

EXECUTIVE SUMMARY

INTRODUCTION

Griffith Energy Storage, LLC (Applicant), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER), has applied to the San Joaquin County Community Development Department for a Site Approval (SA)¹ to construct, operate, maintain, and decommission a 400-megawatt (MW) battery energy storage system (BESS) and associated facilities and infrastructure, to be known as the Griffith Energy Storage Project (Project) in San Joaquin County. Additionally, because the Project includes an access road and interconnection generation-tie (gen-tie) line directly adjacent to the battery storage site in Alameda County, the Applicant seeks approval of a Utility Roadway Permit from Alameda County. Approval of such an encroachment permit would be a discretionary action, making Alameda County a Responsible Agency for the Project, pursuant to California Environmental Quality Act (CEQA) Section 15381.

The energy storage facility would house lithium-ion batteries (or similar technology) totaling 400 MW of energy on a 106-acre site, owned by a private landowner in unincorporated San Joaquin County. To avoid environmental constraints, only an estimated 32 acres of the 106-acre site would be used for the Project within San Joaquin County. The proposed BESS would provide reliable and flexible power to the local electrical system. In addition to the energy storage facility, the Project would interconnect at the Pacific Gas and Electric (PG&E) Tesla Substation in close proximity to the site in Alameda County via a 230-kilovolt (kV) interconnection generation tie (gen-tie) line that extends from the energy storage facility within a gen-tie corridor partially within Alameda County.

“Projects” within the State of California are required to undergo environmental review to determine the environmental impacts associated with implementation of the project in accordance with CEQA. For the proposed Project, San Joaquin County is the lead agency, and thus is required to conduct an environmental review to analyze the potential environmental effects associated with the proposed Project.

This document is a Draft Environmental Impact Report (EIR) prepared in accordance with CEQA. It provides an overview of the proposed Project and considers alternatives, identifies the anticipated environmental impacts from the proposed Project and the alternatives, and identifies mitigation measures designed to reduce the level of significance of any significant impact.

PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The primary purpose of CEQA is to inform the public and decision makers as to the potential impacts of a project and to allow an opportunity for public input to ensure informed decision making. CEQA requires all state and local government agencies to consider the environmental effects of projects over which they have discretionary authority. CEQA also requires each public

¹ The Site Approval process provides a method for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Review Authority may require conditions of approval necessary to eliminate, or minimize to an acceptable level, any potentially adverse effects of a use.

agency to mitigate or avoid the significant environmental impacts resulting from proposed projects, when feasible, and to identify a range of feasible alternatives to the proposed Project that could reduce those environmental effects. The EIR must include the contents required by CEQA and the CEQA Guidelines, and examine all phases of the project, including planning, construction, operation, and any reasonably foreseeable future phases.

PROJECT LOCATION

The Project site is situated roughly in the southwestern corner of Township 2 South, Range 4 East, southeast portion of Section 32 of the Midway, California, U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. The Project site is centered at a latitude of 37.710 degrees and longitude of -121.554 degrees (in decimal degrees). The Property is approximately 0.9 mile southwest of Interstate 580 and approximately 5 miles southwest of the city of Tracy, and in proximity to the PG&E Tesla Substation. The Project site consists of Assessor Parcel Number (APN) 209-10-19 in San Joaquin County and APN 99B-7885-002 and 99B-7590-1-3 in Alameda County for the access road and gen-tie line.

PROJECT OBJECTIVES

The Applicant has identified the following Project Objectives:

1. Construct and operate a 400-MW BESS in San Joaquin County with an interconnection at the Tesla Substation (located in Alameda County) in a cost-competitive manner.
2. Assist California utilities in meeting their obligations under California's Renewable Portfolio Standard Program and Senate Bill (SB) 100, which calls for 100 percent of all electricity sold in California to come from carbon-free resources by the year 2045, including 60 percent renewables by 2030, and SB 1020, which requires utility providers to supply 90 percent and 95 percent of supplied electricity from renewable sources by 2035 and 2040, respectively.
3. Assist California utilities in meeting their obligations under the California Public Utilities Commission's (CPUC) Mid-Term Reliability Procurement Requirements.
4. Provide for the economically viable, commercially financeable, and environmentally beneficial use of the site's limited agricultural capacity due to the absence of available irrigation.
5. Develop a site in proximity to transmission infrastructure in order to minimize environmental impacts.
6. Develop a battery energy storage facility in San Joaquin County, which would support the economy by investing in the local community, creating local construction jobs and increasing tax and fee revenue to the County.

PROJECT DESCRIPTION

The proposed project is designed to absorb or output approximately 400 MW of electricity within the BESS (on 32 acres in San Joaquin County) and would include a 230-kilovolt overhead or underground gen-tie line that will extend to the PG&E Tesla Substation within Alameda County. The gen-tie corridor is 14,920 feet long and 100 feet wide, such that the corridor incorporates approximately 8 acres. The Project would contain pad-mounted energy storage units, in addition to inverters, supervisory control and data acquisition (SCADA) equipment, a collector substation, and an interconnection gen-tie line to the Tesla Substation. The Project would also include related and supporting facilities, such as on-site service roads, gates and security fencing, and temporary laydown and construction areas.

PROJECT IMPLEMENTATION SCHEDULE

Construction is expected to begin in 2024 and be completed in approximately 15 months, including 3 months of testing and commissioning, with a workforce of 20 to 60 workers, depending on the phase. Once operational, the Project would operate 24 hours per day, 7 days a week, 365 days a year. Routine operations would require one or two workers in a light utility truck to visit the facility on a weekly basis. Typically, one major maintenance inspection would take place annually. The expected lifespan of the Project is 35 years.

SUMMARY OF IMPACTS

Table EX-1, Summary of Potential Impacts and Mitigation Measures, summarizes the potential impacts for the proposed Project. The table also identifies mitigation measures recommended to reduce, avoid, or minimize significant impacts and indicates the net level of impact following implementation of all mitigation measures.

The potentially adverse effects of the proposed Project are discussed in Sections 4.1 through 4.18 of this Draft EIR. Mitigation measures have been recommended that would avoid, reduce, or minimize impacts. All of the potential impacts associated with the proposed Project would be either less than significant or mitigated to less than significant. The proposed Project would not result in any significant unavoidable impacts.

PROJECT ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires consideration and discussion of alternatives to the proposed Project, which would feasibly attain most of the basic objectives of the Project and would avoid or substantially lessen any of the significant effects of the proposed Project. In addition to the proposed Project, three project alternatives were considered and are briefly summarized here (and are discussed in detail in Chapter 5 of this Draft EIR).

