

Exhibit C

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DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

**PACIFIC GAS & ELECTRIC CO (ELKHORN BATTERY STORAGE FACILITY)
(PLN180371)**

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Planning
Commission:

1. Adopting a Mitigated Negative Declaration;
2. Approving a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit for the installation of a battery storage system and associated PG&E switchgear and equipment on approximately 4.5 acres of land within the existing Moss Landing Substation;
 - b. Coastal Development Permit for development within 750 feet of a known archaeological site; and
 - c. Coastal Development Permit for development within 100 feet of environmentally sensitive habitat area; and
3. Adopting a Mitigation Monitoring and Reporting Program.

[PLN180371, Pacific Gas & Electric, 7251 Highway 1, Moss Landing, North County Land Use Plan, Moss Landing Community Plan (Assessor's Parcel Number: 133-181-010-000)]

The PG&E application (PLN180371) came on for a public hearing before the Monterey County Planning Commission on February 26, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) The project has been reviewed for consistency with the text, policies, and regulations in:
- 1982 Monterey County General Plan (General Plan);
 - North County Land Use Plan (NC LUP);
 - Moss Landing Community Plan (MLCP), Chapter 5 of the NC LUP;
 - Monterey County Coastal Implementation Plan, Part 2 (CIP);
 - Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. The subject property is located within the coastal zone; therefore, the 2010 Monterey County General Plan does not apply.

- b) Allowed Use. The subject property is located at 7251 Highway 1, Moss Landing (Assessor's Parcel Number 133-181-010-000). The land use designation of the property is Heavy Industrial, Coastal Dependent as shown in MLCP Figure 2, Land Use Plan map. Zoning of the property is Heavy Industrial, Coastal Zone or "HI(CZ)". Title 20 Section 20.28.050.G allows uses accessory to industrial uses in the Heavy Industrial District. The project is for the establishment of a new battery energy storage system (BESS) consisting of approximately 270 manufactured battery storage units with a capacity of up to 730 megawatt hours (MWh) and associated improvements for connection to existing power transmission facilities on 4.5 acres of land at the PG&E substation. As explained in Finding 2, Evidence "a" below, the project is supportive of the existing power generation and transmission use on the site and is, therefore, accessory to the established use.
- c) Coastal Dependent. MLCP Figure 2 identifies the land use designation for the subject property as a Heavy Industrial – Coastal Dependent. MLCP Section 5.2.1.A – Coastal Dependent Industry, describes existing industries in Moss Landing and states that they "are generally dependent for their existence upon a location near the coastline, and as such are considered 'coastal dependent'. These industries include commercial fishing, aquaculture, energy facilities and manufacturing facilities." This section recognizes that coastal dependent facilities shall be encouraged to expand within existing sites, and shall be allowed for growth consistent with the protection of the area's natural resources. MLCP Section 5.2.1.A.2 identifies full buildout of the Moss Landing Power Plant and refers to policies contained in MLCP Section 5.5 for upgrading energy facilities. CIP Section 20.144.160.C.1.a states that coastal dependent industrial facilities should be encouraged to expand within existing sites before off-site expansion shall be considered. The project is to establish a Battery Energy Storage System (BESS) within an existing industrial site. The BESS has three components: a battery energy storage, a power conversion system and a substation. The land use designation requires coastal dependent uses, MLCP identifies energy facility as

coastal dependent; therefore, the project is consistent with land use requirements for energy facilities and industrial development within the MLCP.

- d) Lot Legality. The subject property (134.07 acres) was created through a Minor Subdivision (PLN970371) approved by the County and filed by Parcel Map recorded in Volume 20, Parcel Maps, Page 64.
- e) Review of Development Standards. MLCP Chapter 5.5, Moss Landing Community Plan – Energy Facilities and Industrial Development contain policies that allow for the expansion and modernization of the existing energy facility and industrial use on the property and is implemented by General Development Standards contained in CIP Section 20.144.160.C, Energy Facilities and Industrial Development. The project is consistent with both development policies and standards because the project is contained within the existing development area of the established industrial site and is supportive of efficient energy production and storage.
- f) Design. MLCP Chapter 5.6, Moss Landing Community Plan – Visual Resources and Community Character provides policies for protection of scenic and visual resources of the area, specifically in the Public Viewshed. These policies are implemented through regulation contained in CIP Section 20.144.160.D. A project site is considered to be in the Public Viewshed if any portion of the proposed development is visible from or impedes the visual access to the Moss Landing Community, harbor and dunes west from Highway 1 or any other public viewing area. The project is located on an adjacent property to Highway 1 to the east. Staff inspected the site and surrounding areas and determined that site improvements would not be visible from and would not impede views of the community, harbor, or dunes. Existing development on the property is industrial and the project components located outside of the existing building are consistent with the industrial character of the site. As discussed in Evidence “1”, no objections to aesthetics were made by the North County Land Use Advisory Committee.
- g) Public Access. The project meets applicable public access requirements. See Finding 6 and supporting evidence.
- h) Archaeological Resources. NC LUP Key Policy 2.9.1 and MLCP General Policy 5.6.2.4 requires the protection of archaeological resources in the area. These policies are implemented through regulations found in CIP Section 20.144.110. Mounty County resource information indicates that the development is within a high archaeological zone and within 750 feet of a positive archaeological site. Consistent with these policies and regulations, an archaeological report was submitted (see Finding 2, Evidence “c”) which concluded that the area of site disturbance is outside of the delineated positive archaeological site. Due to the history of disturbance on the site and previous archaeological reports prepared, the archaeologist assumed

that it would be unlikely that resources exist in the project area. Therefore, this entitlement includes a Coastal Development Permit to allow development within 750 feet of a positive archaeological site.

