

APPENDIX A

COUNTY OF SUTTER

MITIGATED NEGATIVE DECLARATION

Lead Agency: Sutter County Development Services Department, Planning Division

Project Title: Project #U-19-033, VESI 10, LLC, Tierra Buena Battery Energy Storage System (BESS) Project

Project Proponent: Viridity Energy Solutions, Inc. (VESI) 10, LLC
6140 Plumas Street
Reno, NV 89519

Project Location: Assessor Parcel Number 10-250-060; Street Address 3025 Tierra Buena Road, Yuba City, CA 95993; Located approximately 325 feet north of the Pease Road and Tierra Buena intersection on the east side of Tierra Buena Road, Sutter County, California.

Project Description: VESI 10, LLC, proposes to construct a battery energy storage system facility consisting of a battery electrical storage system (BESS) that would store 5 megawatts (MW) or 20 MW hours of electricity for dispatch into the local Pacific Gas and Electric (PG&E) grid via the existing adjacent PG&E Pease Road power substation. The proposed BESS facility will connect to the adjacent PG&E electric power distribution line which would both provide energy to recharge the battery storage system as well as dispatch energy generated by the battery storage system. The proposed BESS facility will be used to reduce greenhouse gas emissions associated with gas-fired power generation facilities by storing energy during off-peak hours (lower energy usage/demand times) and dispatching this energy on an as-needed basis during peak demand hours. The BESS facility is responding to California Public Utilities Commission Resolution E-4909 authorizing PG&E to procure energy storage to address local deficiencies and ensure local reliability.

Mitigation Measures: **AQ-1:** Suspend excavation and grading activity when sustained winds exceed 20 mph or when gusts exceed 25 mph.
AQ-2: Install wheel washers for all exiting trucks and equipment leaving the site.
AQ- 3: Use alternative fuel or catalyst-equipped diesel construction equipment.
AQ- 4: Minimize idling time (e.g., 10-minute maximum).
AQ- 5: Replace fossil-fueled equipment with electrically driven equivalents when possible.
AQ- 6: Limit or curtail construction activity during periods of high ambient pollution.
BIO-1: Prior to starting construction a biologist will perform a pre-construction survey of the site prior to any project-related ground disturbance to verify vegetation types affected by the project. The results of the pre-construction survey will determine which Incidental Take Minimization Measures (if any) will be required for project approval. Incidental Take Minimization Measures for each species will be implemented to ensure that all impacts to covered species are minimized and mitigated appropriately under FESA, CESA, and CEQA.
CR-1: In the event that unanticipated archaeological resources should be accidentally discovered during project construction, a qualified archaeologist or paleontologist will be retained for evaluation of the find. If the find is determined to be a historical or unique archaeological resource, appropriate mitigation or avoidance measures will be taken in

accordance with CEQA Guidelines 15064.5(f). During mitigation of unanticipated archaeological resources, it would not be necessary for work to halt in construction areas not affected by such finds. Any historically significant cultural materials discovered during project construction will be the subject of professional scientific analysis and a report to be prepared by a qualified archaeologist. In the event that such a discovery should contain human remains, the following steps shall be taken as outlined in CEQA Guidelines 15064.5 (e)(1):

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98 or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The Descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

HM-1: Contingency Plans. VESI10 Tierra Buena BESS facility contingency plans shall be prepared to address potential contingency situations associated with the battery storage systems. These existing contingency plans include: Fire Protection Plan, Emergency Response Plan, and Hazardous Materials Business Plan. In addition, the plans will include where fire suppression material is stored on the site, how the fire department will access the material, what the material is, and where copies of the plan are stored. All updates will occur in coordination with applicable agencies, including but not limited to the Yuba City Fire Department/CSA-G, and the Sutter County Environmental Health Services-CUPA. Contingency plans shall be stored onsite.