- **No Project Alternative:** The Project site would not be developed and would remain in its existing condition and continue to experience a reduction in agricultural production from water resource allocation constraints.
- **Three-Terrace Southeast Corner Alternative:** The Project site would be set back from residences along West Patterson Pass to the north and Midway Road to the west. The

facilities would be sited on three terraces with approximately the same final footprint as the Project. Site preparation would require 472,822 cubic yards of cut (65,898 cubic yards more than the Project) and 476,911 cubic yards of fill (71,270 cubic yards more than the Project), as shown in Figure 3-1.

- **Northern Site Alternative:** The Northern Site Alternative would relocate the Project to the parcel north of the Project site and north of West Patterson Pass Road, which consists of a parcel approximately 142 acres in size, shown in Figure 3-2.

AREAS OF CONTROVERSY

Areas of controversy were identified through written agency and public comments received during the scoping period. Public comments received during the scoping period are provided in Appendix A. In summary, the following issues were identified during scoping and are addressed in the appropriate sections of Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*:

- Impacts related to air quality
- Impacts related agricultural resources
- Impacts to hydrology and water quality resources
- Impacts related to wildfire

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Table EX-1. Summary of Potential Impacts and Mitigation Measures

Potential Impacts	Level of Significance	Mitigation Measures
AESTHETICS		
IMPACT 4.1-1: Would the project have substantial adverse effect on a scenic vista?	Less than Significant	No mitigation required.
IMPACT 4.1-2: Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No mitigation required.
IMPACT 4.1-3: In non-urbanized area, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations of governing scenic quality?	Construction/Decommissioning: Less than Significant; Operations: Less than Significant Impact with Mitigation Incorporated	<p>AES-1. The following measure will be implemented as feasible to reduce visual impacts for Project components and activities:</p> <ul style="list-style-type: none"> Use and maintain, as feasible, non-reflective materials, finishes, and surface treatments. Maintain painted, treated, stained, or coated surfaces properly. Direct lights properly to eliminate light spill and trespass. Use timers or motion sensors, as feasible, on all project lighting to minimize unnecessary lighting. Minimize lighting usage, as feasible, during construction and operations.
IMPACT 4.1-4: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than Significant Impact	No mitigation required.
Agriculture and Forestry Resources		
IMPACT 4.2-1: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact	No mitigation required
IMPACT 4.2-2: Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	Less than Significant Impact with Mitigation Incorporated	<p>AGR-1: Williamson Act Cancellation The Applicant shall file a Petition for Cancellation of Contract for the Williamson Act Contract on the San Joaquin County portion of the Project site, for consideration by the San Joaquin County Board of Supervisors, prior to construction.</p>
IMPACT 4.2-3: Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resource Code	No Impact	No mitigation required.

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Potential Impacts	Level of Significance	Mitigation Measures
section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?		
IMPACT 4.2-4: Would the project result in loss of forest land or conversion of forest land to non-forest use?	No Impact	No mitigation required.
IMPACT 4.2-5: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Less than Significant Impact	No mitigation required.
AIR QUALITY		
IMPACT 4.3-1: Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant Impact	<p>AQ-1 Implement NO_x and diesel PM₁₀ emission-reduction measures during construction. To control NO_x and diesel PM₁₀ emissions during construction and in accordance with Rule 9510, the Project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County:</p> <ul style="list-style-type: none"> • Off-road equipment engines over 85 horsepower shall be equipped with USEPA Tier 4 engines unless Tier 4 construction equipment is not locally available. • All equipment shall be maintained in accordance with the manufacturer's specifications. • Construction-related equipment, including heavy duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. • Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes. • Electric equipment shall be used to the extent feasible in lieu of diesel- or gasoline-powered equipment. • All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO_x emissions. • On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.

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Potential Impacts	Level of Significance	Mitigation Measures
		<ul style="list-style-type: none"> Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators. The hours of operation of heavy duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible. <p>AQ-2: Prepare and implement a dust control plan in accordance with Rule 8021 and Table 8021-1. The Project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the Project, subject to verification by the County. The plan shall include all SJVAPCD-recommended measures, including, but not limited to, the following:</p> <ul style="list-style-type: none"> Pre-water the site before construction begins. Land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled utilizing application of water or by presoaking to limit visible dust emissions to less than 20 percent opacity. Phase work to reduce the amount of disturbed area at any one time. Minimize and clean up track-out onto paved roads. Cover haul trucks. Rapid cleanup of Project-related track-out or spills on paved roads. Minimize grading and soil movement when winds exceed 30 miles per hour. Implement a speed limit of 15 miles per hour during all construction phases for vehicles traveling on unpaved roads.
<p>IMPACT 4.3-2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</p>	<p>Less than Significant Impact</p>	<p>Implement AQ-1 and AQ-2.</p>
<p>IMPACT 4.3-3: Would the project expose sensitive receptors to substantial pollutant concentrations?</p>	<p>Less than Significant Impact</p>	<p>Implement AQ-1 and AQ-3 AQ-3: Minimize exposure to potential Valley Fever-containing dust. To minimize personnel and public exposure to potential Valley Fever-containing dust onsite and offsite, the following control measures shall be implemented during Project construction:</p>

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Potential Impacts	Level of Significance	Mitigation Measures
		<ul style="list-style-type: none"> Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved offsite to other work locations. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying. All heavy duty earth-moving vehicles shall be closed-cab and equipped with an high efficiency particulate-filtered air system. Workers shall receive training to recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to onsite personnel upon request.
IMPACT 4.3-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than Significant Impact	No mitigation required
IMPACT 4.3-5: Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than Significant Impact	Implement measures AQ-1, AQ-2, and AQ-3
BIOLOGICAL RESOURCES		
IMPACT 4.4-1: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local	Less than Significant Impact with Mitigation Incorporated.	<p>BIO-1: Protection of Special-status Species SJMSCP Covered Species Prior to commencement of grading activities, the Project applicant shall obtain coverage under the SJMSCP to mitigate for habitat impacts to SJMSCP Covered</p>