- i) Biological Resources. The Monterey County GIS identifies the potential for several special species within the surrounding area of the project site. The North County Land Use Plan (LUP) states that environmentally sensitive habitats are areas which plant or animal life, or their respective habitats, are rare or especially valuable due to their nature or role in an ecosystem and which can be easily disturbed or degraded by human activities and developments. The Coastal Act states environmentally sensitive habitat areas (ESHA) includes riparian corridors, sloughs, saltwater and freshwater marshes, dunes, and maritime chaparral. Although development would be within the existing industrially developed substation, construction activity would have potential to disturb ESHA. Pursuant to North County LUP Policy 2.3.2.2 and North County Coastal Implementation Plan (CIP) Section 20.144.040.B.2, a biological assessment was prepared and submitted as part of the project application, and environmentally sensitive habitat area was identified near the project site. See Finding 5, Evidence “e” for additional discussion on biological resources.
- j) Traffic/Transportation. MLCP Section 5.2.2 states that the primary transportation emphasis of the Coastal Act is to preserve highway capacity for coastal access and coastal dependent land uses and recommends a reduction in the number access points from the Highway 1 to minimize hazardous and congested conditions. The power plant is a coastal dependent land use because it has historically used seawater intake pipes in the energy generation use at the site. The North County Coastal Implementation Plan (CIP) Section 20.144.120.A.1 requires a traffic study for all development proposals with potential to significantly impact the service level or safety along Highway 1. See Finding 5 Evidence “f”.
- k) The project was referred to the North County Land Use Advisory Committee (LUAC) for review on January 16, 2019. The LUAC recommended approval of the project as proposed with a vote of six to one, with two members absent.
- l) Staff conducted a site inspection on February 12, 2019 to verify that the project on the subject property conforms to the plans listed above.
- m) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN180371.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the proposed use.

EVIDENCE: a) The project will establish a battery energy storage system within an existing energy facility illustrated in MLCP Figure 5, Energy Facilities & Industrial Development. This system is supportive of the

existing electrical uses on the site as it will allow off-grid storage of energy transmitted to the site during off-peak use, which will then be supplied back into the grid during peak use. Therefore, the use is suitable for the site.

- b) The project was reviewed by RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
- c) Potential impacts to archaeological and tribal cultural resources, biological resources, soils, traffic/transportation and cumulative impact were identified. The following reports have been prepared and submitted with the application:
 - “Geotechnical Investigation Report – PG&E Moss Landing Substation” (LIB180416), prepared by Kleinfelder, June 1, 2018.
 - “Biological Constraints Review for Transmission Projects” (LIB180417), prepared by PG&E, dated August 13, 2018.
 - “A Cultural Resources Study for Pacific Gas and Electric Company’s Proposed Elkhorn Battery Energy Storage System Project, Moss Landing Substation, Monterey County, California”, (LIB180418) prepared by Sharon A. Waechter, October 2018.
 - “Paleontological Analysis for the Moss Landing Battery Energy Storage System (BESS) Project, County of Monterey, California”, (LIB180419), prepared by Paleo Solutions, October 11, 2018.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180371.

3. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA-Planning, RMA-Environmental Services, and Environmental Health Bureau. Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The project includes a fire safety plan in the event the energy storage batteries or their accessory components catch fire. The North County Fire Protection District has reviewed this plan, as well as the entire

project application, and found it acceptable. No conditions of approval were recommended.

- c) The project includes a preliminary Construction Management Plan (CMP) to control construction traffic. RMA-Public works has reviewed this plan and a recommended condition of approval requiring submittal and approval of a final CMP has been incorporated (Condition No. 18). Compliance with the CMP and respective condition would address any temporary traffic hazard that may occur. See Finding 1, Evidence “h”.
- d) Potable water is provided from existing service by the Moss Landing Mutual Water Company and wastewater services are provided through an on-site septic system. The project would not require intensification of these services provided.
- e) The project includes a change of use to establish a battery energy storage system within an existing industrial site. Existing facilities including parking, access, and other similar infrastructure are already provided on the site.
- f) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN180371.

4. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180371.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** – On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgement and analysis of the County.

- EVIDENCE:**
- a) Monterey County RMA-Planning prepared an Initial Study and Draft Mitigated Negative Declaration (IS/MND) in accordance with CEQA. The IS/MND is on file with RMA-Planning and is hereby incorporated by reference. The IS/MND was circulated for public review from July 5, 2019 to August 5, 2019 (SCH No. 2019079016).
 - b) Comments from the California Department of Transportation (Caltrans) and Adams Broadwell Joseph and Cardozo, a law firm in South San Francisco. Caltrans noted that all work in the State’s right-of-way would require an encroachment permit from Caltrans and

must be performed according to Caltrans' standards. They also encouraged PG&E workers to carpool in order to reduce traffic congestion along Highway 1 and lower carbon emissions.

The law firm initially commented on August 5, 2019 and indicated the IS/MND failed to comply with CEQA in analyzing the impacts from all phases of the project including potentially significant impacts, and it failed to support conclusions with substantial evidence. The law firm also indicated the technical appendices and reference documents (with assistance from technical experts from Soil Water Air Protection Enterprise (SWAPE)), the IS/MND failed to analyze air quality impacts.

However, on December 30, 2019, Adams Joseph Broadwell and Cardozo reached a legally enforceable settlement agreement with PG&E to address the merits of the issues raised in August, and the commenter has no further objections to the project.

