

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-SPPE-03
<b>Project Title:</b>	Martin Backup Generating Facility (MBGF)
<b>TN #:</b>	252562
<b>Document Title:</b>	Initial Tribal Consultation Letters
<b>Description:</b>	The docketed letters comprise CEC staff's initial invitation to affiliated California Native American tribes to consult with the CEC concerning the Martin Backup Generation Facility.
<b>Filer:</b>	Gabriel Roark
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	10/10/2023 3:54:16 PM
<b>Docketed Date:</b>	10/10/2023



January 17, 2023

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

Dear Honorable Valentin Lopez:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Amah Mutsun Tribal Band to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

#### California Energy Commission Jurisdiction and Small Power Plant Exemption

The CEC has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California. The small power plant exemption (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.

#### Martin Backup Generating Facility Description

The CEC received an SPPE application from Martin Avenue Properties, LLC (the applicant) on November 7, 2022, for the proposed MBGF (22-SPPE-03). The MBGF would include forty-four 2.75-MW diesel-fired generators that would provide up to 96 MW of backup emergency generation to replace the electricity needs of the data center, redundant critical cooling equipment, and other general building and life safety services in case of a loss of utility power. The generators

would exclusively be interconnected to the MBGF and would not be electrically interconnected to the electrical transmission grid.

The approximately 7.17-acre proposed project site at 651 Martin Avenue is in an area zoned for heavy industrial uses in the city of Santa Clara, California. The proposed project site is currently developed with four separate single-story structures encompassing approximately 77,220 square feet. The structures were used as commercial/warehouse and include associated paved surface parking and a loading dock. The applicant proposes to demolish the existing buildings and construct a four-story 467,200 square foot data center building, utility substation, generator equipment yard, 92 surface parking spaces and landscaping, and a recycled water pipeline extension. The applicant proposes to remove all 33 trees on-site and replace them with 24-inch and 36-inch trees per the City of Santa Clara's landscape ordinance. New landscaping would also include large and medium shrubs, and ground covers. Landscaping and trees would be installed along the property boundaries, building perimeters, stormwater treatment facilities, and landscape beds distributed around the parking lots.

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 pursuant to Public Resources Code, Section 21080.3.1.

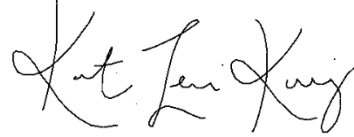
If you would like to be notified by email whenever a public meeting is scheduled or a document is posted to the project website, you may sign up for the project listserv on the CEC main web page listed below. To review the MBGF and find more information about the project, please visit the project webpage: [Martin Backup Generating Facility \(MBGF\)](#).

Should you request, CEC staff will arrange for a separate consultation meeting to discuss issues that you may wish to hold in confidence from the public.

CEC staff welcomes your comments and questions. Please do not hesitate to contact Gabriel Roark at (916) 237-2544 or by email at [gabriel.roark@energy.ca.gov](mailto:gabriel.roark@energy.ca.gov).

Honorable Valentin Lopez  
January 17, 2023  
Page Three

Sincerely,

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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Irene Zwierlein, Chairperson  
Amah Mutsun Tribal Band of Mission San Juan Bautista  
3030 Soda Bay Road,  
Lakeport, CA 95453

Dear Honorable Irene Zwierlein:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Amah Mutsun Tribal Band of Mission San Juan Bautista to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

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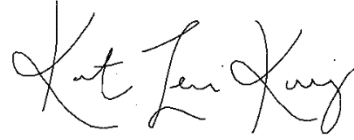
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Honorable Irene Zwierlein  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Kanyon Sayers-Roods  
Indian Canyon Mutsun Band of Costanoan  
1615 Pearson Court,  
San Jose, CA 95122

Dear Kanyon Sayers-Roods:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Indian Canyon Mutsun Band of Costanoan to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

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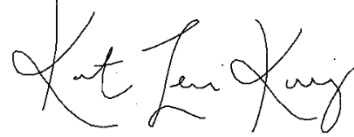
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Kanyon Sayers-Roods  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

