

# Exhibit E

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**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

**Project Title:** DUKE ENERGY MOSS LANDING LLC (VISTRA ENERGY CORPORATION)

Lead Agency: Monterey County RMA - Planning

Contact Person: Jacquelyn M. Nickerson

Mailing Address: 1441 Schilling Place, 2nd Floor

Phone: 831-755-5240

City: SALINAS

Zip: 93901

County: MONTEREY

**Project Location:** County: MONTEREY

City/Nearest Community: MOSS LANDING

Cross Streets: 11283 Dolan Road

Zip Code: 95039

Longitude/Latitude (degrees, minutes and seconds): ° ' " N / ° ' " W Total Acres:

Assessor's Parcel No.: 133-181-011-000

Section:

Twp.:

Range:

Base:

Within 2 Miles: State Hwy #: HWY 1

Waterways:

Airports:

Railways:

Schools: NORTH MONTEREY CG

**Document Type:**

CEQA:

☐ NOP☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) 2019011067

☐ Draft EIS☐ Other:☒ Mit Neg Dec

Other: RECIRCULATED MND

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☒ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other:**Development Type:**☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employees

☐ Transportation: Type☐ Commercial: Sq.ft.

Acres

Employees

☐ Mining: Mineral☒ Industrial: Sq.ft. 96,411

Acres 137.5

Employees 420

☐ Power: Type

MW

☐ Educational:☐ Waste Treatment: Type

MGD

☐ Recreational:☐ Hazardous Waste: Type☐ Water Facilities: Type

MGD

☐ Other:**Project Issues Discussed in Document:**☐ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☐ Water Quality☐ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☐ Water Supply/Groundwater☐ Archeological/Historical☐ Geologic/Seismic☐ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☐ Minerals☐ Soil Erosion/Compaction/Grading☐ Growth Inducement☐ Coastal Zone☐ Noise☐ Solid Waste☐ Land Use☐ Drainage/Absorption☐ Population/Housing Balance☐ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☐ Public Services/Facilities☐ Traffic/Circulation☐ Other:**Present Land Use/Zoning/General Plan Designation:**

North County Land Use Plan, Moss Landing Community Plan/HI

**Project Description:** (please use a separate page if necessary)

Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1.) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2.) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".

If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #4 _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date April 5, 2019 Ending Date May 6, 2019

### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>ERIC CHERNISS</u>
Address: _____	Address: <u>6555 SIERRA DRIVE</u>
City/State/Zip: _____	City/State/Zip: <u>IRVING, TX 75039</u>
Contact: _____	Phone: <u>408-460-8200</u>
Phone: _____	

Signature of Lead Agency Representative: \_\_\_\_\_

Date: April 4, 2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



County of Monterey  
State of California

**RE-CIRCULATED MITIGATED NEGATIVE  
DECLARATION**

**FILED**

APR 04 2019

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Duke Energy Moss Landing LLC (Vistra Energy Corporation)
<b>File Number:</b>	PLN180394
<b>Owner:</b>	Duke Energy Moss Landing LLC
<b>Project Location:</b>	11283 Dolan Road, Moss Landing
<b>Primary APN:</b>	133-181-011-000
<b>Project Planner:</b>	Jacquelyn M. Nickerson
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

<b>Decision Making Body:</b>	Planning Commission
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	April 5, 2019
<b>Review Period Ends:</b>	May 6, 2019

Further information, including a copy of the application and Initial Study are available at the Monterey County RMA Planning, 1441 Schilling Place South, 2<sup>nd</sup> Floor, Salinas, CA 93901/(831) 755-5025

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING

1441 SCHILLING PL SOUTH 2<sup>ND</sup> FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



## NOTICE OF INTENT TO ADOPT A **RE-CIRCULATED MITIGATED** NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that Monterey County Resource Management Agency – Planning has prepared a draft Recirculated Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit consisting of two (2) Coastal Administrative Permit. [Duke Energy Moss Landing LLC (Vistra Energy Corporation), File Number PLN180394] at 11283 Dolan Road, Moss Landing (Assessor's Parcel Number 133-181-011-000), Moss Landing Community Plan. (see description below).

The **ORIGINAL** Mitigated Negative Declaration and Initial Study (SCH No. 2019011067) and the **RE-CIRCULATED** Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Resource Management Agency – Planning, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The **ORIGINAL** Mitigated Negative Declaration and Initial Study (SCH No. 2019011067) and the **RE-CIRCULATED** Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/resources-documents/environmental-documents/pending> .