- c) During environmental review, no impacts to aesthetics, agricultural and forest resources, energy, mineral resources, noise, population/housing, public services, recreation, utilities/service systems, and wildland fire hazards were identified.
- d) Potential impacts to biological resources, cultural resources, geological, and tribal cultural resources caused by temporary construction activities and site excavation resulting from project implementation have been identified. Implementation of the respective NCLUP policies and regulations allow for incorporation of standard conditions of approval which would reduce potential impacts to these resources to a less than significant level.
- e) Potential impacts to biological resources were identified (see Finding 1, Evidence "i"). According to a biological assessment provided by the applicant, the BESS project area contains approximately 26 wildlife species and 33 plant species, including the California Department of Fish and Wildlife's (CDFW) Species of Special Concern, such as the Western burrowing owl and California red-legged frog. Other wildlife species on or near the site include the Monarch butterfly, Western snowy plover tidewater goby and plant species such as the Congdon's tarplant and Choris' popcornflower. Mitigation measures have been incorporated to ensure environmental education and responsible operational program management prior to and during construction to minimize impacts to biological resources
- f) Potential impacts to transportation/traffic resulting from temporary construction traffic were identified (see Finding 1, Evidence "j" and Finding 3, Evidence "c"). In accordance with the provisions of the CIP, a traffic assessment was submitted with the project application (see Finding 2, Evidence C). Historical vehicular access on and off the MLPP, is provided along Highway 1 and Dolan Road. Traffic trips for the PG&E project, the Vistra Project, and the RV and Boat Storage project would all utilize the same route: Dolan Road to

Castroville Boulevard to San Miguel Canyon Road to Highway 101. The construction component of the PG&E Project, would result in approximately 180 daily trips. The construction component of the Vistra Project would result in no more than 924 daily trips. The RV and Boat Storage would result in 27 of daily trips. Using the data provided by the project applications, and in consultation with RMA-Public Works and Facilities, it has been determined that cumulatively, the four projects would not decrease the Level of Service (LOS) on the roads outline within the haul routes. Therefore, the potential impact would result in a less than significant level. RMA-Public Works has reviewed the preliminary CMP, as well as the entire project application, and found all acceptable. To ensure successful implementation of the CMP, RMA-Public Works recommended the project be conditioned requiring their approval of a final CMP prior to issuance of construction permits (Condition No. 18), compliance with the approved CMP be monitored during construction, and that compliance with the CMP is documented in a report to the RMA-Public Works prior to final clearance of construction permits.

- g) Potential impacts to tribal cultural resources were identified (see Finding 1, Evidence “h”). Monterey County Geographic Information System (GIS) indicates that the development area is within an area of high archaeological sensitivity and in accordance with CIP Section 20.145.110.B.1.a, an archaeological assessment was prepared and submitted for the project. These assessment relied on previous studies prepared for MLPP as well as site specific reconnaissance and identified that the proposed excavation area for the substation has been previously disturbed from previous infrastructure installation to a depth of 20 feet.

The site is in the aboriginal territory of the Ohlone/Coastanoan-Esselen Nation (OCEN) and in accordance with Public Resource Code 21080.3.1, tribal consultation between OCEN and County Staff occurred on April 2, 2019. OCEN identified that the entire Moss Landing are is a sacred ground and they object to the excavation for the substation area in principal but understand that development will continue in the area and have requested the presence of a tribal monitor during excavation if it is allowed to proceed. This is consistent with CEQA examples of mitigation measures for tribal cultural resources; that the mitigation preference for historical and archaeological resources is preservation in place, if feasible. Staff worked with OCEN to identify other acceptable mitigations if avoidance would be infeasible. Therefore, OCEN recommended that a tribal monitor be present during the excavation of the substation area and if any artifacts are to be found, they must be provided to the tribe. Implementation of this recommended mitigation (Condition No.

- 11 – MM01) would reduce potential impacts to tribal cultural resources to a less than significant level.
- h) During environmental review, potential cumulative impacts to air quality, biological resources, greenhouse gas emissions, hazards/hazardous materials, traffic and tribal cultural resource have been identified resulting from temporary construction activities. There are two (2) projects within the project site’s proximity that were taken into consideration with the cumulative impact analysis. The Vistra Energy Project, located on an adjacent property to the south (PLN180394 and PLN190253) and an “RV and Boat Storage Project” or “McCombs” on Dolan Road east of the subject property (PLN160443). These two (2) projects and the Elkhorn Battery Storage Facility project have the potential to create cumulative impacts; however, these impacts would be during the construction phase of the project and/or would not exceed threshold levels established in the CEQA Air Quality Guidelines and Air Quality Management Plan for the Monterey Bay Region. Therefore, these impacts are considered less than significant.
 - i) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” as a condition of project approval (Condition No.15).
 - j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD) (Condition No. 14).
 - k) Monterey County RMA-Planning, located at 1441 Shilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter

3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the CIP can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject project site is not located in an area requiring public access delineated in Moss Landing Community Plan Figure 4, Moss Landing Public Access and Recreation or North County Land Use Plan Figure 6, Shoreline Access/Trails.
 - d) Staff conducted site inspections on February 12, 2019 and no public access areas were observed.
 - e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN180371.

7. **FINDING:** **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20 Section 20.86.030, an appeal of the Planning Commission’s approval for this project may be made to the Board of Supervisors by any public agency or person aggrieved by their decision.
 - b) Coastal Commission. Pursuant to Section 20.86.080.A of Title 20, the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use (Development within 750 feet of known archaeological resources).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of a:
 - a. Coastal Administrative Permit for the installation of a battery storage system and associated PG&E switchgear and equipment on approximately 4.5 acres of land within the existing Moss Landing Substation which would transmit power to the PG&E electric grid;
 - b. Coastal Development Permit for development within 750 feet of a known archaeological site;
 - c. Coastal Development Permit for development within 100 feet of environmentally sensitive habitat area; and
3. Adopt a Mitigation Monitoring and Reporting Program.

Subject to twenty-six (15) conditions of approval including ten (10) mitigation measures.

