



California Public Utilities Commission



June 13, 2024

VIA EMAIL

Dustin Joseph
LS Power Grid California, LLC
6701 Kroll Center Parkway, Suite 250
Pleasanton, CA 94566

Re: CPUC Review of Proponent's Environmental Assessment for LS Power's Power the South Bay Project (Application 24-05-014)

Dear Mr. Joseph:

The California Public Utilities Commission (CPUC) Energy Division, California Environmental Quality Act (CEQA) and Energy Permitting Section has conducted a review of LS Power Grid California's (LS Power's) certificate of public convenience and necessity (CPCN) Application 24-05-014 and associated Proponent's Environmental Assessment (PEA) for the Power the South Bay Project (Project) filed with the CPUC on May 17, 2024. After reviewing the filed PEA pursuant to the CPUC's Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-filing and Proponent's Environmental Assessments (November 12, 2019), the Energy Division finds that the PEA contains sufficient information to satisfy the requirements of the Commission's Information and Criteria List, and therefore deems Application 24-05-014 complete.

As the CPUC proceeds with the environmental review for the proposed Project, we have identified additional information that is needed to adequately conduct the California Environmental Quality Act (CEQA) review, and we are requesting further details and evaluation. Please provide the information requested in the attached Data Request 1, or explain why such information cannot be provided (e.g., access constraints), by June 28, 2024. Submit your response in electronic format to the CPUC and to our consultant, Environmental Science Associates (ESA).

Please do not hesitate to call me at (213) 266-4748 if you have any questions.

Sincerely,

Tommy Alexander
Project Manager for the Power the South Bay Project
CPUC Energy Division

cc: Michelle Wilson, CPUC Energy Division
Dave Davis, ESA
Michael Manka, ESA

Attachment A:

- 1) Power the South Bay Project Data Request 1

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The CPUC regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies.



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Power the South Bay Project Data Request 1

Section 3, Project Description:

- Section 3.3.1: Please provide preliminary design drawings for project features.
 - Figures 3-8 to 3-15 provide good information. The CPUC requests additional profile drawings for the substations and terminals which should show the expected facility including the security walls, poles, A-frames, etc. with dimensions showing the height. Provide drawings, including overhead and profile views, showing the excavation dimensions for typical splice vault and duct banks.
- Section 3.3.4: Provide diagrams with dimensions of existing facilities.
 - See Section 3.3.1 above.
- Section 3.5.5.2: Provide a diagram of the general sequencing and equipment that would be used.
 - This will be used as a figure in the Project Description.
- Section 3.5.6.1: Describe the process for testing excavated soil or groundwater for the presence of pre-existing environmental contaminants that could be exposed from trenching operations.
 - The PEA Project Description and Section 5.9, Hazards, Hazardous Materials, and Public Safety, were reviewed for this information; no such description was found.
- Section 3.5.6.2: Please provide the following information regarding trenchless construction techniques.
 - Describe the process for safe handling of drilling mud and bore lubricants.
 - Describe the process for avoiding contact between drilling mud/lubricants and stream beds.
 - If engineered fill would be used as backfill, indicate the type of engineered backfill and the amount that would be typically used (e.g., the top two feet would be filled with thermal-select backfill).
 - Describe the process for testing excavated soil or groundwater for the presence of pre-existing environmental contaminants. Describe the process of disposing of any pre-existing hazardous waste that is encountered during excavation.
- Section 3.5.7.2: Describe the process and equipment required to construct any slope stabilization, drainage, retention basins, and spill containment required for the facility.
 - This information is necessary to consider the impacts of all project components, including those that provide mitigation.
- Section 3.5.15.1: Describe fire prevention and response procedures that would be implemented during construction.
 - While the analysis of wildfire in Section 5.20 turns on whether a project is located in a State Responsibility Area and/or a Very High Fire Hazard Safety Zone, the analysis of wildfire risk in Section 5.9 does not.

Section 5.3, Air Quality

- Sections 5.3.4.1 & 5.3.4.4: The filed PEA qualitatively evaluates staging areas and worker receptors, but two items for health risk remain outstanding. Please update the Health Risk Assessment (HRA) to include:
 - Annual average PM_{2.5} concentration (including fugitive dust); and



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- Cumulative HRA utilizing Bay Area Air Quality Management District (BAAQMD) tools (the filed PEA qualitatively discusses other construction projects that could be nearby, but not existing sources in the BAAQMD tools such as stationary or mobile).
- Section 5.3.4.2: Appendix 5.3-A is provided, but it only includes model output with no Excel spreadsheets. Please provide Excel spreadsheets as they will be required to adequately estimate average daily emissions.
 - For context, Section 5.3.4.3, Appendix 5.3-A indicates that average daily emissions are underestimated. As an example, 2026 emissions are based on total emissions for the calendar year, divided by 365 days; however, construction in 2026 starts in June, and would occur six days a week, so the actual average daily emissions could be close to twice as much as reported. The BAAQMD recommends that average daily emissions be estimated based on the number of construction days for the year, not the total days in the year.

Section 5.4, Biological Resources

- Section 5.4.1.4: Wetland Delineation Report. Aquatic resources are generally mapped in Figure 5.4-3 for the entire project from National Wetland Inventory (NWI) GIS files and in Figure 5.4-4, but only two short sections have been formally delineated. Please provide the wetland delineation report for formally delineated areas at Cushing Parkway. If access to certain areas of the Project alignment remains limited, please advise and provide this information as access is granted.
- Section 5.4.1.8: Portions of the Don Edwards San Francisco Bay National Wildlife Refuge (NWR) near the project are only generically described – specifically, both sides of Cushing Parkway and to the north of Los Esteros Road, west of the San José-Santa Clara Regional Wastewater Facility (RWF). Please quantify and map the project areas within this biological resource management area. If access to certain areas of the Project alignment remains limited, please advise and provide this information as access is granted.
- Section 5.4.2.2: Please confirm if the proposed Project is covered by the Santa Clara Valley Habitat Plan.
- Section 5.4.4.3: Please quantify and map listed species habitat that will be impacted by the proposed Project. Vernal pool tadpole shrimp and California tiger salamander are known from habitats immediately adjacent to Cushing Parkway. If access to certain areas of the Project alignment remains limited, please advise and provide this information as access is granted.
- Section 5.4.4.4: A wetland identification table was not provided because the delineation is not complete. Construction methods are not discussed in detail. Please provide details on both. Please confirm if California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and/or U.S. Army Corps of Engineers (USACE) permitting is needed for the “no impact” horizontal directional drilling (HDD) crossings.

Section 5.17, Transportation

- Section 5.17.4.2: Please provide an Excel spreadsheet with vehicle miles traveled (VMT) assumptions and model calculations.
- Section 5.17.4.3: Please provide a traffic impact study or explain why such a study is not necessary.

Section 5.18, Tribal Cultural Resources

- Section 5.18.1.1: Please provide copies of all correspondence between PanGIS/LS Power and tribes.



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- Section 5.18.1.2: Two isolates were observed in the proposed Project area during surveys. Please provide an evaluation of these two isolates.

GIS Data Review:

- Please provide GIS shapefiles for the California Historical Resources Information System (CHRIS) record search and cultural survey results/newly recorded resources, per the confidential Appendix F of the cultural resources report (Figure 6, “Previously Recorded Resources” and Figure 7, “Survey Results”).
- Please provide GIS shapefiles for access road type (e.g., overland vs. dirt vs. existing access).
- Please provide GIS shapefiles for new or modified rights-of-way or easements.