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

Dear Honorable Ann Marie Sayers:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Indian Canyon Mutsun Band of Costanoan to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

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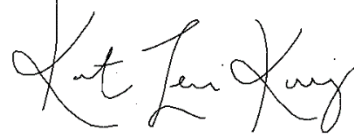
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Honorable Ann Marie Sayers  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Monica Arellano, Vice Chairperson  
Muwekma Ohlone Indian Tribe of the SF Bay Area  
20885 Redwood Road, Suite 232,  
Castro Valley, CA 94546

Dear Honorable Monica Arellano:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Muwekma Ohlone Indian Tribe of the SF Bay Area to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

#### California Energy Commission Jurisdiction and Small Power Plant Exemption

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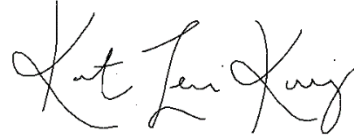
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Honorable Monica Arellano  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison





January 17, 2023

Katherine Perez, Chairperson  
North Valley Yokuts Tribe  
PO Box 717,  
Linden, CA 95236

Dear Honorable Katherine Perez:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites North Valley Yokuts Tribe to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

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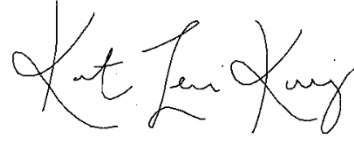
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Honorable Katherine Perez  
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Katrina Leni-Kong  
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Liaison



January 17, 2023

Timothy Perez  
North Valley Yokuts Tribe  
PO Box 717,  
Linden, CA 95236

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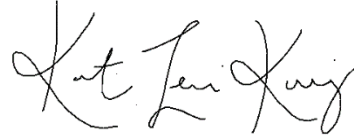
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Timothy Perez  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Andrew Galvan, Chairperson  
The Ohlone Indian Tribe  
PO Box 3388,  
Fremont, CA 94539

Dear Honorable Andrew Galvan:

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The approximately 7.17-acre proposed project site at 651 Martin Avenue is in an area zoned for heavy industrial uses in the city of Santa Clara, California. The proposed project site is currently developed with four separate single-story structures encompassing approximately 77,220 square feet. The structures were used as commercial/warehouse and include associated paved surface parking and a loading dock. The applicant proposes to demolish the existing buildings and construct a four-story 467,200 square foot data center building, utility substation, generator equipment yard, 92 surface parking spaces and landscaping, and a recycled water pipeline extension. The applicant proposes to remove all 33 trees on-site and replace them with 24-inch and 36-inch trees per the City of Santa Clara's landscape ordinance. New landscaping would also include large and medium shrubs, and ground covers. Landscaping and trees would be installed along the property boundaries, building perimeters, stormwater treatment facilities, and landscape beds distributed around the parking lots.

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 The Ohlone Indian Tribe would like to request consultation pursuant to Public Resources Code, Section 21080.3.1.

If you would like to be notified by email whenever a public meeting is scheduled or a document is posted to the project website, you may sign up for the project listserv on the CEC main web page listed below. To review the MBGF and find more information about the project, please visit the project webpage: [Martin Backup Generating Facility \(MBGF\)](#).

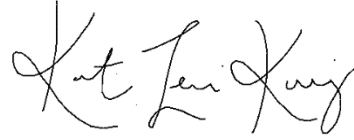
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CEC staff welcomes your comments and questions. Please do not hesitate to contact Gabriel Roark at (916) 237-2544 or by email at [gabriel.roark@energy.ca.gov](mailto:gabriel.roark@energy.ca.gov).



Honorable Andrew Galvan  
January 17, 2023  
Page Three

Sincerely,

A handwritten signature in black ink, appearing to read "Kat Leni Kong". The signature is fluid and cursive, with the first name "Kat" being the most prominent.

Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Desiree Vigil  
The Ohlone Indian Tribe  
1775 Marco Polo Way Apt. 21,  
Burlingame, CA 94010

Dear Desiree Vigil:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites The Ohlone Indian Tribe to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

#### California Energy Commission Jurisdiction and Small Power Plant Exemption

The CEC has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California. The small power plant exemption (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.