PASSED AND ADOPTED this 26th day of February 2020 upon motion of Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brandon Swanson, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services offices in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN180371

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN180371) allows 1) Coastal Administrative Permit and Design Approval for the installation of a battery storage system and associated PG&E switchgear and equipment on approximately 4.5 acres of land within the existing Moss Landing Substation; and 2) Coastal Development Permit for development with a positive archaeological report. The property is located at 7251 Highway 1 in Moss Landing (Assessor's Parcel Number 133-181-010-000), North County Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the RMA Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Combined Development Permit (Resolution Number 18-) was approved by the Planning Commission for Assessor's Parcel Number 133-181-010-000 on February 26, 2020. The permit was granted subject to fifteen (15) conditions of approval and ten (10) mitigation measures which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. AS-BUILT CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: Prior to final inspection, the applicant shall provide a letter from a licensed engineer certifying that all development has been constructed in accordance with the recommendations in the Geotechnical Investigation Report and the approved grading plan and stormwater control plan. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

4. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) including the Waste Discharger Identification (WDID) number, to RMA-Environmental Services. In lieu of a Stormwater Pollution Prevention Plan (SWPPP), a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a SWPPP including the WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

5. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. The plan shall also include RMA-Environmental Services standard inspection notes 1, 2, & 3. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an erosion control plan to RMA-Environmental Services for review and approval. Standard inspection notes are available on the RMA-Environmental Services website.

6. GEOTECHNICAL PLAN REVIEW

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from the licensed practitioner that their geotechnical recommendations have been incorporated into the approved grading plan and stormwater control plan. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall provide certification from the licensed practitioner(s).

7. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan, prepared by a registered Professional Engineer, incorporating the recommendations in the project Geotechnical Investigation Report prepared by Kleinfelder, Inc., dated June 1, 2018. The grading plan shall include contour lines and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The grading plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a grading plan to RMA-Environmental Services for review and approval.

8. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide a stormwater control plan with supporting calculations, prepared by a registered civil engineer, that includes stormwater detention and retention facilities for the proposed project. Post-project runoff rates shall be limited, at a minimum, to match pre-development (natural/undeveloped) runoff rates for the 2, 5, 10, 25, 50, and 100-year 24-hour design storms. The 85th percentile 24-hour storm shall be retained to mitigate water quality impacts. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a stormwater control plan to RMA-Environmental Services for review and approval.

9. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

10. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. ***) for the Combined Development Permit (Planning File No.: PLN180371) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

11. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

12. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Final Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project, monitoring reports to ensure compliance and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. The CMP shall encourage construction equipment use of alternative fuels, if feasible, such as compressed natural gas (CNG), propane, electricity or biodiesel to reduce any diesel exhaust emissions and corresponding diesel exhaust odors. The CMP shall include a note demonstrating how soil disturbance, stockpiling of excavated materials, and transport of construction waste and soils offsite will be done in accordance with the Geo-technical Report (Monterey County File No, LIB180416) prepared for the subject property. Hauling of hazardous materials offsite shall be done by a contractor licensed, insured, and approved to transport hazardous waste, in methods approved by local, state and federal requirements, and disposed of in an approved offsite facility. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. Prior to the final of construction permits, the owner/applicant shall submit to RMA-Planning final monitoring reports for review and approval. the final report shall document mitigation measures that where implemented as defined in the CMP and their success.
3. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

13. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

14. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any construction activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

15. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

16. MM01 - BIOLOGIST CONTRACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For the protection of sensitive wildlife species, nesting birds, and wetland habitat, the owner/applicant shall enter into a contract with a qualified biologist (Project Biologist), and submit said contract to RMA-Planning prior to issuance of construction permits. The contract shall outline and certify an agreement to implement the following actions:

- Review the construction documents (grading plan, building plan, and construction management plan) to verify consistency with the preliminary plans and project biological assessment (Monterey County File No. LIB180417).
- Conduct a preconstruction survey for special status amphibians in accordance Mitigation Measure No. 2.
- Conduct a preconstruction survey for nesting birds and Burrowing owl in accordance Mitigation Measure No. 3.
- Develop and implement a biological education program for construction personnel. The program shall include, but not be limited to, what the protected biological resource look like, where they can be found, and locations of any special protection areas. Construction personnel sign in sheets verifying biological training was administered and received shall be incorporated within the required monitoring reports in accordance with Mitigation Measure No. 4.
- The owner/applicant shall delegate responsibility and authority to the project biologist to stop construction in the event the work is found to be inconsistent with the approved plans, BMP's, or if biological resources are not adequately protected. The contractor and project biologist, shall develop a plan to remediate and/or revise procedures and methods to accomplish the objective of Mitigation Measure Nos. 2 through 5.
- Establish set criteria by which successful implementation of Mitigation Measure Nos. 2 through 5.
- Prepare and submit a final report to RMA-Planning for review and approval indicating that the Mitigation Measure Nos. 2 through 5 protection measures in place were successful.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified biologist (Project Biologist). The contract shall be submitted to the RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval. In addition to the contract requirements established in Mitigation Measure No. 1, the owner/applicant shall include a note on the construction plans encompassing the language identifying the contract requirements.

Mitigation Measure Monitoring Action No. 1b: Prior to the final of construction permits for grading or building, the owner/applicant shall submit a final report prepared by the Project Biologist to RMA-Planning for review and approval. The final report shall document mitigation measures that where implemented and their success. Any deviation from measures, occurrences of halting construction, and/or any other issues shall be identified and how the protection objectives have been met shall be explained.

17. MM02 - PRECONSTRUCTION SURVEY - SPECIAL STATUS AMPHIBIANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For the protection of California red legged frog (CRLF) and California tiger salamander (CTS) and order to ensure grading and construction activities are conducted in accordance with the recommendations contained in the project biological assessment (Monterey County File No. LIB180417), the Project Biologist shall conduct a preconstruction survey for CRLF and CTS in areas where CRLF and CTS may occur. If a CRLF, CTS, or other special-status wildlife species is identified during pre-construction surveys, the Project Biologist shall immediately contact California Department of Fish and Wildlife (CDFW) to consult on the appropriate next steps, including whether a take authorization is necessary through an Incidental take Permit (ITP) issued pursuant to Fish and Game Code Section 2081(b). The Project Biologist shall remain on site during all project related activities until the biologist determines that construction activities will not impact the observed species. No construction activities shall occur within 50 feet of a CRLF or CTS, until it has been confirmed that the amphibian has moved out of the project area. Any work that occurs immediately after or during a rain event (greater than 0.25 inches) shall be monitored by the Project Biologist. Standing water shall be removed from site before starting construction to reduce the risk of CRLF or CTS entering the site.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action No. 2a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure 2.

