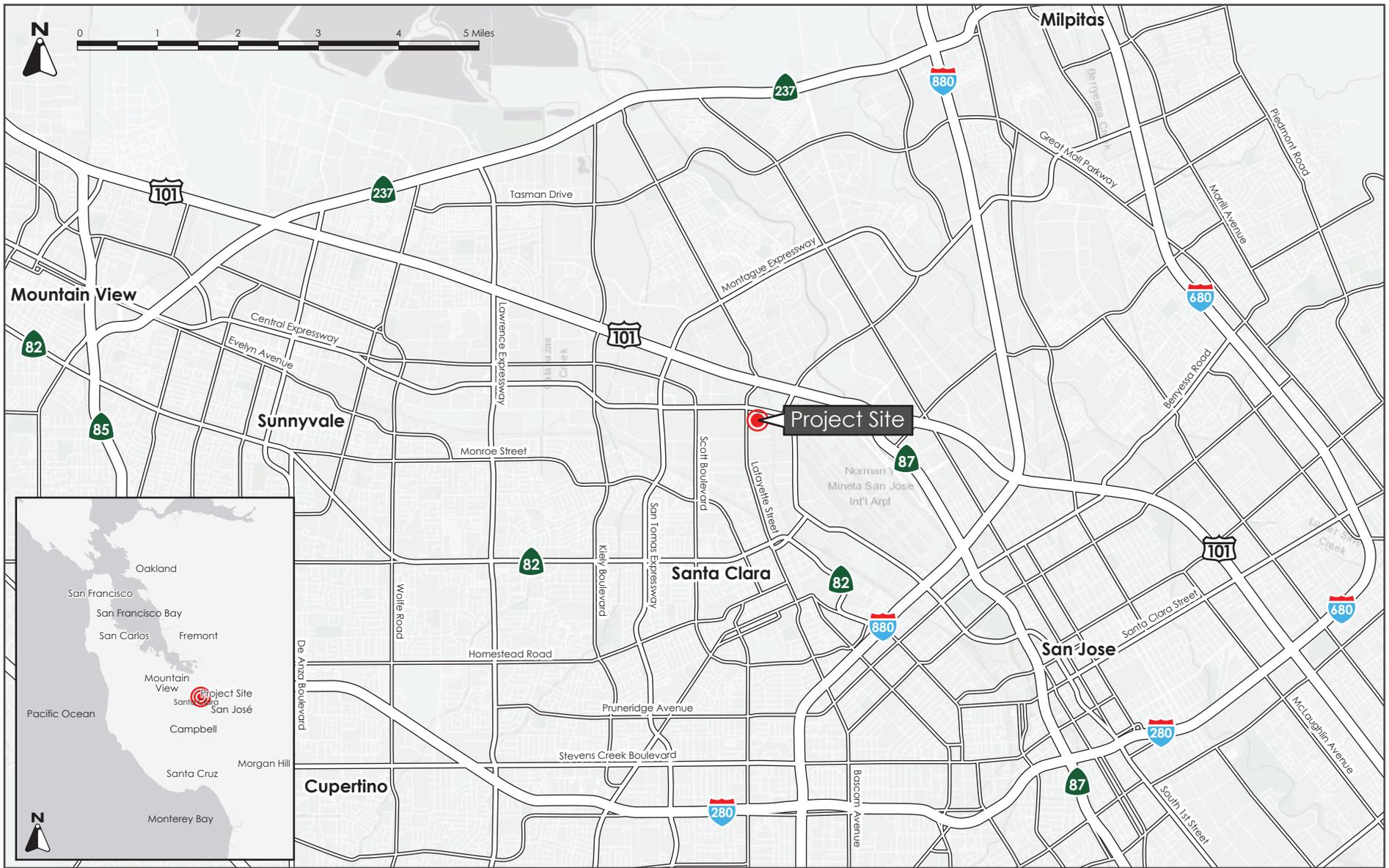


Sincerely,

Thomas Gates

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Energy Commission Tribal Liaison