#### Martin Backup Generating Facility Description

The CEC received an SPPE application from Martin Avenue Properties, LLC (the applicant) on November 7, 2022, for the proposed MBGF (22-SPPE-03). The MBGF would include forty-four 2.75-MW diesel-fired generators that would provide up to 96 MW of backup emergency generation to replace the electricity needs of the data center, redundant critical cooling equipment, and other general building and life safety services in case of a loss of utility power. The generators

would exclusively be interconnected to the MBGF and would not be electrically interconnected to the electrical transmission grid.

The approximately 7.17-acre proposed project site at 651 Martin Avenue is in an area zoned for heavy industrial uses in the city of Santa Clara, California. The proposed project site is currently developed with four separate single-story structures encompassing approximately 77,220 square feet. The structures were used as commercial/warehouse and include associated paved surface parking and a loading dock. The applicant proposes to demolish the existing buildings and construct a four-story 467,200 square foot data center building, utility substation, generator equipment yard, 92 surface parking spaces and landscaping, and a recycled water pipeline extension. The applicant proposes to remove all 33 trees on-site and replace them with 24-inch and 36-inch trees per the City of Santa Clara's landscape ordinance. New landscaping would also include large and medium shrubs, and ground covers. Landscaping and trees would be installed along the property boundaries, building perimeters, stormwater treatment facilities, and landscape beds distributed around the parking lots.

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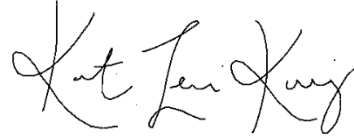
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CEC staff welcomes your comments and questions. Please do not hesitate to contact Gabriel Roark at (916) 237-2544 or by email at [gabriel.roark@energy.ca.gov](mailto:gabriel.roark@energy.ca.gov).

Desiree Vigil  
January 17, 2023  
Page Three

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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Kenneth Woodrow, Chairperson  
Wuksache Indian Tribe/Eshom Valley Band  
1179 Rock Haven Ct.,  
Salinas, CA 93906

Dear Honorable Kenneth Woodrow:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Wuksache Indian Tribe/Eshom Valley Band to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

#### California Energy Commission Jurisdiction and Small Power Plant Exemption

The CEC has the exclusive authority to certify all thermal power plants (50 megawatts [MW] and greater) and related facilities proposed for construction in California. The small power plant exemption (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.

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building and life safety services in case of a loss of utility power. The generators would exclusively be interconnected to the MBGF and would not be electrically interconnected to the electrical transmission grid.

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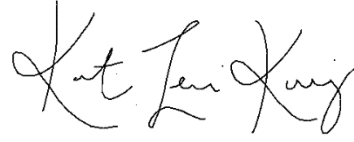
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Honorable Kenneth Woodrow  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Johnathan Wasaka Costillas  
Tamien Nation  
PO Box 866,  
Clearlake Oaks, CA 94523

Dear Johnathan Wasaka Costillas:

The California Energy Commission (CEC) is responsible for preparing an environmental analysis for the Martin Backup Generating Facility (MBGF) and invites Tamien Nation to consult regarding this project.

This letter provides general information concerning the MBGF project and invites you to participate in CEC consultations, in accordance with the obligations pursuant to Public Resources Code, section 21080.3.1.

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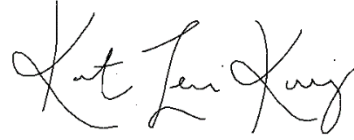
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Johnathan Wasaka Costillas  
January 17, 2023  
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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison



January 17, 2023

Quirina Luna Geary, Chairperson  
Tamien Nation  
PO Box 8053,  
San Jose, CA 95155

Dear Honorable Quirina Luna Geary:

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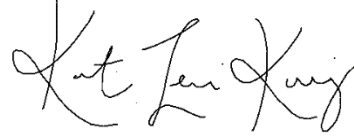
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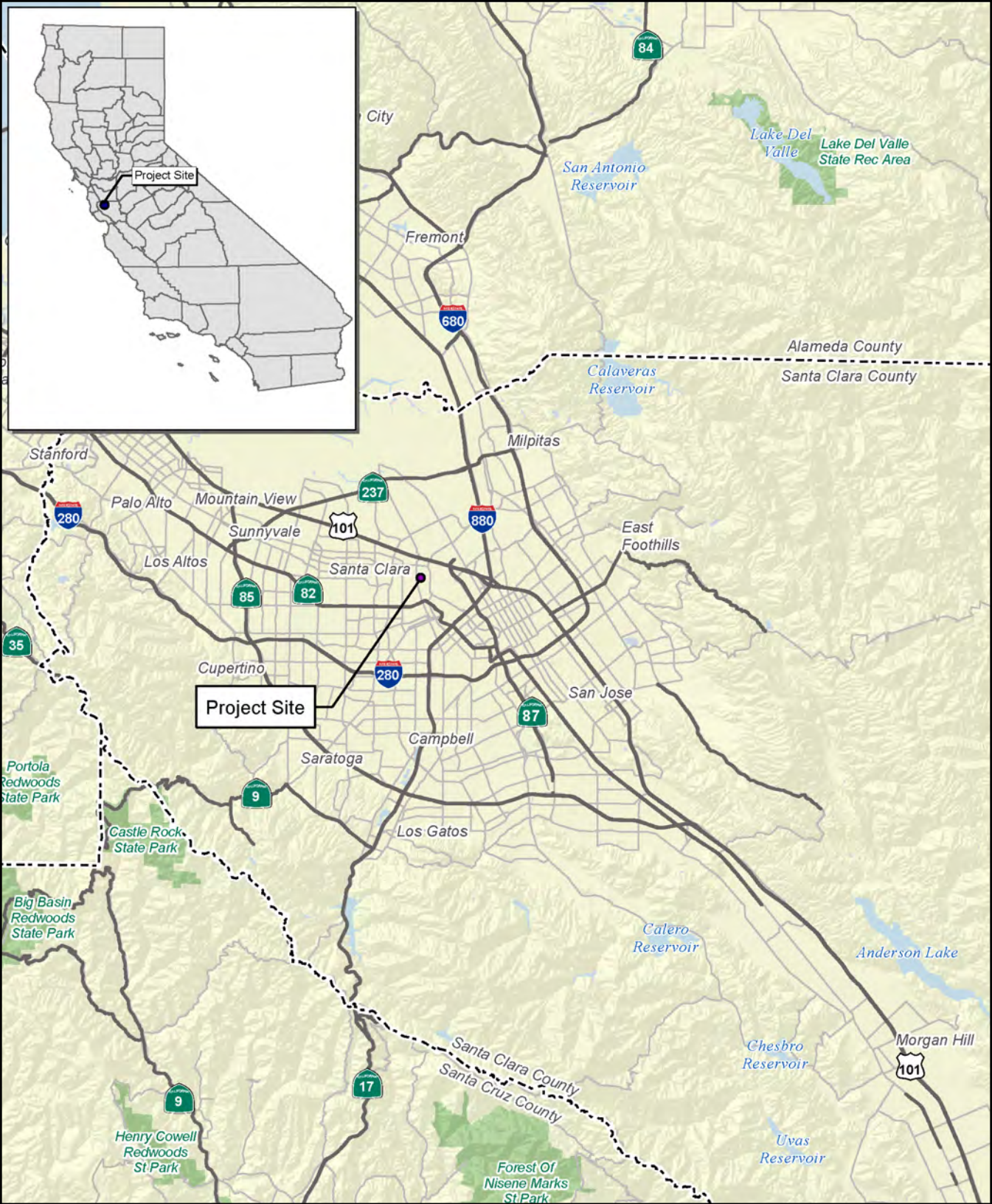
Honorable Quirina Luna Geary  
January 17, 2023  
Page Three

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Katrina Leni-Kong  
California Energy Commission Tribal  
Liaison





**Figure 3-1  
Regional Map**





**Figure 3-2**  
**Project Location**