Mitigation Monitoring Action No. 2b: Prior to of grading and/or building activities, the owner/applicant shall submit a report from the Project Biologist containing the results of the preconstruction survey to RMA-Planning for review. The report shall identify all areas surveyed for CRLF and CTS and notate and map areas where any CRLF and/or CTS were found. If special status species were found, the report shall described how work was halted, if necessary, and how ongoing monitoring will occur.

Mitigation Monitoring Action No. 2c: Within three months following final inspection of the construction permit, the applicant shall submit to RMA-Planning a report from a qualified biologist detailing the results of the monitoring inspection and successful implementation of Mitigation Measure No. 2.

18. MM03 - PRECONSTRUCTION SURVEY - NESTING BIRDS AND BURROWING OWLS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For the protection of nesting birds and Burrowing owl, and order to ensure grading and construction activities are conducted in accordance with the recommendations contained in the project biological assessment (Monterey County File No. LIB180417), if construction activities occur during the nesting bird season (February 1 through August 31), the Project Biologist shall conduct a preconstruction survey of the project area prior to the start of construction for nesting birds and Burrowing owl. The survey area shall include all portions of the project area containing suitable nesting habitat, including a 100-foot buffer for passerines and 300-foot buffer for raptors. Surveys shall be conducted within 14 days prior to the start of construction. If an active bird nest is identified, an appropriate exclusionary buffer zone shall be delineated and observed around the nest based on species and location, in accordance with PG&E's Avian Protection Plan and in consultation with the Project Biologist. The nest buffer shall remain in place until the young have fledged. If the construction site is left unoccupied by personnel 14 days or longer during the bird nesting season, the survey shall be repeated prior to resuming construction.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action No. 3a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure 3.

Mitigation Monitoring Action No. 3b: Prior to of grading and/or building activities, the owner/applicant shall submit a report from the Project Biologist containing the results of the preconstruction survey to RMA-Planning for review. The report shall identify all areas surveyed for nesting birds and Burrowing owl and notate and map areas where any nesting birds and/or Burrowing owl were found. If special status species were found, the report shall described how work was halted, if necessary, and how ongoing monitoring will occur. If an exclusionary buffer zone is required, the report shall illustrate where the zone is located and describe how the zone is delineated.

Mitigation Monitoring Action No. 3c: Within three months following final inspection of the construction permit, the applicant shall submit to RMA-Planning a report from a qualified biologist detailing the results of the monitoring inspection and successful implementation of Mitigation Measure No. 3.

19. MM04 - BIOLOGICAL EDUCATION PROGRAM FOR CONSTRUCTION PERSONNEL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For the protection of sensitive wildlife species, nesting birds, and wetland habitat, the owner/applicant shall conduct a biological education program for construction personnel employed or otherwise working in the project area that are associated with the project prior to commencement of any work associated with the project within the project area. The biological education training program shall be developed by the Project Biologist and conducted by the biologist, or their trained designee, for the purpose of educating site personnel of the biology and general behaviors of California reg legged frog (CRLF), California tiger salamander (CTS), nesting birds, and Burrowing owl in all life stages in order to avoid impacts to these sensitive resources. The training shall also include how to identify wetland features. The biological education training program shall be made available in English and for non-English speaking personnel, translation services shall be provided. The environmental education program shall incorporate the following:

- a) A presentation by a qualified biologist, or their trained designee, on how to identify CRLF, CTS, nesting birds, Burrowing owl and their potential habitats as well as wetland features;
- b) Information about distribution and habitat needs of CRLF, CTS, nesting birds, and Burrowing owl and their sensitivity to human activities;
- c) The special status of CRLF, CTS, nesting birds, and Burrowing owl; including legal protection, recover efforts and penalties for violation under the Endangered Species Act;
- d) Preparation and distribution of wallet-sized cards and/or a fact sheet handout containing the information identified in a-c above, for site personnel associated with the project to carry when on the project site. The owner/applicant shall provide translated versions of the cards available on site and provide to employees upon request. Each card or handout shall also direct personnel to contact site supervisors in the event CRLF, CTS, nesting birds, Burrowing owl, and wetland features is observed; and
- e) If special-status wildlife species are found on site, crews shall immediately stop work and shall contact the Project Biologist.

Upon completion of educational training, all site personnel associated with the project shall sign a form stating they have attended the program and understand the information and are therefore authorized to conduct work in the project area. The training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the project area.

**Compliance or
Monitoring
Action to be Performed:**

Mitigation Monitoring Action 4a: Prior to the issuance of construction permits, the owner/applicant shall submit the final biological education program for construction personnel to RMA-Planning for review and approval.

Mitigation Monitoring Action 4b: Prior to the issuance of a construction permit, the owner/applicant shall submit evidence to the satisfaction of the RMA-Planning that all personnel associated with the project conducting work within the project area have completed the environmental education program and have been provided with a handout containing information about CRLF, CTS, nesting birds, Burrowing owl, and wetland features consistent with the requirements contained Mitigation Measure No. 4.

Mitigation Monitoring Action 4c: Prior to final construction permits, the owner/applicant shall submit a letter prepared in consultation with, and signed by the Project Biologist to the RMA-Planning, confirming successful implementation of the biological education program for construction personnel.