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Potential Impacts	Level of Significance	Mitigation Measures
<p>or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?</p>		<p>Species. Coverage involves minimizing habitat impacts through implementation of Incidental Take Minimization Measures and payment of fees for conversion of lands that may provide habitat for SJMSCP Covered Species. These fees are then used to preserve and/or create habitat in preserves to be managed in perpetuity. Coverage for a Project includes incidental take authorization in the form of an ITP. Coverage under the SJMSCP would fully mitigate all habitat impacts on SJMSCP Covered Species.</p> <p>California Tiger Salamander</p> <p>This species is covered under the SJMSCP. The following measures would be implemented in accordance with the SJMSCP (see Section 5.2.4.6) and as best management practices to mitigate impacts:</p> <p>A qualified biologist shall conduct preconstruction surveys prior to (or, for some Incidental Take Minimization Measures, during) ground-disturbing activities to determine if SJMSCP Covered Species are present and/or verify that the appropriate Incidental Take Minimization Measures have been implemented, as specified in the conditions of Project approval (see SJMSCP, Section 5.2.2.1b). The results of the preconstruction surveys shall be submitted to the implementing agency prior to start of construction.</p> <p>Before Project construction, and under the direction of a qualified biologist, a wildlife exclusion fence shall be installed at strategic locations (e.g., where a work area occurs within 500 feet of suitable breeding habitat). The exclusion fence will remain in place and be maintained for the duration of ground disturbance. The wildlife exclusion fence will be tall enough to discourage dispersal of CTS into active work areas. Any damage or gaps in the wildlife exclusion fence will be repaired immediately during routine inspections.</p> <p>Pools shall be retained, and appropriate pool hydrology shall be maintained to enable successful metamorphosis of larvae to occur but shall not allow for non-native aquatic predators.</p> <p>Small mammal burrows and other suitable estivation habitat (e.g., underground holes, cracks, or niches) shall be retained in adjacent upland habitat.</p> <p>For impacts to CTS upland dispersal habitat, compensatory mitigation shall be completed by the Project owner in accordance with the mitigation ratios and requirements in the SJMSCP. Compensatory mitigation shall be provided for permanent impacts at a ratio of 3:1 for natural lands (e.g., non-wetland agricultural rangelands) in accordance with the SJMSCP. Temporary impacts shall be restored to pre-Project conditions. A fee-based approach could be used for compensatory mitigation under the SJMSCP at a fee per acre set in the current SJMSCP fee schedule for natural lands (SJCOG 2022). Alternatively, credits at an agency approved mitigation bank if available for purchase or a habitat</p>

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		<p>enhancement/conservation easement on a protected property could be used as mitigation. Compensatory mitigation may be combined with other special-status plant and animal species. If the Project owner chooses to establish an on-site or off-site conservation easement as compensatory mitigation, it must be managed in perpetuity to provide suitable habitat for the target species and to prohibit development/disturbance. A qualified biologist shall prepare a Habitat Mitigation and Monitoring Plan to ensure success of the compensatory mitigation site, which shall describe the long-term management plan, routine monitoring methods, and success criteria. The implementing agency shall approve the Plan prior to implementation.</p> <p>California Red-legged Frog</p> <p>This species is covered under the SJMSCP. The following measure would be implemented in accordance with the SJMSCP (see Section 5.2.4.7) and as best management practices to mitigate impacts:</p> <p>A qualified biologist shall conduct preconstruction surveys for CRLF within 48 hours prior to the start of construction activities, including ground disturbance, vegetation clearing, and staging of equipment. The biologist shall survey the Project site and all suitable habitat within 300 feet of the Project site. If CRLF are identified during the preconstruction survey, a 300-foot no-disturbance setback would be established in accordance with the SJMSCP to protect the species. No construction or other ground disturbances would be allowed within the setback unless concurrence was obtained by USFWS and SJCOG. The setback distance may be reduced by a qualified biologist with concurrence from the implementing agency if determined to not result in an adverse impact to the species or a reduction in the biological values of the habitat. Setbacks would be delineated with brightly colored flagging during the construction process and shown on maps that would be provided to on-site staff. If impacts are required within a setback occupied by CRLF and the species cannot or does not move off-site on its own, consultation with the USFWS and CDFW would be required to determine the appropriate course of action. The results of the preconstruction surveys shall be submitted to the implementing agency prior to start of construction.</p> <p>Water quality within water bodies inhabited by CRLF shall be maintained by implementing appropriate erosion control measures to reduce siltation and contaminated runoff from Project site (e.g., maintaining vegetation within buffers, and/or through the use of hay bales, filter fences, vegetative buffer strips, or other acceptable options per Section 5.2.4.7 of the SJMSCP).</p>

