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## San Francisco Bay Regional Water Quality Control Board

October 19, 2020

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Governor's Office of Planning & Research

*Sent via electronic mail: No hardcopy to follow*

**Oct 19 2020**

Alameda County Planning Department  
ATTN: Andrew Young, Senior Planner (andrew.young@acgov.org)  
224 West Winton Avenue, Room 111  
Hayward, CA 94544

**STATE CLEARINGHOUSE**

**Subject:** San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report, Aramis Solar Energy Generation and Storage Project*  
**SCH No. 2020059008**

Dear Mr. Young:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report, Aramis Solar Energy Generation and Storage Project* (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the Aramis Solar Energy Generation and Storage Project (Project).

**Project Summary.** The proposed Project would construct, operate, and maintain a solar photovoltaic (PV) and electric storage facility for at least 50 years. The solar facility would generate 100 megawatts (MW) of PV power on about 410 acres of privately-owned land in unincorporated Alameda County in the North Livermore area. The project would provide solar power to utility customers by interconnecting to the regional electrical grid at Pacific Gas and Electric Company's (PG&E) existing Cayetano 230 kilovolt (kV) substation located adjacent to the project site. The project would serve East Bay Community Energy (EBCE), Clean Power San Francisco (CPSF), and/or PG&E customers by providing local generation capacity under a long-term contract.

**Summary.** As is discussed below, it is not clear whether or not the DEIR identifies the full extent of wetlands at the Project site that may be regulated as waters of the State. In addition, we encourage the Project proponent to incorporate measures into the design of two new stormwater detention basins to prevent California red-legged frogs and California tiger salamanders from attempting to breed in these ponds.

**Comment 1. The DEIR may not have identified the full extent of seasonal wetlands at the Project site that are regulated as waters of the State.**

The procedures used to delineate wetlands at the Project site are described in Section 4.4, *Biological Resources*, of the DEIR. In Section 4.4.2.2, Biological Surveys, of the

JIM McGRATH, CHAIR | MICHAEL MONTGOMERY, EXECUTIVE OFFICER

DEIR, the subsection entitled, *Assessment of Wetlands and Other Waters*, on page 4.4-14 includes the following text:

An assessment of potential wetlands and other waters of the U.S. and State on the project site was conducted on July 31 and August 1, 2018 by Dr. Aldridge and Patrick Martin. On February 6, 2020 an additional assessment of potential wetlands and other waters of the U.S. was completed by Mr. Martin and HELIX biologist Halie Goeman. The presence of wetlands and other waters were determined based on the USACE three parameter method described in the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0; USACE 2008). A total of 10 data points were taken in and adjacent to the project site. Aquatic resources in the project site were also evaluated for their potential to qualify as waters of the State subject to RWQCB jurisdiction and/or CDFW jurisdiction.

The text of the DEIR does not explain how it was determined that 10 sampling points were sufficient to characterize the full extent of wetlands subject to jurisdiction as waters of the State at a 410-acre site. Please revise the DEIR to provide a detailed rationale for using only 10 sample points to assess the extent of wetlands.

Also, seven of the 10 sampling points were assessed on July 31 and August 1, which is well into the dry season at the Project site. Section IV.A.2.a of the *State Wetland Definition and Procedures for Discharges of Dredged and Fill Material to Waters of the State* states that Water Board staff may require, on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations.

## 2. Additional Information Required for a Complete Application

- a. If required by the permitting authority on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations, as is consistent with the 1987 Manual and Supplements.

Generally, wet season delineations are more likely to be necessary in areas where wetland indicators are difficult to resolve. The ideal time to delineate a wetland is during the wet portion of the growing season of a normal climatic period. Otherwise, indicators provided in the Corps' delineation manuals must be relied on to identify wetland boundaries. Collection of supplemental information in certain situations is an accepted practice and is consistent with recommendations presented in the Corps regional supplements for wetland delineation, which recommends that practitioners return to the delineation site, if possible, during the "normal wet portion of the growing season" (Arid West Regional Supplement, pp. 58, 87, 104; Western Mountains, Valleys, and Coast Regional Supplement, pp. 66, 100) to resolve wetland indicators that were unresolved during the dry-season delineation. To avoid the risk of unanticipated project delays, applicants may consult with the appropriate Water Board regarding whether supplemental data may be necessary prior to submitting an application.