The Planning Commission will consider this proposal at a meeting on May 8, 2019 at 9:00 a.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on the Recirculated Mitigated Negative Declaration will be accepted from April 5, 2019 to May 6, 2019. Comments can also be made during the public hearing.

**Project Description:** Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1.) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2.) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then

please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

**For reviewing agencies:** Resource Management Agency – Planning requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey  
Resource Management Agency – Planning  
Attn: Brandon Swanson, Interim RMA Chief of Planning  
1441 Schilling Place South 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Duke Energy Moss Landing LLC (Vistra Energy Corporation)/File Number PLN180394

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

\_\_\_ No Comments provided  
\_\_\_ Comments noted below  
\_\_\_ Comments provided in separate letter

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **DISTRIBUTION**

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. CalTrans District 5 (San Luis Obispo office)
4. California Coastal Commission, Attention Katie Butler
5. Association of Monterey Bay Area Governments
6. Monterey Bay Air Resources District
7. California Department of Fish & Wildlife, Monterey Field Office Environmental Review, Marine Region
8. California Department of Fish & Wildlife, Region 4, Renee Robison
9. Native American Heritage Commission, Sacramento Office
10. Louise Miranda-Ramirez, C/O Ohlone/Costanoan-Esslen Nation
11. North County Fire Protection District
12. Monterey County RMA-Public Works
13. Monterey County RMA-Environmental Services
14. Monterey County Environmental Health Bureau
15. Monterey County Sheriff's Office, Donna Galletti
16. Duke Energy Moss Landing LLC, Owner
17. Vistra Energy Corporation, Eric Chernuss, Agent
18. The Open Monterey Project
19. LandWatch Monterey County
20. Property Owners & Occupants within 300 feet (**Notice of Intent only**)
21. Robert Cleland, C/O Vistra Energy Corporation\*
22. Christopher Carr, C/O Baker Botts LLP\*
23. Navi Dhillon, C/O Baker Botts LLP\*
24. Kevin Vickers, C/O Baker Botts LLP\*
25. Sheila Sannadan, C/O Adams Broadwell Joseph & Cardozo\*

\*Received only Notice of Intent (hard copy)

### **Distribution by e-mail only (Notice of Intent only):**

26. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: [galacatos@usace.army.mil](mailto:galacatos@usace.army.mil))
27. Emilio Hipolito ([ehipolito@nccrc.org](mailto:ehipolito@nccrc.org))
28. Molly Erickson ([Erickson@stamplaw.us](mailto:Erickson@stamplaw.us))
29. Margaret Robbins ([MM\\_Robbins@comcast.net](mailto:MM_Robbins@comcast.net))
30. Michael Weaver ([michaelrweaver@mac.com](mailto:michaelrweaver@mac.com))
31. Monterey/Santa Cruz Building & Construction ([Office@mscbctc.com](mailto:Office@mscbctc.com))
32. Tim Miller ([Tim.Miller@amwater.com](mailto:Tim.Miller@amwater.com))

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

### PLANNING

1441 SCHILLING PLACE, 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025/FAX: (831) 757-9516



## RECIRCULATED INITIAL STUDY

**Project Title:** Duke Energy Moss Landing LLC (Vistra Energy Corporation)

**File No.:** PLN180394

**Project Location:** 11283 Dolan Road, Moss Landing

**Name of Property Owner:** Duke Energy Moss Landing LLC

**Name of Applicant:** Vistra Energy Corporation

**Assessor's Parcel Number(s):** 133-181-011-000

**Acreage of Property:** 137.5 acres

**General Plan Designation:** Heavy Industrial – Coastal Dependent

**Zoning District:** HI (CZ)/Heavy Industrial in the Coastal Zone

**Lead Agency:** County of Monterey, Resource Management Agency – Planning

**Prepared By:** Jacquelyn M. Nickerson, Assistant Planner

**Date Prepared:** January 25, 2019; **Date Revised** 04/03/19

**Contact Person:** Jacquelyn M. Nickerson, Assistant Planner

**Phone Number:** 831-755-5240



An Initial Study/Mitigated Negative Declaration (SCH No. 2019011067) for the Vistra Energy project was prepared and circulated for public review from January 29, 2019 through February 27, 2019. During the circulation period, comments from the California Department of Fish and Wildlife (CDFW) and the California Department of Transportation (Caltrans) were received (Source 31 and 32). Caltrans expressed appreciation for the Construction Management Plan (CMP) initiatives and requested a form of monitoring to occur to identify the success of these initiatives. Their comment has been incorporated as monitoring would be implemented to the County's standard Condition of Approval. There were no new, avoidable or unavoidable, significant effects to the environment or mitigation measures than previously disclosed for Transportation/Traffic.