		<p>Western Spadefoot</p> <p>This species is covered under the SJMSCP. The following measures would be implemented in accordance with the SJMSCP (see Section 5.2.4.6) and as best management practices to mitigate impacts:</p> <p>A qualified biologist shall conduct preconstruction surveys prior to (or, for some Incidental Take Minimization Measures, during) ground-disturbing activities to determine if SJMSCP Covered Species are present and/or verify that the appropriate Incidental Take Minimization Measures have been implemented, as specified in the conditions of Project approval (see SJMSCP, Section 5.2.2.1b). The results of the preconstruction surveys shall be submitted to the Implementing agency prior to start of construction.</p> <p>Before Project construction, and under the direction of a qualified biologist, a wildlife exclusion fence shall be installed at strategic locations (e.g., where a work area occurs within 500 feet of suitable breeding habitat). The exclusion fence will remain in place and be maintained for the duration of ground disturbance. The wildlife exclusion fence will be tall enough to discourage dispersal of western spadefoot into active work areas. Any damage or gaps in the wildlife exclusion fence will be repaired immediately during routine inspections.</p> <p>For impacts to spadefoot toad upland dispersal habitat, compensatory mitigation shall be completed by the Project owner in accordance with the mitigation ratios and requirements in the SJMSCP. Compensatory mitigation may be combined with other special-status plant and animal species, such as the CTS.</p> <p>San Joaquin Coachwhip</p> <p>The San Joaquin coachwhip (also called the San Joaquin whipsnake) is covered under the SJMSCP, but is considered of very limited distribution in the County and specific Incidental Take Minimization Measures are not provided for this species (see Section 5.2.4.9). This species is not a focal species in the EACCS. The following measure would be implemented in accordance with the SJMSCP to mitigate impacts to this species in all Project areas:</p> <p>A qualified biologist shall conduct preconstruction surveys prior to (or, for some Incidental Take Minimization Measures, during) ground-disturbing activities to determine if SJMSCP Covered Species are present and/or verify that the appropriate Incidental Take Minimization Measures have been implemented, as specified in the conditions of Project approval (see SJMSCP, Section 5.2.2.1b). If any special-status reptiles are found and cannot or do not move off-site on their own, work would not begin until coordination with the USFWS and/or CDFW has occurred to determine the appropriate course of action. Incidental Take Minimization Measures shall be formulated by the Technical Advisory Committee (TAC) and approved by the Joint Powers Authority (JPA) with the concurrence of the Permitting Agencies' representatives on the TAC in accordance with the SJMSCP's Adaptive Management Plan (see Section 5.9.4).</p>
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Potential Impacts	Level of Significance	Mitigation Measures
		<p>Special-status Vernal Pool Invertebrates</p> <p>The longhorn fairy shrimp and vernal pool fairy shrimp are covered species under the SJMSCP (see Sections 5.2.4.4 and 5.5.9). Per the SJMSCP, if final site design is confirmed to be within 250 feet of the ephemeral pond, then one of the following will occur:</p> <ol style="list-style-type: none"> 1. Receive concurrence from USFWS that the ephemeral pond does not support special-status vernal pool invertebrate species given the lack of ponding observed in historic aerial imagery. 2. Conduct pre-construction surveys in compliance with current USFWS protocols to determine the presence or absence of longhorn fairy shrimp within ponds southwest of I-580 unless complete avoidance of vernal pools and/or wetlands is achieved, per Section 5.2.2 of SJMSCP. 3. Conduct a hydrologic study to determine if a setback less than 250 feet would maintain the hydrology of the ephemeral pond and achieve the same, if not greater, habitat value as a 250-foot setback. If verified, conduct a site visit with USFWS to inspect the unique characteristics of the Project site to request approval to reduce the setback to be less than 250 feet. If approved, ensure activities inconsistent with the maintenance of the ephemeral pond within the approved setback are prohibited, per Section 5.5.9 of SJMSCP. This option provides an alternative mitigation approach which allows complete avoidance of SJMSCP Covered Species and habitats through the implementation of the measures established in Section 5.5.9. Under this scenario, compensation is not required as long as the Section 5.5.9 measures are followed. 4. If pre-construction surveys are found to be prohibitively expensive or result in Project delays and a setback less than 250 feet is not feasible, assume presence of longhorn fairy shrimp and vernal pool fairy shrimp and pay compensatory mitigation in accordance with the mitigation ratios and requirements in the SJMSCP. <p>Burrowing Owl</p> <p>This species is covered under the SJMSCP. The following measure would be implemented in accordance with the SJMSCP (see Section 5.2.4.15) and as best management practices to mitigate impacts:</p> <p>A qualified biologist shall conduct preconstruction surveys prior to (or, for some Incidental Take Minimization Measures, during) ground-disturbing activities to determine if SJMSCP Covered Species are present and/or verify that the appropriate Incidental Take Minimization Measures have been implemented, as specified in the conditions of Project approval (see SJMSCP, Section 5.2.2.1b). Specifically, the Project owner shall have preconstruction surveys performed no less than 14 days prior to the initiation of equipment staging or ground disturbing</p>

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Potential Impacts	Level of Significance	Mitigation Measures
		<p>activities (e.g., vegetation clearing or grading) and again within 24 hours prior to these activities. A qualified biologist shall conduct preconstruction surveys on the Project site and 150 meters around the Project site (access permitting) in areas with suitable burrowing habitat to locate any active breeding or wintering BUOW burrows. The survey methodology shall be consistent with the Take Avoidance Survey methods outlined in the CDFW (2012) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, noting any potential burrows with fresh BUOW sign or presence of BUOWs, and visiting potential burrows during the time of day described in the protocol. If the work activity halts for a period of 7 days or more, the survey would need to be conducted again prior to the continuation of site activities. Copies of the survey results shall be submitted to the CDFW. If BUOWs are found during the preconstruction surveys, the following measures shall be implemented. Buffer distances may be modified based on the judgement of a qualified biologist, in coordination with CDFW, USFWS, and SJCOC.</p> <ul style="list-style-type: none"> • If BUOWs are detected on the Project site or within 150 meters during the breeding season (February 1 to August 31) or non-breeding (winter) season, no ground disturbing activities, such as vegetation clearance, grading, or equipment staging, shall be permitted within 75 meters of the occupied burrow until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC, or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed per Section 5.2.4.15 of the SJMSCP. • If avoidance of occupied burrows is infeasible during the non-breeding season (September 1 to January 31) or during the breeding season (February 1 to August 31) where resident BUOWs have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) Staff Report on Burrowing Owl Mitigation. If passive relocation is anticipated due to on-site BUOW populations, a Burrowing Owl Exclusion Plan in accordance with CDFW Staff Report on Burrowing Owl Mitigation would be prepared by a qualified biologist prior to passive relocation activities. <p>Swainson's Hawk</p> <p>This species is covered under the SJMSCP but is not a focal species in the EACCS (see Section 5.2.4.1). Participation in the SJMSCP affords the Project applicant Incidental Take authorization for Swainson's hawk pursuant to ESA, CESA, and</p>

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		<p>CEQA. The following measure would be implemented in accordance with the SJMSCP to mitigate impacts in all Project areas:</p> <p>The Project owner has the option of retaining known or potential Swainson's hawk nest trees (i.e., trees that hawks are known to have nested in within the past 3 years or trees that the hawks prefer for nesting) or removing the nest trees. Trees occur on the Project Property in residential areas but do not occur on the Project site. If trees are retained, the following applies:</p> <ul style="list-style-type: none"> • If construction (i.e., equipment staging, vegetation removal, or ground disturbance) is scheduled to commence outside of the Swainson's hawk nesting season (September 1 to February 15), no preconstruction surveys are required. During the nesting season (February 16 to August 31), a qualified biologist shall conduct preconstruction surveys for nesting Swainson's hawk within the Project site and at any potential nesting trees that are within a distance from the site of two times the dripline of the tree, and are accessible to survey. Surveys shall occur no more than 10 days prior to construction activities. • If a nest tree becomes occupied during construction activities, then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. No construction within the buffer shall be allowed until the biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest), adult and juvenile Swainson's hawks have left the area, or the nesting season has ended. Encroachment into the buffer for Swainson's hawk must be authorized by the CDFW. <p>White-tailed Kite</p> <p>This species is covered under the SJMSCP. The following measures would be implemented in accordance with the SJMSCP (see Section 5.2.4.19) to mitigate impacts:</p> <p>Prior to Project tree removal/pruning or ground-disturbing activities, such as grubbing, grading, or excavation during the nesting season (e.g., typically February 15 to September 15), a qualified biologist shall perform a preconstruction survey. All potential nesting trees on the Project site and within 100-feet of the Project site shall be surveyed.</p> <p>If a nest is observed during the preconstruction survey, a 100-foot setback shall be established and maintained during the nesting season until the fledglings leave nests. The setback shall be applied whenever construction or ground-disturbing activities begin during the nesting season with known occupied nests. Setbacks shall be marked by brightly colored temporary fencing.</p>