20. MM05 - BEST MANAGEMENT PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to ensure construction activities include best management practices that provide overall protection measures for sensitive wildlife species, nesting birds, and wetland habitat, the following shall be included as a note on the construction plans.

- All project activities shall be confined to the designated work areas. No work, including vehicle parking, moving heavy equipment, and staging materials, shall occur in the undeveloped areas outside of the substation.
- Wildlife within the work area shall be allowed to leave on its own unharmed and wildlife found onsite shall not be handled or harassed.
- Vehicles shall observe a maximum 10 mph speed limit while in the work area.
- All food and food-related trash items shall be enclosed in sealed trash containers at the end of each day.
- No pets shall be allowed anywhere in the project site during construction.
- Open excavations shall be covered overnight. If a trapped animal is discovered, the animal shall be allowed to escape, or a qualified biologist shall assist in moving the animal. If a state- or federally listed species is found trapped, dead, or injured onsite, the owner/applicant, contractor, or biologist shall notify the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service, as appropriate. Excavations shall be inspected for the presence of wildlife prior to backfilling.
- Personnel shall inspect the project area for wildlife before moving materials.
- All vehicles and construction equipment shall be refueled on paved surfaces or within secondary containment, and any spills shall be cleaned up immediately. Appropriate BMPs shall be implemented for handling and storing fuel, oil, and hazardous waste.
- Work will occur during daylight hours. If work at night is necessary, the crews shall consult with the PG&E Project Biologist prior to proceeding.
- No monofilament plastic (e.g., matting, fiber roll, wattles, silt fencing backing or sod) will be used for erosion control because it poses an entrapment hazard for wildlife. Appropriate materials include burlap, coconut fiber, or other materials identified in the general or site-specific SWPPP.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 5a: Prior to issuance of construction permits for grading and/or building, the owner/applicant shall include a note on the construction plans encompassing the language contained within Mitigation Measure No. 5 to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 5b: Prior to final of construction permits for grading and/or building, RMA-Planning staff shall field verify that implementation of the best management practices was successful.

21. MM06 - ONSITE ARCHAEOLOGICAL MONITOR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to reduce potential impacts to cultural resources that may be discovered during development of the site, a qualified archaeological monitor shall be present during demolition that involves soil disturbance and during foundation excavation. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the archaeological monitor. If the find is determined to be significant, work shall remain halted until a plan of action has been formulated, with the concurrence of the RMA-Planning, and implemented. In order to facilitate data recovery of smaller midden components, such as beads or lithic debitage, the excavated soil from the project site shall be screened during monitoring. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 6a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 6. The owner/applicant shall submit said plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 6b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include a pre-construction meeting agenda with specific construction activities where the archaeological monitor will not be present for, how sampling of the excavated soil will occur, and any other logistical information such as when and how work on the site will be halted. The pre-construction meeting agenda information shall include the scope of work and the methods for construction of the BESS. In addition, the contract shall authorize the monitor to prepare a report suitable for compliance documentation to be prepared within four weeks of completion of the data recovery field work. The contract shall be submitted to RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Monitoring Action No. 6c: If archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and appropriate mitigation measures are formulated and implemented. Data recovery shall be implemented during the construction and excavation monitoring. If intact cultural features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The owner/applicant shall allow the onsite Tribal Monitor (see Mitigation Measure No. 10) an opportunity to make recommendations for the disposition of potentially significant cultural materials found.

Mitigation Measure Monitoring Action No. 6d: A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to RMA-Planning and the Northwest Regional Information Center at Sonoma State University.

22. MM07 - UNIDENTIFIED CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Due to the development's proximity to previously recorded archaeological sites, there is potential for human remains to be accidentally discovered during excavation. In order to ensure uncovered remains are handled properly, work shall be halted within 50-meters (165-feet) of the find until evaluation by a qualified professional archaeologist occurs. If archaeological resources or human remains are inadvertently encountered, RMA-Planning and a qualified archaeologist shall be immediately contacted by the responsible individual on-site. When contacted, the project planning and archaeologist shall immediately visit the site to determine the extent of the resources and develop property mitigation measures required for the discovery.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 7a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language within Mitigation Measure No. 7. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 7b: If human remains are accidentally discovered during construction activities, there shall be no further excavation or disturbance within 50-meters (165-feet) of the find until an evaluation by a qualified archaeologist can be performed. In addition, the following actions shall occur:

- The owner, applicant, or contractor shall contact Monterey County RMA-Planning and inform the project planner of the find.
- The owner, applicant, or contractor shall contact the Monterey County Coroner to determine that no investigation of the cause of death is required.
- If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and RMA-Planning within 24-hours.
 - The Native American Heritage Commission shall identify the person or persons from the recognized local tribe of the Esselen, Salinan, Costanoan/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposition of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993. When human remains are exposed, Health and Safety Code Section 7050.5 requires that no further excavation or disturbance occurs in the area and that the County Coroner is called so that the coroner can verify that remains are not subject to medical jurisprudence. Within 24-hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Commission reports to the most likely descendant (MLD). The MLD has 48 -hours to respond. All work shall halt within 50-meter radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided by the MLD.

23. MM08 - PALEONTOLOGICAL RESOURCES EDUCATION PROGRAM FOR CONSTRUCTION PERSONNEL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: For the protection of potential paleontological resources onsite, , the owner/applicant shall conduct a paleontological resources education program for construction personnel employed or otherwise working in the project area that are associated with the project prior to commencement of any work associated with the project within the project area. The paleontological resources education training program shall be developed by a qualified paleontologist and/or the Project Cultural Resource Specialist (CRS) and conducted by the Project CRS, or their trained designated project inspector, for the purpose of educating site personnel of, and avoiding impacts to, paleontological resources. The education training program shall be made available in English and for non-English speaking personnel, translation services shall be provided and shall incorporate the following:

- a) The types of fossils that could occur at the project site;
- b) The types of lithologies in which the fossils could be preserved;
- c) Procedures that should be taken in the event of fossil discovery;
- d) Penalties for disturbing paleontological resources; and
- e) Preparation and distribution of wallet-sized cards and/or a fact sheet handout containing the information identified in a-D above, for site personnel associated with the project to carry when on the project site. The owner/applicant shall provide translated versions of the cards available on site and provide to employees upon request. Each card or handout shall also direct personnel to contact site supervisors in the event paleontological resources are observed; and
- f) If paleontological resources are found on site, halt work in accordance with Mitigation Measure No. 9. crews shall immediately stop work and shall contact the Project Biologist.