In addition to re-evaluating the sufficiency of 10 sample points to assess the full extent of wetlands at a 410-acre Project site, the wetland delineation should be repeated late

in the wet season of a year with typical rainfall to ensure that the full extent of wetlands subject to regulation as waters of the State have been identified. Without a wet-season delineation with a sufficient number of data points, it is not possible to establish with sufficient certainty that the Project will avoid impacts to waters of the State.

**Comment 2. Please provide more information about the design and operation of the two proposed stormwater basins at the Project site.**

Text on page 4.10-15, of Section 4.10, discusses potential impacts in Section 4.10.3, Impact Analysis. The discussion of impact HYD-3 includes the following text:

The proposed project, as designed, would avoid all areas of high flow and FEMA floodplains, and the study determined that the project site is suitable for the planned development. However, the project area is located in a valley downslope of a series of ridges, which could cause localized flooding on portions of the project area. Therefore, the proposed project would include the construction of two stormwater detention basins strategically located based on the results of the preliminary hydrology study to prevent off-site stormwater runoff and protect downstream properties. A narrow, linear approximately 0.4-acre stormwater detention basin is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site.

Cayetano Creek runs through, and adjacent to, portions of the Project site. The *San Francisco Bay Basin Water Quality Control Plan* (Basin Plan) defines the beneficial uses of waters of the State. The beneficial uses listed in the Basin Plan for Cayetano Creek include the preservation of rare and endangered species and wildlife habitat. As the discussion of Biological Resources in Section 4.4 of the DEIR acknowledges, Cayetano Creek provides dispersal habitat for the California red-legged frog (CRLF), a species listed as threatened under the federal Endangered Species Act and a California species of special concern, and the California Tiger Salamander (CTS), a species listed as threatened under the federal Endangered Species Act and the California Endangered Species Act. CRLF and CTS have been documented to attempt breeding in stormwater detention basins east of Dublin and north of Livermore.

Please provide more information about the design and functioning of the two proposed stormwater basins at the Project site. In particular, please clarify if collected stormwater will be discharged from the basins through outlets or allowed to infiltrate into the native soils. CRLF and CTS may attempt to breed in stormwater basins, which do not remain inundated long enough to support successful breeding by these special status species. Please consider modifying the design of the stormwater basins to include measures to prevent CRLF and CTS from entering these ponds.

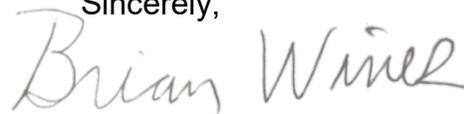
**Conclusion.** The DEIR does not yet support the conclusion that Project implementation will not impact any waters of the State, since most of the delineation field work was conducted well into the dry season. Dry season delineations in Mediterranean climates

are likely to miss the full extent of seasonal wetlands. Therefore, we encourage the Project proponent to conduct additional field work for wetland delineation late in the 2020 through 2021 wet season, and to design the field work to accurately assess the full extent of wetlands at the 410-acre site. .

We also encourage the Project proponent to incorporate measures into the proposed stormwater basins to prevent CRLF and CTS from attempting to breed in them.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at [brian.wines@waterboards.ca.gov](mailto:brian.wines@waterboards.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Brian Wines".

Brian Wines  
Water Resources Control Engineer  
South and East Bay Watershed Section

cc: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
CDFW, Marcia Grefsrud ([marcia.grefsrud@wildlife.ca.gov](mailto:marcia.grefsrud@wildlife.ca.gov))