Potential Impacts	Level of Significance	Mitigation Measures
		<p>San Joaquin Kit Fox</p> <p>This species is covered under the SJMSCP. Participation in the SJMSCP affords the Project applicant Incidental Take authorization for San Joaquin kit fox pursuant to ESA, CESA, and CEQA. The following measure would be implemented in accordance with the SJMSCP (see Section 5.2.4.25) and per the most current USFWS Standardized Recommendations for SJKF (USFWS 2011) to mitigate impacts from the project:</p> <p>Preconstruction surveys for SJKF shall be conducted 14 to 30 days prior to commencement of ground disturbance by a qualified biologist. Surveys shall be performed of the Project site and within a 250 feet buffer around the site. When surveys identify potential dens (potential dens are defined as burrows at least 4 inches in diameter which open up within 2 feet), den entrances shall be dusted and cameras will be set up and monitored for 3 days to find any SJKF present. If no SJKF activity is identified, potential dens may be destroyed. If SJKF activity is identified, then dens shall be monitored to determine if occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings). If the den is occupied by an adult only, the den may be destroyed when the adult fox has moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the qualified biologist determines that the den has been vacated. If SJKF are identified, the provisions of the USFWS (2011) Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance will be followed (except that preconstruction survey protocols shall remain as established in this measure). These standards include provisions for educating construction workers, keeping heavy equipment operating at safe speeds, and checking construction pipes for SJKF occupation during construction and similar activities.</p> <p>American Badger</p> <p>This species is covered under the SJMSCP. The following measure would be implemented in accordance with the SJMSCP (see Section 5.2.4.26) to mitigate impacts from the Project:</p> <ul style="list-style-type: none"> • A preconstruction survey for the American badger shall occur during the SJKF preconstruction surveys. If occupied badger dens are located on the Project site or within 200 feet, then dens shall be monitored by a qualified biologist to determine if occupation is by an adult badger only or is a natal den. This can occur during San Joaquin kit fox den monitoring using tracking medium and cameras. If the den is unoccupied it can be collapsed, if it is occupied by an adult only, the den may be destroyed when the adult has moved or is temporarily absent. If the den is a natal den, a buffer zone of 200 feet shall be maintained around the den until the qualified biologist determines that den has been vacated.

		<p>Non-SJMSCP Covered Species</p> <p>Big Tarplant</p> <p>This species is not covered under the SJMSCP. Big tarplant is a focal species in the EACCS. The following measure would be implemented to mitigate impacts in all Project areas:</p> <ul style="list-style-type: none">• For big tarplant populations that are not within the direct impact area but are located within 50 feet of disturbance, a qualified biologist shall flag a minimum no-disturbance buffer of at least 30 feet around the populations in the field (or other distance as approved by a qualified biologist), and maps shall be provided to on-site staff. These areas shall be avoided during construction if feasible. To delineate the areas of avoidance, a preconstruction survey would be required during the blooming period for this species (July to November) prior to the start of construction. For example, if construction was planned to start in June 2024, the area would be surveyed between July and November 2023 and those results would be used to determine the extent of the population areas.• If big tarplant populations cannot be avoided by the Project, a restoration/enhancement plan to reduce impacts to big tarplant shall be prepared by a qualified biologist. The plan shall include the following components as needed: description of Project site, including maps, goals/objectives of the Project; description of the proposed site; implementation plan, including topsoil and/or seed collection and dispersal protocols; maintenance requirements, including weed removal and invasive species management during the monitoring period; monitoring plan; success criteria/performance standards; adaptive management program and remedial measures; and reporting requirements. If permanent impacts occur to big tarplant, the actual areas impacted would be mapped post-construction to quantify the amount of big tarplant impacted and the amount required to be restored. Temporary impacts (i.e., impacts in areas that would be restored to natural conditions) may be mitigated by salvaging topsoil during ground disturbance, storing the soil on-site and protecting it from weed seed dispersal, and then returning the soil horizon to its original profile to keep seeds at the appropriate soil depth. All permanent impacts shall be mitigated at a minimum ratio of 1:1 (1 acre restored for 1 acre impacted) terms are otherwise agreed to with CDFW and USFWS. <p>California Glossy Snake</p> <p>The California glossy snake is not covered under the SJMSCP. The following measure would be implemented to mitigate impacts to this species in all Project areas:</p> <p>Preconstruction surveys for special-status reptiles shall be conducted by a qualified biologist within 14 days prior to the start of construction. The surveys shall cover</p>
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Potential Impacts	Level of Significance	Mitigation Measures
		<p>suitable habitat within the Project site and a minimum 100-foot buffer, where accessible. If any special-status reptiles are found and cannot or do not move off-site on their own, work would not begin until coordination with the USFWS and/or CDFW has occurred to determine the appropriate course of action.</p> <p>Crotch's Bumble Bee</p> <p>This species is not covered under the SJMSCP. The following measures would be implemented to mitigate impacts to this species in all Project areas:</p> <ul style="list-style-type: none"> • Conduct Surveys and Implement Avoidance Measures for Crotch's Bumble Bee. Preconstruction surveys for Crotch's bumble bee habitat (as identified by species habitat suitability modeling) within the Project disturbance footprint and a 50-foot buffer around the footprint will be conducted by qualified biologists within two weeks prior to the start of construction. The purpose of this pre-construction survey will be to identify active nest colonies and associated floral resources outside of permanent and temporary impact areas that could be avoided by construction personnel. If an active nest colony is found outside of the project footprint but within a 50-foot buffer, the project biologist will establish, monitor, and maintain no-work buffers around nest colonies and floral resources. The size and configuration of the no-work buffer will be based on best professional judgment of the project biologist. At a minimum, the buffer will provide at least 50 feet of clearance around nest entrances and maintain disturbance-free airspace between the nest and nearby floral resources. Construction activities will not occur within the no-work buffers until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for three consecutive days indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony). If an active nest is found within the project footprint, CDFW will be contacted for guidance on next steps, but construction shall be allowed to continue with minimal disruption to the schedule. • Biological Monitoring During Construction. A qualified biologist(s) will be present each day during initial ground disturbance activities if Crotch's bumble bees are identified during preconstruction surveys outside of the Project disturbance footprint. The biologist will monitor the nest to determine when the nest is no longer active. Once the nest has been determined inactive, construction activities within the no-work buffer(s) will be allowed to resume. • Provide Compensatory Mitigation for Impacts on Crotch's Bumble Bee. The applicant will provide compensatory mitigation for impacts on occupied habitat for Crotch's bumble bee. Impacts on occupied habitat (confirmed through surveys as described above) will be compensated for at a ratio of 1:1, unless a higher ratio is required pursuant to an

