



Legislation Text

File #: 2024-0513, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Peter Kaljian, Planner I, 707-565-1735

Vote Requirement: Majority

Supervisorial District(s): Second

Title:

Permit Sonoma File No. PLP22-0025, Borealis Energy Storage Project - Applicant Prepared Environmental Impact Report Peer Review Contract Award; 3571 Old Adobe Rd., Petaluma (APN 017-130-008)

Recommended Action:

Adopt a Resolution authorizing the Director of Permit Sonoma, or designee, to execute an agreement with MIG, Inc., in a form acceptable to County Counsel, to oversee the adequacy of an applicant-prepared Environmental Impact Report for a term not to exceed three years and commencing on the date of the last required signature to the agreement, and in an amount not to exceed \$107,410. Authorize the Director of Permit Sonoma, or designee, to amend the agreement by increasing the not to exceed amount by \$30,000.00.

Executive Summary:

On September 22, 2022, Permit Sonoma received an application from Borealis ESS, LLC, for a Use Permit to allow construction and operation of the Borealis Energy Storage Project- a 300 MW commercial battery storage facility that would occupy approximately 20 acres of an existing 137-acre agricultural property located at 3571 Old Adobe Rd., Petaluma (APN 017-130-008).

In November 2023, Permit Sonoma accepted the applicant's request to submit an Applicant-prepared Environmental Impact Report (EIR) for this project and later executed a Memorandum of Understanding with Borealis ESS, LLC, in accordance with Permit Sonoma's Applicant Prepared Environmental Review Policy 8-0-7. On April 15, 2024, Permit Sonoma released a Request for Proposals (RFP), to solicit proposals to conduct peer review of the Applicant-prepared EIR analysis, develop hearing and public meeting materials related to the EIR, and complete related administrative tasks.

Permit Sonoma recommends the Board authorizes the Director of Permit Sonoma or designee to execute an agreement with MIG, Inc., in a form acceptable to County Counsel, to oversee the adequacy of the applicant prepared EIR for the Borealis Energy Storage Project, for a term not to exceed three years from the date of the last required signature to the agreement, and in an amount not to exceed \$107,410.

Discussion:

Background:

On September 22, 2022, Permit Sonoma received an application from Borealis ESS, LLC for a Use Permit to

allow construction and operation of the Borealis Energy Storage Project- a 300 MW commercial battery storage facility that would occupy approximately 20 acres of an existing 137-acre agricultural property located at 3571 Old Adobe Rd., Petaluma (APN 017-130-008).

Permit Sonoma determined that the scope and intensity of development proposed under the project has the potential to result in significant environmental impacts that cannot be fully mitigated, and therefore an Environmental Impact Report (EIR) is required prior to initiating further processing of the application.

Environmental Review:

Public Resources Code section 21082.1 and CEQA Guidelines section 15084(d)(3) gives discretion to the County regarding whether to allow an applicant to prepare its own Environmental Impact Report (EIR) or Initial Study Checklist (IS) for a private project. If the County elects to allow applicant prepared environmental documents, then it is required to subject the documents to the County's own independent review and analysis. A draft environmental document may not be circulated by the County that does not represent the County's own independent judgment. (14 Cal. Code Regs. § 15084(e); Pub Res. Code § 21082.1(c).)

It is the standard practice of Permit Sonoma to self-prepare any necessary EIR, typically through a contract the County enters with an EIR consultant to evaluate the environmental impacts of a project. An applicant may submit a request for an exception to the standard practice, subject to Director's discretion and in accordance with Permit Sonoma's Applicant Prepared Environmental Review Policy 8-0-7. In November 2023, Permit Sonoma accepted the applicant's comprehensive memorandum explaining their proposed approach to preparing the EIR for the Borealis Energy Storage project and later entered into a Memorandum of Understanding. The Memorandum of Understanding establishes a cooperative agreement between Permit Sonoma and Borealis ESS, LLC, to allow the applicant to provide an Applicant-Prepared EIR to be peer reviewed by the County and County-hired consulting staff with expenses covered by the applicant.

