NOTICE OF AVAILABILITY

OF A DRAFT ENVIRONMENTAL IMPACT REPORT

The California Energy Commission (CEC) has prepared a Draft Environmental Impact Report (DEIR) in accordance with the California Environmental Quality Act (CEQA) for the proposed Bowers Backup Generating Facility (BBGF). The BBGF would be part of the Bowers Data Center (BDC). The BBGF, the BDC, and related utility infrastructure, together constitute the "project" under the California Environmental Quality Act (CEQA).

GI Partners (applicant) is seeking a Small Power Plant Exemption (SPPE) from the CEC's jurisdiction to proceed with local approval rather than requiring certification by the CEC for the project. The DEIR also may be used by the City of Santa Clara (City) and Bay Area Air Quality Management District (BAAQMD), as responsible agencies as defined by CEQA, in their respective permitting processes for the project. The DEIR describes the proposed project and evaluates the potential environmental impacts associated with its construction and operation. The DEIR also analyzes one project alternative in addition to a "no project" alternative. Pursuant to CEQA, the DEIR includes sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

The DEIR was released for public review on August 10, 2023. The DEIR will be available on the CEC's webpage for the project, as listed below in this notice. Comments on the DEIR will be received for a period commencing on August 10, 2023 and ending on September 29, 2023.

PROJECT LOCATION AND DESCRIPTION

The project includes diesel-fired generators (to provide emergency backup power) that would constitute a thermal powerplant with a generating capacity in excess of 50 megawatts (MW). The generating capacity of the backup generators would not exceed 100 MW. The CEC has the exclusive authority to certify all thermal power plants (50 MW and greater) and related facilities proposed for construction and operation in California. The Small Power Plant Exemption (SPPE) process allows applicants with facilities up to 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 a proposed facility would not create a substantial adverse impact on the environment or energy resources. Public Resources Code, section 25519(c) designates CEC as the lead agency, in accordance with CEQA, for all facilities seeking an SPPE.

The project would be located on a site that encompasses approximately 5.12 acres located at 2805 Bowers Avenue in Santa Clara, California. The project includes a four-story data center building (approximately 244,068 square feet), a 72 MW emergency backup generating facility, a new electrical substation, switchgear and distribution cabling to interconnect the generators to their respective portion of the building, surface parking, landscaping, and utility pipeline connections.

The BBGF would consist of 32 3-MW Tier 4 compliant diesel-fired emergency backup generators arranged in one generation yard on the north side of the BDC. All 32 of the generators (with redundancy) would be dedicated to replacing the electricity needs of the BDC building in case of a loss of electrical power from the utility and, additionally, to support redundant critical cooling equipment and other general building and life safety services. Project elements would also include a new 72 (mega volt-ampere) electrical substation as well as switchgear and distribution cabling to interconnect the generators to their respective portion of the building, surface parking and landscaping and utility pipeline connections, including an approximately 2,600-foot offsite recycled water pipeline extension.

HAZARDOUS WASTE SITES

The project parcel is not listed on the California Hazardous Waste and Substances Sites List (also known as the Cortese List), published under Government Code section 65962.5 or a list of hazardous waste facilities, hazardous waste property, or hazardous waste disposal site.

ANTICIPATED ENVIRONMENTAL EFFECTS

Typical of projects proposing to use large amounts of fossil fuel, the project's potential impacts of concern largely center on the proposed burning of renewable diesel. The project would emit greenhouse gases (GHGs); criteria air pollutants, including nitrogen oxides (NOx) and particulate matter (PM); and non-criteria air pollutants, including ammonia and diesel particulates. These emissions not only have the potential to impact public health, but also, in the case of NOx, have the potential to result in impacts to biological resources. Operation of the engines also may produce noise impacts with the potential to affect nearby workers or businesses. Construction of the project has the potential to affect the areas of air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and transportation. Staff considered all these potential impacts, as well as others, in its evaluation.

The proposed project would result in no impacts to agriculture and forestry resources, mineral resources, and wildfire. The project would have less than significant impacts on aesthetics, energy and energy resources, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, and utilities and service systems.