Enclosures: Regional Location Map
Project Location Map



REGIONAL MAP

FIGURE 1.2-1



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 1.2-3



July 2, 2020

Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3388, Fremont, CA 94539

Dear Andrew Galvan:

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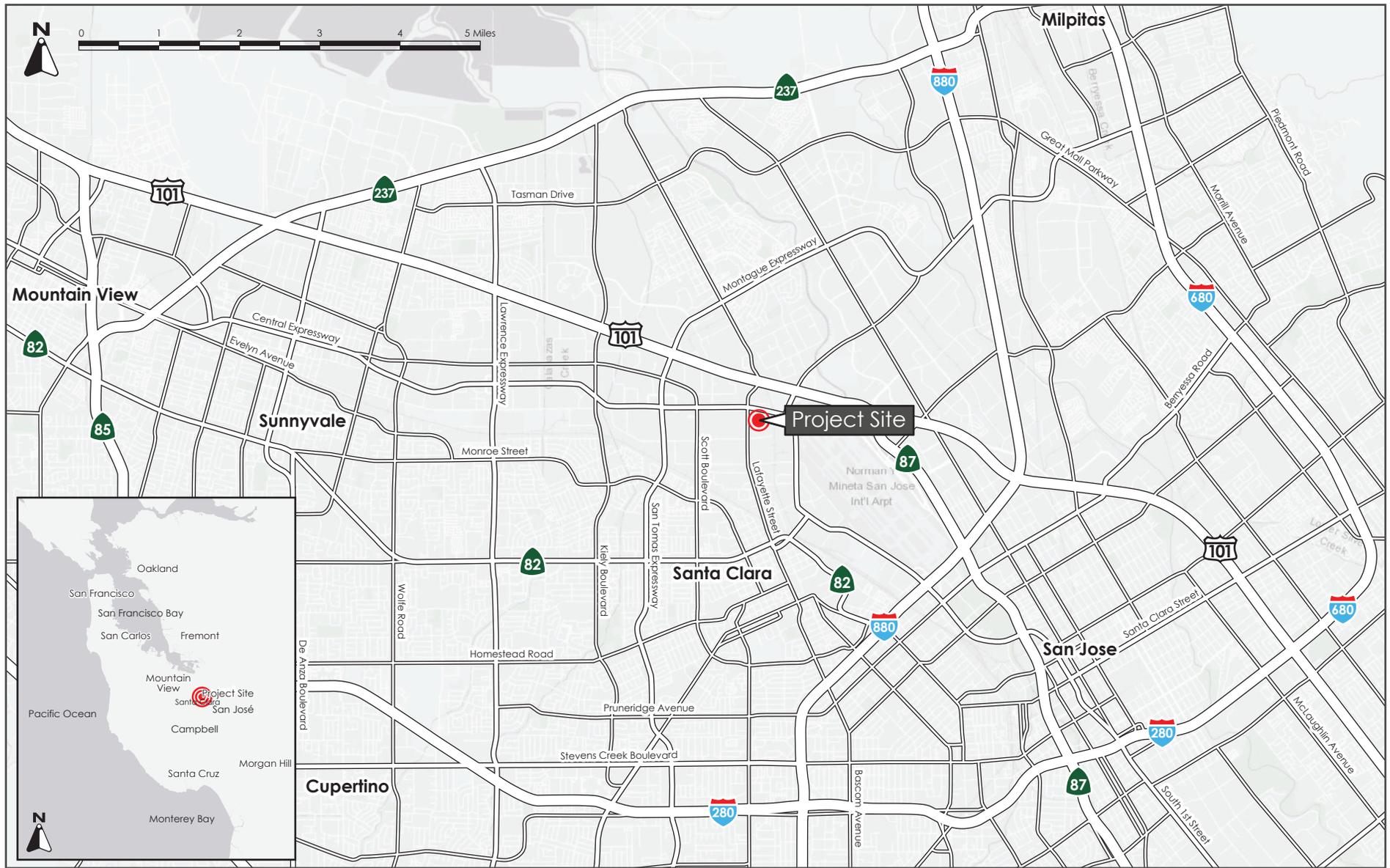


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