Upon completion of educational training, all site personnel associated with the project shall sign a form stating they have attended the program and understand the information and are therefore authorized to conduct work in the project area.

**Compliance or
Monitoring
Action to be Performed:**

Mitigation Monitoring Action 8a: Prior to the issuance of construction permits for grading or building, the owner/applicant shall submit to RMA-Planning a copy of the contract between the owner/applicant and a qualified Project Cultural Resource Specialist (CRS) outlining the action measure contained in Mitigation Measure No. 8. The contract shall be submitted to the RMA-Planning for review and approval. Should RMA-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval. In addition to the contract requirements established in Mitigation Measure No. 8, the owner/applicant shall include a note on the construction plans encompassing the language identifying the contract requirements.

Mitigation Monitoring Action 8b: Prior to the issuance of construction permits, the owner/applicant shall submit the final paleontological resources education program for construction personnel to RMA-Planning for review and approval.

Mitigation Monitoring Action 8c: Prior to the issuance of a construction permit, the owner/applicant shall submit evidence to the satisfaction of the RMA-Planning that all personnel associated with the project conducting work within the project area have completed the paleontological resources education program and have been provided with a handout containing information about paleontological resources consistent with the requirements contained Mitigation Measure No. 8.

Mitigation Monitoring Action 8d: Prior to final construction permits, the owner/applicant shall submit a letter prepared in consultation with, and signed by the CRS to the RMA-Planning, confirming successful implementation of the paleontological resources education program for construction personnel.

24. MM09 - UNANTICIPATED DISCOVERY OF PALEONTOLOGICAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Due to the development site's moderate potential to contain paleontological resources, there is potential for paleontological resources to be accidentally discovered during excavation. In order to ensure paleontological resources are handled properly, work shall be halted within 100-feet of the find until evaluation by a qualified paleontologist and/or Project Cultural Resource Specialist (CRS) can occur. If paleontological resources are inadvertently encountered, RMA-Planning and a qualified paleontologist and/or the Project CRS shall be immediately contacted by the responsible individual on-site. When contacted, the project planning and qualified paleontologist and/or the Project CRS shall immediately visit the site to determine the extent of the resources and develop property mitigation measures required for the discovery. Work may not resume within 100 feet of the find until approval by a qualified paleontologist and/or the Project CRS.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 9a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language within Mitigation Measure No. 9. The owner/applicant shall submit plans to RMA-Planning for review and approval.

Mitigation Measure Monitoring Action No. 9b: If paleontological resources are accidentally discovered during construction activities, there shall be no further excavation or disturbance within 100-feet of the find until an evaluation by a qualified paleontologist and/or the Project CRS can be performed. In addition, the following actions shall occur:

- The owner, applicant, or contractor shall contact Monterey County RMA-Planning and inform the project planner of the find.
- The owner, applicant, or contractor shall not resume work within 100-feet of the find until approved by a qualified paleontologist and/or the Project CRS.