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Potential Impacts	Level of Significance	Mitigation Measures
		<p>authorization issued under CESA, through the purchase of CDFW-approved bank credits or through preservation of habitat in perpetuity, including suitable habitat currently preserved by the applicant.</p> <p>BIO-2: Worker Environmental Awareness Program and Best Management Practices for Biological Resources</p> <p>During construction, O&M, and decommissioning of the facility, the Project owner shall implement the following general avoidance and protective measures to protect special-status wildlife species and habitats in all Project areas:</p> <ul style="list-style-type: none"> • Prior to and for the duration of construction activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program to train all on-site construction personnel how to recognize and protect biological resources on the Project site. The Worker Environmental Awareness Program training shall include a review of the special-status species and other sensitive biological resources that could exist in or near the Project site, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting CTS, CRLF, western spadefoot, San Joaquin coachwhip, longhorn fairy shrimp, vernal pool fairy shrimp, BUOW, Swainson's hawk, white-tailed kite, nesting birds, SJKF, American badger, big tarplant, California glossy snake, and Crotch's bumble bee. • The Project owner shall limit and flag the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. To the extent feasible, the Project shall be designed to retain small mammal burrows and other suitable estivation habitat for amphibians (e.g., underground holes, cracks, or niches) and will minimize habitat impacts. Buffers and avoidance areas established for biological resources, as described in BIO-1 and BIO-3, shall be delineated with highly visible stakes and/or flagging prior to construction. Construction-related activities and use of vehicles and equipment shall not occur within protected buffers or avoidance areas. • If at any time during Project construction a special-status species enters the site or otherwise may be impacted by the Project, all Project activities shall cease. The appropriate measures from the SJMSCP relevant to the species found would be implemented, and the USFWS and/or CDFW shall be contacted if necessary to determine the appropriate course of action. No special-status species shall be captured or relocated without prior authorization from the CDFW and/or USFWS.

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Potential Impacts	Level of Significance	Mitigation Measures
		<ul style="list-style-type: none"> • To protect special-status amphibians, ground-disturbing activities shall occur during the dry season from April 1 to October 31, if feasible and in accordance with other mitigation measures. Work outside of the dry season may occur with prior approval from CDFW and USFWS. No ground disturbance shall occur during wet weather. Wet weather is defined as 0.25 inch or more of rain in a 24-hour period. Activities may resume 24 hours after wet weather has ended and is no longer forecasted (60 percent chance or less) within 24 hours. • Trenches will be backfilled as soon as possible. Excavated, steep-walled holes or open trenches shall be searched each day by on-site workers prior to construction to ensure no special-status species are trapped. Earthen escape ramps will be installed at intervals prescribed by a qualified biologist. Before such holes or trenches are filled, they shall be thoroughly inspected by on-site workers for trapped animals. If trapped animals are observed, escape ramps shall be installed immediately to allow escape. If a special-status species is trapped, the USFWS and/or CDFW shall be contacted immediately. No handling or moving of special-status species shall occur without prior authorization from the USFWS and/or CDFW. • All pipes, culverts, or similar materials shall be stored so as to prevent special-status wildlife species from using these as temporary refuges, and shall be thoroughly inspected for animals each morning before the pipe is moved or used in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted to determine the appropriate action. No handling of special-status species shall occur without consultation with the USFWS and/or CDFW. • Vehicles and equipment parked on the site during construction shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving. • Vehicular traffic shall use existing routes of travel. Off-road vehicle travel shall be minimized, and equipment use outside of the construction area shall be prohibited. • A speed limit of 20 miles per hour or less shall be enforced within all construction areas. • All trash and food items shall be contained in closed containers and removed regularly during construction, operations, and decommissioning to reduce the

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Potential Impacts	Level of Significance	Mitigation Measures
		<p>attractiveness to wildlife, such as common raven (<i>Corvus corax</i>), coyote (<i>Canis latrans</i>), and feral dogs.</p> <ul style="list-style-type: none"> • Workers shall be prohibited from bringing pets to the Project site and from feeding wildlife in the vicinity. • Intentional killing or collection of any wildlife species shall be prohibited. • Rodenticides shall not be used within the Project site except within buildings and disturbance to mammal burrows shall be avoided and minimized. • Use of insecticides, herbicides, rodenticides, and pesticides shall only be allowed within established aquatic setbacks in accordance with U.S. Environmental Protection Agency guidelines for use within occupied CRLF habitat and, if applicable, any requirements established by the San Joaquin County Agricultural Commissioner. • Vehicles or equipment will not be refueled within 100 feet of a wetland, stream, or other body of water unless a bermed and lined refueling area is constructed. • Erosion control measures will be implemented to reduce sedimentation in nearby aquatic habitat during construction activities. Tightly woven fiber netting or similar material will be used for erosion control to avoid trapping CTS and other special-status amphibians. This specification will be required by the contractor in the bid solicitation package. Plastic monofilament netting will not be used because amphibians could become entangled or trapped in this material. • The Project proponent/operator shall install powerlines in conformance with APLIC standards (APLIC 2012) for electrocution-reducing techniques. • Project facility lighting shall be designed to provide the minimum illumination needed to achieve safety and security objectives. Down-shielding or directional lighting shall be used to avoid light trespass into adjacent areas. Illumination of lighting on associated construction and operation structures shall be minimized by using motion sensors.

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Potential Impacts	Level of Significance	Mitigation Measures
		<p>BIO-3: Protection of Nesting Birds</p> <p>If construction (i.e., vegetation removal or ground disturbance) is scheduled to commence outside of the bird nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the bird nesting season (February 1 to August 31), a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site where construction is planned. The survey shall focus on potential nest sites within the Project site and a 500-foot buffer around the Project site in areas where access is available or visible using a spotting scope or binoculars. Surveys shall be conducted no more than 10 days prior to construction activities. If the work activity halts for a period of 10 days or more, the survey would need to be conducted again prior to the continuation of site activities.</p> <p>If active nests are found, a suitable buffer for the species found shall be established by a qualified biologist around active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest) or the breeding season has ended.</p>
<p>IMPACT 4.4-2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>	<p>No Impact</p>	<p>No mitigation required</p>
<p>IMPACT 4.4.-3: Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>BIO-4: Protection of Jurisdictional Waters and Wetlands</p> <p>If it is determined that the ephemeral pond would be impacted by Project activities, coordination with USACE and RWQCB will be performed to determine if permits are needed prior to initiating ground-disturbing activities. Impacts to the ephemeral pond shall also be minimized by the use of BMPs to ensure water quality standards are not compromised. These practices can include installing orange construction fencing buffers, straw wattles to keep fill from entering preserved/avoided wetlands and other waters, and other protective measures.</p> <p>If it is determined that the ephemeral pond falls within state jurisdiction and would be impacted by Project activities, mitigation compensation shall be completed. As approved by the RWQCB, the applicant may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a minimum 1:1 ratio. Alternatively, wetlands may be created onsite and, if so, have an equal or higher functional value than the ephemeral pond affected by the Project.</p>