The DEIR evaluates significant impacts requiring mitigation in the following technical areas:

- **Air Quality.** The project's construction emissions would be lower than the applicable significance thresholds for all criteria pollutants established by the Bay Area Air Quality Management District (BAAQMD). For other construction emissions without a numerical threshold of significance, specifically non-exhaust PM10 and PM2.5 emissions from fugitive dust from construction equipment, staff proposes mitigation measure **AQ-1**, requiring best management practices which would bring the project in line with BAAQMD standards, so that impacts to the general population and sensitive populations would be reduced to less than significant.
- **Biological Resources.** The project would not adversely affect any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS), with mitigation incorporated. Staff proposes mitigation measures **BIO-1**, which requires pre-construction surveys for nesting birds and the implementation of nest buffers, and **BIO-2**, which requires conducting bat clearance surveys prior to the demolition of the existing buildings or removal of trees. If bats are detected during surveys, **BIO-2** requires the development of a Bat Mitigation and Monitoring Plan, which details exclusion methods, roost removal procedures, and compensatory mitigation methods for permanent impacts for roost removal.

  The implementation of mitigation measures **BIO-1** and **BIO-2** would ensure all impacts to bird and bat species are reduced to less than significant.
- **Cultural and Tribal Cultural Resources.** The project would not impact any known resources that could meet CEQA's criteria for historical resources, unique archaeological resources, or tribal cultural resources. However, previous cultural resources studies in the project area indicate that buried archaeological or ethnographic resources could be encountered during ground disturbing activities at the site. The CEC staff recommends nine mitigation measures, **CUL-1** through **CUL-9**, to address the inadvertent discovery of previously unknown cultural resources, including human remains. **CUL-1** requires that a qualified archaeologist prepare a Cultural Resources Identification, Monitoring, and Treatment Plan in consultation with the Tamien Nation and a qualified Native American monitor, to ensure that potential impacts to any as-yet unidentified cultural resources are reduced to a less-than-significant level. **CUL-2** requires qualified specialists and Native American monitors to prepare a workforce environmental awareness program, or WEAP, to instruct construction workers of the obligation to protect and preserve buried archaeological and Native American resources that could be encountered during construction. It includes instructions regarding the need to halt work in the vicinity of potential archaeological and Native American resources that could be encountered. Mitigation measure **CUL-3** requires that a preliminary field investigation be conducted by a qualified archaeologist and Native American monitor to determine if cultural deposits are present once pavement is removed and soils are

accessible for inspection. **CUL-4** requires that all ground disturbing activities be completed under the observation of a qualified archaeologist and Native American monitor and provides for the cultural resources monitors to have the authority to temporarily halt construction activities within a 50-foot radius of finds. **CUL-5** specifies the procedures for documenting and evaluating cultural resources finds made during the preliminary field investigation, grading, or other construction activities. Further, **CUL-5** requires that a qualified archaeologist make recommendations to the Santa Clara Director of Community Development regarding data recovery, curation, or other appropriate mitigation.

Mitigation Measure **CUL-6** specifies procedures for the event that human remains are discovered. **CUL-7** affords for the installation of security fencing onsite, to avoid destruction or theft of cultural resources, at the discretion of the City of Santa Clara's Director of Community Development and requires the qualified archaeologist and Native American monitor to advise the Director of Community Development on security measures to be taken to ensure the safety of any cultural resources. **CUL-8** requires that the project owner or its representative prepare a closing cultural resources report summarizing the results of the field investigations, data recovery activities and results, and compliance with the Cultural Resources Identification, Monitoring, and Treatment Plan once all analyses and studies required have been completed. **CUL-9** requires that all archaeological cultural resources recovered and not identified as tribal cultural resources be transferred to a long-term curation facility, and all Native American/tribal cultural resources and artifacts be reburied onsite, if feasible and if requested by the Native American representative. Combined, mitigation measures **CUL-1** through **CUL-9** would reduce impacts on buried historical resources to a less-than-significant level.

- **Geology and Soils.** Significant paleontological resources that represent important examples of the major periods of California prehistory are known to be present in the project area. The extent of proposed ground disturbance has the potential to damage unknown, buried paleontological resources in the project footprint. Paleontological resources may be buried beneath the ground surface in Pleistocene age sediments. If significant paleontological resources were to be exposed or destroyed, it would be a significant impact. Staff proposes mitigation measure **GEO-1**, which would require worker training to recognize paleontological resources. Staff concludes that with implementation of **GEO-1**, impacts to buried paleontological resources would be reduced to a less-than-significant level. Thus, the project therefore is unlikely to eliminate important examples of paleontological resources that are part of the prehistory of California.
- **Greenhouse Gas Emissions.** With the incorporation of project features and staff's proposed mitigation measures **GHG-1** and **GHG-2**, direct and indirect GHG emissions generated by the project would be reduced to less than significant and would be consistent with the applicable plans and policies adopted to reduce GHG emissions. Mitigation Measure **GHG-1** requires renewable diesel for 100 percent of total energy use by the emergency backup generators, and only use of ultra-low sulfur diesel as a secondary fuel, and **GHG-2** requires participation in Silicon Valley