25. MM10 - PROTECTION OF TRIBAL CULTURAL RESOURCES AND SACRED PLACES

Responsible Department: RMA-Planning

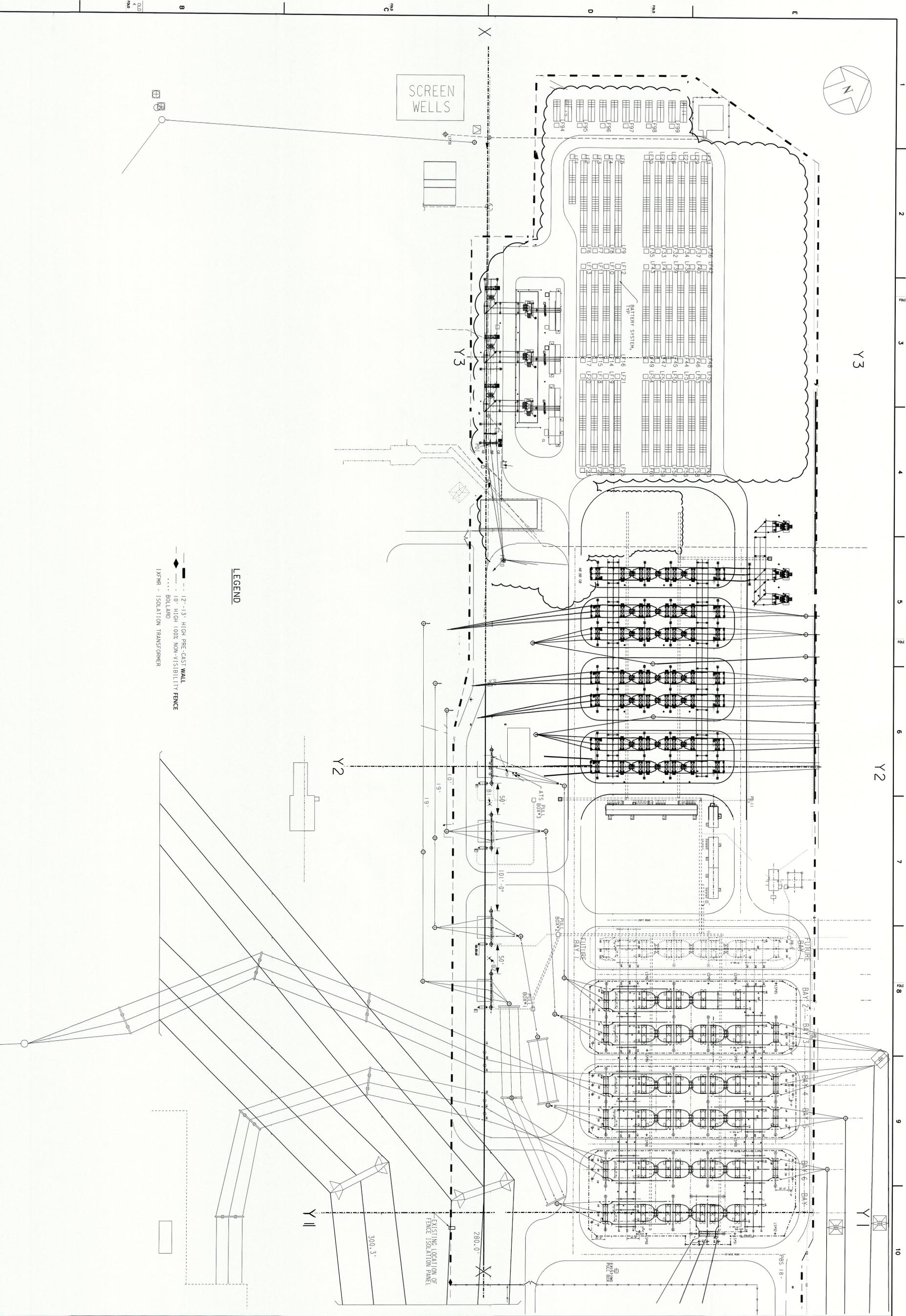
Condition/Mitigation Monitoring Measure: In order to reduce potential impacts to cultural resources and sacred places, excavation for the substation shall be observed by a Native American Tribal Monitor for the Ohlone/Costanoan-Esselen Nation (OCEN), as approved by the OCEN Tribal Council. This monitoring shall be limited to the areas specified above and to excavation of sterile soils. Placement of fill and/or compaction of soils shall not require a tribal monitor. If more than one earth moving equipment is deployed at different locations at the same time, more than one tribal monitor shall be present during those periods. If at any time, potentially significant cultural resources, sacred places, or intact features are discovered, the contractor shall temporarily halt work until the find can be evaluated by the tribal monitor and archaeological monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with the concurrence of RMA-Planning, and implemented. Since any items that may be uncovered during excavation belong to the property owner, this mitigation shall serve as notice that the OCEN Tribal Council formally requests that any sacred burial items discovered be given to the tribe by the property owner.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action No. 10a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 10. In addition, the note shall state: "Stop work within 50 meters (165 feet) of uncovered resource(s) and immediately contact Monterey County RMA-Planning." Prior to resuming any further Project-related ground disturbance, Owner/Applicant shall coordinate with the Project Planner and the Monitor to determine a strategy for either return to the OCEN tribe or reburial. The owner/applicant shall submit said plans to RMA-Planning for review and approval.

Mitigation Monitoring Action No. 10b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit a contract with an OCEN approved Native American Tribal Monitor to RMA-Planning for review and approval. The contract shall outline logistics for monitoring during earth disturbance activities specified in Mitigation Measure No. 10 as well as how uncovered cultural resources will be handled, in coordination with the project archaeologist.

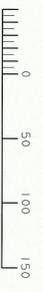
Mitigation Monitoring Action No. 10c: An on-site preconstruction meeting shall be held between the applicant, OCEN Tribal monitor, and contractor to discuss and assure understanding of Mitigation Measure No. 10 and scheduling of construction with regard to monitoring. Prior to issuance of any construction permits for grading or construction, the preconstruction meeting between the parties shall be conducted and a letter summarizing what was discussed shall be submitted to RMA-Planning.

Mitigation Monitoring Action No. 10d: During earth disturbance activities specified in Mitigation Measure No. 10, the OCEN approved Native American Tribal Monitor shall be onsite observing the work, consistent with the approved contract required by Mitigation Measure Action No. 10b. Prior to final of construction permits for grading or building, the owner/applicant shall submit a letter for the Native American Tribal Monitor verifying all work was done consistent with the contract to RMA-Planning.



LEGEND

- 12'-11 3/4" HIGH PRE-CAST WALL
- - - 10' HIGH 100% NON-VISIBILITY FENCE
- BOLLARD
- X KERN - ISOLATION TRANSFORMER



SCALE: 1" = 50'

**CONCEPTUAL DESIGN
NOT FOR CONSTRUCTION**

**ELECTRIC TRANSMISSION
ENGINEERING & CONSTRUCTION**
FOR QUESTIONS OR REV OF THIS DWG:
Call _____
Call _____
Call _____

SUBSTATION & TRANSMISSION		ELECTRICAL		EARTHQUAKE ENERGY STORAGE		ARRANGEMENT		SUBSTATION											
BUSINESS LINE	FACILITY TYPE	DISCIPLINE		FACILITY NAME	DRAWING TYPE	STATUS	CONSTR. DATE	FACILITY COMPONENT	DATE										
REV	DATE	DESCRIPTION	JOB NO.	ISS/ CHD/ SUPV	APVD	REV	DATE	DESCRIPTION	JOB NO.	ISS/ CHD/ SUPV	APVD	REV	DATE	DESCRIPTION	JOB NO.	ISS/ CHD/ SUPV	APVD	REV	DATE



PACIFIC GAS AND ELECTRIC COMPANY
DEPARTMENT OF ENGINEERING
EARTHQUAKE ENERGY STORAGE
BESS/115/230KV SWITCHYARD
BESS/115/230KV
ARRANGEMENT
BESS/115/230KV

SCALE: 1" = 50'
BILL OF MATL
PURPOSE
SHEET NO
SHEETS
DRAFT 0