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Potential Impacts	Level of Significance	Mitigation Measures
<p>IMPACT 4.4-4: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implement BIO-2.</p>
<p>IMPACT 4.4-5: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implement BIO-1, BIO-2, and BIO-3.</p>
<p>IMPACT 4.4-6: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implement BIO-1, BIO-2, and BIO-3.</p>
<p>CULTURAL RESOURCES</p>		
<p>IMPACT 4.5-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?</p>	<p>Less than Significant</p>	<p>No mitigation required.</p>
<p>IMPACT 4.5-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>CUL-1: Cultural Resource Worker Education/Training Prior to Project construction-related, ground disturbing activities (e.g., vegetation removal, excavation, trenching, grading), a cultural resource worker education awareness program shall be conducted for Project construction personnel. A qualified archaeologist pre-approved by San Joaquin County will be retained to prepare the initial cultural resource briefing of the worker education awareness program prior to ground disturbing activities. During construction, the training will be provided to all new construction personnel. The cultural resource training will include:</p> <ul style="list-style-type: none"> • An overview of applicable laws and penalties pertaining to disturbing cultural resources; • A brief discussion of the prehistoric and historic regional context and archaeological sensitivity of the area; • Types of cultural resources found in the area; • Instruction that Project workers will halt construction if a cultural resource is inadvertently discovered during construction; and • Procedures to follow in the event an inadvertent discovery (Inadvertent Discovery Plan discussed below) is encountered, including appropriate

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Potential Impacts	Level of Significance	Mitigation Measures
<p>IMPACT 4.5-3: Would the project disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>Less than Significant Impact</p>	<p>treatment and respectful behavior of a discovery (e.g., no posting to social media or photographs).</p> <p>CUL-2: Inadvertent Discovery of Archaeological Resources During Construction</p> <p>A qualified archaeologist pre-approved by San Joaquin County shall prepare an Inadvertent Discovery Plan for the Project. The Inadvertent Discovery Plan will provide protocols and notification procedures in the event of an inadvertent discovery. During Project construction (e.g., ground disturbing activities, such as vegetation removal, excavation, trenching, grading), should subsurface archaeological resources be discovered, all ground disturbing activities within 50 feet of the find shall cease and the qualified archaeologist shall be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the archaeologist shall determine, in consultation with the implementing agencies and any local consulting Native American groups expressing interest, appropriate avoidance measures or other appropriate mitigation. Under CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, Project reroute or redesign, or identification of protection measures, such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and any local consulting Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as a historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2. If inadvertent discoveries are identified, all findings and treatments shall be documented in a cultural resources report that is submitted to San Joaquin County.</p>
<p>IMPACT 4.5-3: Would the project disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>

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Potential Impacts	Level of Significance	Mitigation Measures
ENERGY		
IMPACT 4.6-1: Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant Impact	No mitigation required.
IMPACT 4.6-2: Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact	No mitigation required.
GEOLOGY AND SOILS		
IMPACT 4.7-1: Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?	Less than Significant Impact	No mitigation required.
IMPACT 4.7-2: Would the project result in substantial soil erosion or the loss of topsoil?	Less than Significant Impact with Mitigation Incorporated	<p>GEO-1: Stormwater Pollution Prevention Plan. The construction contractor shall incorporate best management practices (BMP) consistent with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit Program and shall prepare a Stormwater Pollution Prevention Plan (SWPPP). The plan shall be prepared by a Qualified SWPPP Developer (QSD) and submitted for review and approval by San Joaquin County. The SWPPP BMPs shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Scheduling to avoid construction during rain events to the maximum extent possible; • Preservation of existing vegetation and topography to the maximum extent practicable; • Stabilized construction entrances and exits; • Erosion control (including all pertinent temporary erosion control practices as specified in Chapter 17.28.140 of the Kern County Grading Code), such as mulching, temporary drains and culies, sandbag barrier, geotextiles and mats, silt fences, brush or rock filters, earth dikes, straw bale barriers, and sediment traps; • Sediment control; • Waste management; • Good housekeeping; and

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Potential Impacts	Level of Significance	Mitigation Measures
		<ul style="list-style-type: none"> Post-construction site stabilization. <p>Prior to initial construction mobilization, preconstruction surveys shall be performed and sediment and erosion controls shall be installed in accordance with the approved SWPPP.</p>
<p>IMPACT 4.7-3: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.7-4: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.7-5: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.7-6: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>GEO-2: Paleontological Worker Education and Awareness Program (WEAP) Before starting construction activities, on-site personnel should be trained in basic recognition of fossils and appropriate procedures to notify management in order to engage a qualified paleontological specialist in the event that fossils are discovered during construction activities (an unanticipated find).</p> <p>GEO-3: Unanticipated Find Contingency A qualified paleontological specialist (paleo specialist), meeting the Secretary of the Interior's Professional Qualification Standards for the Society of Vertebrate Paleontology, shall be retained by the Project Owner on an on-call status. The paleo specialist must be approved by both San Joaquin County and Alameda County prior to any on-site activity. The paleo specialist will be brought on-site to evaluate the significance of any unanticipated discovery of paleontological resources (an unanticipated find) and determine if additional study is warranted. If the significance of the find under CEQA or California Public Resources Code, Section 21082, does not warrant such study, the qualified paleontologist may decide to record the find and allow work to continue. If the discovery proves significant under CEQA, preparation of a paleontological treatment, testing, or data recovery plan (Paleo Plan) may be required at the discretion of the paleontological specialist. Any Paleo Plan that is prepared will be submitted for approval, to the appropriate agency within San Joaquin County or Alameda County, depending upon the location of the find.</p>

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Potential Impacts	Level of Significance	Mitigation Measures
GREENHOUSE GAS EMISSIONS		
IMPACT 4.8-1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No mitigation required.
IMPACT 4.8-2: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact	No mitigation required.
HAZARDS AND HAZARDOUS MATERIAL		
IMPACT 4.9-1: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant Impact	No mitigation required.
IMPACT 4.9-2: Would the project create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant Impact	No mitigation required.
IMPACT 4.9-3: Would the project emit hazardous emissions or handle hazardous materials or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	No Impact	No mitigation required.
IMPACT 4.9-4: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact	No mitigation required.
IMPACT 4.9-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact	No mitigation required.
IMPACT 4.9-6: Would the project impair implementation of or physically interfere with an adopted emergency response plan?	No Impact	No mitigation required.
IMPACT 4.9-7: Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Less than Significant Impact	No mitigation required.