Request for Proposals:

On June 13, 2022, Permit Sonoma released a Request for Qualifications (RFQ) for Professional Planning Services to solicit firms qualified to assist with a scope of planning permit processing services and policy development, including preparation of Environmental Impact Reports. The RFQ was posted through Sonoma County's Purchasing Department as a Supplier Portal Solicitation, under Bid Solicitation No. SC001-0000001522. In July 2022, Permit Sonoma evaluated qualifications using the following criteria:

- Demonstrated ability to perform the services described
- Experience, qualifications, and expertise relating to Sonoma County
- Quality of work as verified by references
- Willingness to accept the County's contract and insurance terms
- The locality of the Proposer

Permit Sonoma selected six proposals from the following firms: Brelje & Race Consulting Engineers; Rincon Consultants, Inc.; WRT, LLC; Interwest Consulting Group; MIG, Inc.; 4Leaf, Inc.

On April 15, 2024, Permit Sonoma released a Request for Proposals (RFP) to the 2022 RFQ Professional

Planning Services consultant list to solicit proposals to conduct peer review of the Borealis Energy Storage Project's Applicant-prepared EIR analysis, develop hearing and public meeting materials related to the EIR, and complete related administrative tasks. Two firms responded with proposals for the requested scope of work.

Three staff members from the Planning Division of Permit Sonoma evaluated and scored the proposals. MIG, Inc. was scored as the preferred bidder for the Borealis Energy Storage Project because their proposal included a comprehensive explanation of their proposed approach to EIR peer review and preparation of public hearing materials. MIG, Inc. has over 20 years of experience in environmental planning and has prepared numerous environmental documents for Sonoma County. Additionally, MIG, Inc. has performed peer review services for other battery energy storage facility projects located in San Joaquin County, as well as for various EIRs and technical studies for projects throughout the Bay Area and Southern California.

The other bidder did not include the same breadth of comprehensive review and technical expertise.

The cost of the proposed contract is for a not-to-exceed amount of \$107,410 with the potential to increase the amount by \$30,000.00. Itemized costs are provided in Exhibit B of Attachment 2.

Tentative Project Schedule (subject to change):

- July 9, 2024 Board approves contract award.
- July 2024 Permit Sonoma publishes Notice of Preparation of the Draft EIR
- August 2024, Permit Sonoma holds Scoping Meeting for the Draft EIR
- December 2024, Peer Review of Draft EIR completes
- January 2024, Permit Sonoma publishes Notice of Completion/Public Review of the Draft EIR
- February 2025, Planning Commission hearing on the Draft EIR
- April 2025, Permit Sonoma prepares Final EIR
- May 2025, Planning Commission hearing on the Use Permit and Final EIR

Strategic Plan:

NA

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

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Prior Board Actions:

None.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$92,410	\$10,000	\$5,000

Additional Appropriation Requested			
Total Expenditures	\$92,410	\$10,000	\$5,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$92,410	\$10,000	\$5,000
Use of Fund Balance			
Contingencies			
Total Sources	\$92,410	\$10,000	\$5,000

Narrative Explanation of Fiscal Impacts:

There are sufficient appropriations in the current year budget to cover costs through the end of the fiscal year. Appropriations for FY 2024-25 will be requested as part of First Quarter Consolidated Budget Adjustments given that these costs were not contemplated in the FY 2024-25 Recommended Budget. County staff and independent consultant review is part of the project costs for which the applicant is responsible.

Narrative Explanation of Staffing Impacts (If Required):

There will be no impact on staffing. Existing staff are sufficient to complete the review of the consultant’s work.

Attachments:

- Attachment 1: PLP22-0025 Board Resolution
- Attachment 2: PLP22-0025 Draft MIG, Inc. Professional Services Agreement
- Exhibit A: MIG, Inc. Exhibit A Scope of Work
- Exhibit B: MIG, Inc. Exhibit B Budget
- Exhibit C: MIG, Inc. Exhibit C Insurance
- Attachment 3: PLP22-0025 Executed MOU dated March 28, 2024
- Attachment 4: PLP22-0025 Borealis Battery Storage RFP Scope with full project description

Related Items “On File” with the Clerk of the Board:

None.