Power's (SVP) Large Customer Renewable Energy (LCRE) Program or other renewable energy program that accomplishes the same objective as SVP's LCRE Program for 100 percent carbon-free electricity, or purchase renewable energy credits or similar instruments that accomplish the same goals of 100 percent carbon-free electricity. With project features and implementation of **GHG-1** and **GHG-2**, the project would comply with all regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The potential for the project to conflict with an applicable plan, policy, or regulation for GHG emissions reductions would be reduced to less than significant.

- **Hazards and Hazardous Materials.** During demolition activities, there is the potential that lead-based paint could be present and released. Staff proposes mitigation measure **HAZ-1** which would require the testing and removal of lead-based paint contaminated materials prior to demolition activities. Additionally, ground disturbing activities associated with the removal of underground utilities, and construction of the project would have the potential to encounter remnant or unidentified contaminated soil or groundwater. Staff proposes mitigation measure **HAZ-2** which would require a Site Management Plan to establish proper procedures to be taken when contaminated soil or groundwater is found and a Health and Safety Plan to protect and educate workers in the event contaminated soil or groundwater is encountered. Staff proposes mitigation measure **HAZ-3** which would specify testing of soil and groundwater for contamination per plans and protocols established in the Site Management Plan. Staff concludes that with implementation of **HAZ-1**, **HAZ-2**, and **HAZ-3**, impacts to the public or the environment due to lead-based paint or contaminated soil or groundwater would be reduced to a less than significant level.
- **Transportation.** Project-generated vehicle miles traveled (VMT) per employee would exceed the City's industrial threshold of 14.14 VMT per employee. Staff proposes **TRANS-1,** which would require the project owner to implement Transportation Demand Management (TDM) measures, to reduce the project VMT to a less than significant level. Staff concludes that with implementation of **TRANS-1,** project generated VMT would be reduced to a level below the City's industrial VMT threshold, therefore, impacts to VMT would be reduced to a less than significant level.

The DEIR evaluates the potential for the proposed project to result in growth inducing effects and associated secondary environmental impacts. This DEIR also considers whether the proposed project would result in a cumulatively considerable contribution to existing significant cumulative environmental effects when combined with other past, present, and reasonably foreseeable future projects.

The DEIR concludes that all potential impacts from the project would be less than significant with implementation of identified mitigation measures.

PUBLIC REVIEW PROCESS

The purpose of this Notice of Availability is to provide public notice of the availability of the DEIR, consistent with the CEQA Guidelines (California Code of Regulations, title 14, section 15087). The DEIR is being circulated for review and comment by state agencies via the California State Clearinghouse and to federal, regional and local agencies (including the county clerk) via direct mail, as well as organizations and individuals who have requested notification. Consistent with CEQA Guidelines section 15087, this Notice of Availability of a DEIR has also been mailed to owners and occupants contiguous to the project site and linears. In accordance with Section 15205(d) of the CEQA Guidelines, the CEC has scheduled a public review period for the DEIR, ending on September 29, 2023.

Access to the Draft EIR and other project information/reports will be available electronically through the CEC's project docket website at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-SPPE-01 and at the State Clearinghouse through the CEQANet Database at: https://ceqanet.opr.ca.gov/.

Persons who cannot access the materials through the link above are encouraged to email Ann Crisp, Project Manager, the CEC at: STEPsiting@energy.ca.gov with a subject line "Bowers Backup Generating Facility" or (916) 776-7975 to arrange for alternative means of access to project materials.

The preferable method to submit responses is via the CEC's electronic commenting (e-commenting) system. To access this system, go to the CEC's webpage for this proceeding: https://www.energy.ca.gov/powerplant/backup-generating-system/bowers-backup-generating-facility click on the "Submit e-comment" link, and follow the instructions in the online form. Please be sure to include the project name in your comments. Once filed, the comments will become part of the proceeding's public record. Alternatively, comments may be submitted to: Ann Crisp at: STEPsiting@energy.ca.gov.