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Potential Impacts	Level of Significance	Mitigation Measures
HYDROLOGY AND WATER QUALITY		
<p>IMPACT 4.10-1: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implementation of Mitigation Measure GEO-1 would be required. HYDRO-1: Hydrology and Hydraulics Study. The Applicant shall engage a qualified practitioner or firm to prepare a comprehensive watershed hydrology evaluation as well as a targeted analysis of hydraulic conditions within specific portions of the drainage conveyances in the Project site drainage area. This evaluation and analysis will address both existing conditions and proposed (i.e., after development) conditions. The results shall provide data of sufficient detail and quality to allow preparation of a Project Site Drainage Plan that will be implemented during construction of the Project and provide extended controls for adequate control of stormwater runoff and channel armoring to prevent erosion at detention pond outlets and new drainage channels.</p>
<p>IMPACT 4.10-2: Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.10-3: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</p> <ul style="list-style-type: none"> i) Result in substantial erosion or siltation on- or off-site? ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? iv) Impede or redirect flood flows? 	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implementation of Mitigation Measures GEO-1 and HYDRO-1 would be required.</p>
<p>IMPACT 4.10-4: Is the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to the project inundation?</p>	<p>No Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.10-5: Would the project conflict with or obstruct implementation of water quality control plan or sustainable groundwater management plan?</p>	<p>Less than Significant Impact with mitigation incorporated</p>	<p>Implementation of Mitigation Measure GEO-1 would be required.</p>

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Potential Impacts	Level of Significance	Mitigation Measures
LAND USE AND PLANNING		
IMPACT 4.11-1: Would the project physically divide an established community?	No Impact	No mitigation required.
IMPACT 4.11-2: Would the project cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than Significant Impact	No mitigation required.
MINERAL RESOURCES		
IMPACT 4.12-1: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact	No mitigation required.
IMPACT 4.12-2: Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	No Impact	No mitigation required.
NOISE		
IMPACT 4.13-1: Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant Impact with Mitigation Incorporated	NOISE-1: The Project will include sound walls along the perimeter of the Project and between select BESS units. The sound walls will be of various heights and at least 3 pounds per square foot with minimal cracks or gaps. This mitigation measure is a result of the current operational equipment selected for the Project. When updated equipment is selected, another assessment will be conducted to evaluate the need for this mitigation measure. NOISE-2: The Project shall construct two 26-foot soundwalls on the western and eastern portions of the Project site to shield the surrounding residential properties.
IMPACT 4.13-2: Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Less than Significant Impact	No mitigation required.
IMPACT 4.13-3: For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact	No mitigation required.

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Potential Impacts	Level of Significance	Mitigation Measures
PUBLIC SERVICES		
IMPACT 4.14-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	--	--
i) Fire protection?	Less than Significant Impact	No mitigation required.
ii) Police protection?	Less than Significant Impact	No mitigation required.
iii) Schools?	No Impact	No mitigation required.
iv) Parks?	No Impact	No mitigation required.
v) Other public facilities?	No Impact	No mitigation required.
TRANSPORTATION		
IMPACT 4.15-1: Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than Significant Impact	No mitigation required.
IMPACT 4.15-2: Would the project conflict or be inconsistent with CEQA Guidelines 15064.3, subdivision (b)?	Less than Significant Impact	No mitigation required.
IMPACT 4.15-3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant Impact	No mitigation required.
IMPACT 4.15-4: Would the project result in inadequate emergency access?	Less than Significant Impact	No mitigation required.
TRIBAL RESOURCES		
IMPACT 4.16-1: Would the project cause adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred plan, or object with cultural value to a California Native American tribe that is:	Less than Significant Impact with Mitigation Incorporated	Implementation of Mitigation Measures CUL-1 and CUL-2 would be required.

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Potential Impacts	Level of Significance	Mitigation Measures
<p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 5020.1(k) or</p> <p>ii) A resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (s) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code 5024.1, as the CEQA lead agency, has considered the significance of the resource to a California Native American tribe.</p>		
UTILITIES AND SERVICE SYSTEMS		
<p>IMPACT 4.17-1: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation which would cause significant environmental effects?</p>	Less than Significant Impact with Mitigation Incorporated	Implementation of Mitigation Measure GEO-1 would be required.
<p>IMPACT 4.17-2: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?</p>	Less than Significant Impact	No mitigation required.
<p>IMPACT 4.17-3: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p>	No Impact	No mitigation required.
<p>IMPACT 4.17-4: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</p>	Less than Significant Impact	No mitigation required
<p>IMPACT 4.17-5: Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</p>	No Impact	No mitigation required.
WILDFIRE		
<p>IMPACT 4.18-1: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?</p>	No Impact	No mitigation required.

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Potential Impacts	Level of Significance	Mitigation Measures
<p>IMPACT 4.18-2: Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.18-3: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p>	<p>Less than Significant Impact</p>	<p>No mitigation required.</p>
<p>IMPACT 4.18-4: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</p>	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>Implementation of Mitigation Measure GEO-1 would be required.</p>

AREAS OF CONTROVERSY

Section 15123 (b)(2) of the CEQA Guidelines requires that an EIR Executive Summary identify areas of controversy known to the lead agency, including issues raised by other agencies and the public.

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) was prepared and distributed to responsible agencies, affected agencies, and other interested parties on December 28, 2022. The NOP was posted in the County Clerk's office for 30 days. The NOP was submitted to the State Clearinghouse to officially solicit participation from interested public agencies in determining the scope of the EIR.

Comment letters were received in response to the NOP for this EIR from the California Department of Conservation, Central Valley Regional Water Quality Control Board, Federal Emergency Management Agency, San Joaquin County Environmental Health Department, San Joaquin Valley Air Pollution Control District, and Tracy Rural County Fire Protection District

The issues raised in these comment letters are addressed in this EIR. A copy of the NOP and the comment letters are included in Appendix A of this Draft EIR. No outstanding issues of controversy are known at this time.