Plan Requirements and Timing: Contingency plans shall be completed prior to the initiation of construction activities for the proposed battery storage system, in order to ensure that appropriate contingency plans are in place through all project phases. The Sutter County Development Services Department/Planning, or their designee, shall ensure completion of contingency plans and approval by Yuba City Fire Department/CSA-G and Sutter County Environmental Health Services-CUPA.

Monitoring: The Yuba City Fire Department/CSA-G, or their designee, shall inspect the contingency plans on an annual basis, and following any emergency or unanticipated situation during which contingency plan procedures are required to be implemented, in order to ensure that contingency plans remain relevant and applicable to the VESI10 Tierra Buena BESS facilities and surroundings.

WQ-1: VESI 10, LLC and/or contractor will develop and implement a SWPPP and adopt BMPs prior to beginning construction activities.

WQ-2: Spill prevention kits shall always be in close proximity when using hazardous materials (e.g. crew trucks and other appropriate locations).

WQ-3: For equipment that must be fueled on-site, containment shall be provided in such a manner that any accidental spill of fuel shall not be able to enter the water or contaminate sediments that may come in contact with water.

WQ-4: VESI 10, LLC, or construction contractor will prepare a pollutant control plan that specifies logistics and schedule for construction activities that will minimize the potential for erosion and standard practices that include monitoring and maintenance of control measures.

N-1: Air conditioners will be housed in an acoustical enclosure.

N-2: Noise perimeter fencing and vegetative hedge around the BESS facility will be placed which will further minimize noise off site.

N-3: VESI 10, LLC, will establish a telephone number for use by public to report any undesirable noise conditions associated with construction and operations. Telephone number will be posted at the project site in a manner visible to passersby.

N-4: All power equipment and vehicles associated with the project will have proper muffler devices.

N-5: VESI 10, LLC, will document, investigate, evaluate, and attempt to resolve all project related noise complaints. VESI 10, LLC, will conduct the following: Use a Noise Complaint Resolution Form to respond to each complaint; Attempt to contact the person making the noise complaint in 24 hrs; Conduct investigation to determine source of noise; Reduce noise with all feasible measures upon a complaint.

N-6: Wherever feasible, erect barriers or shields near construction equipment (e.g., compressors, pneumatic tools, drills, generators) considered major sources of noise.

T-1: A traffic control plan will be developed in coordination with the Engineering Division off the Sutter County Development Services Department for any work requiring a County Encroachment Permit.

T-2: Start times and end times of the construction day will be offset from identified peak traffic hours to mitigate traffic congestion on local streets and highways. Construction personnel will typically arrive at the project site around 6:00 AM, before the morning peak hour (7:00 AM to 8:00 AM). Construction employees will typically leave between 3:00 PM and 4:00 PM, before the evening peak hour (4:00 PM and 5:00 PM).

UTL-1: Employ an approved Solid Waste Diversion and Recycling Plan. VESI 10, LLC, will develop a solid waste diversion and recycling plan in accordance with AB 341 (Solid Waste Diversion), which requires industrial and commercial construction efforts to recycle fifty percent of their industrial wastes. Such a plan would be implemented in conjunction with CalRecycle (formerly CIWMB) and RWMA. In addition to the requirement of diverting commercial and construction debris, VESI 10, LLC, will submit a Diversion Report within 30 days of completing the project to the RWMA.

Determination:

In accordance with CEQA, an Initial Study has been prepared by the Sutter County Development Services Department, Planning Division that evaluates the environmental effects of the proposed project. On the basis of the project's Initial Study, the Sutter County found that although the proposed project could have a significant effect on the environment,

however, there will not be a significant effect in this case because revisions in the project have been made that will avoid or reduce all potential significant effects to a less than significant level. A Mitigated Negative Declaration has been prepared.

Public Review:

In accordance with Section 15073 of the CEQA Guidelines, the Draft Initial Study for the project was circulated for public and agency review from **July 7, 2020** to **August 5, 2020**.

ATTEST: July 7, 2020
Date



Casey Murray, Associate Planner
Sutter County Development Services Department,
Planning Division