CDFW's letter (Source 32) identified potential impacts to special-status species for biological resources. Staff reviewed the letter submitted and determined that there were no new, avoidable or unavoidable, significant effects to the environment. However, CDFW revealed additional information of special-status species identified on the site that was not available to the public. In light of this information, it was identified that there would be potential for new avoidable significant effects to the environment, biological resources, that were not previously disclosed. Mitigation measures have been incorporated to reduce the impact to a less than significant level.

In accordance with CEQA Guidelines Section 15073.5, a lead agency is required to recirculate an initial study when the document must be substantially revised as defined in Section 15073.5 (b)(1). Only the Biological Resources, Land Use/Planning and Mandatory Finding Sections have been identified to have a substantial revision and therefore, these sections are being recirculated. In order to clearly demonstrate potential effects from the project, discussion of the project description and environmental setting is also provided.

For reference of the entire Initial Study/Mitigated Negative Declaration for the project, please refer to the original document prepared and circulated from January 29, 2019 through February 27, 2019 (SCH No. 2019011067). This document can be found at the Resource Management Agency – Planning, 1441 Schilling Place-2<sup>nd</sup> Floor, Salinas, CA 93901 or online at: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/resources-documents/environmental-documents/pending>.



## II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

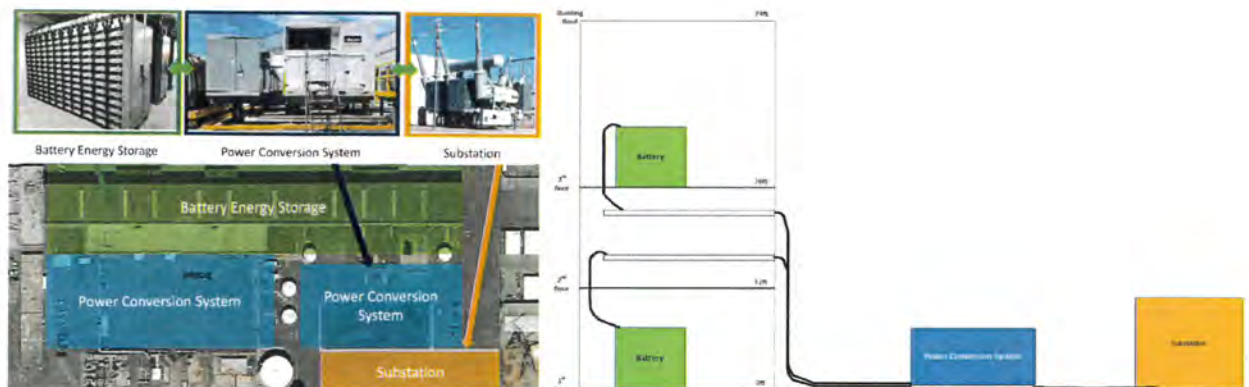
### A. Description of Project:

The purpose of the proposed project is to support renewable energy initiatives established by the State of California. Specifically, to reduce the loss of energy procured from alternative energy sources, such as wind and solar, and aid in providing consistent reliable energy. This would occur through storage of power during off peak use times and dispersing that power back to the electrical grid for use during high peak use times. The project application (herein after referred to as “Project”), consists of a 300 megawatt (MW) transmission-connected, standalone lithium ion battery energy storage system (BESS) with four hours of storage and a 20-year life span, on the southwest portion of a 137.5 acre parcel (**Figure 1**), herein after referred to as “the subject property” or “Moss Landing Power Plant” (MLPP).



**Figure 1. Partial Site Plan and Proposed Site Improvements**

The BESS has 3 major components: battery energy storage, power conversion system and substation. First, the substation receives energy from the electrical grid; 2) the energy current changes through the power conversion system; and 3) energy is stored within the battery energy storage until utilized. Conversely, the energy gets routed out from the battery energy storage through the power conversion system and substation, and into the electrical transmission grid (**Figure 2**).





## Figure 2. Battery Energy Storage System (BESS) Operational Diagram

The Project includes installing approximately 200,000 battery modules. Each battery module would be stored in racks that are approximately 9 feet tall and can hold between 17-24 battery modules depending upon configuration and manufacturer. All battery racks would be stored in an existing three-story 96,411 square foot building (**Figure 3**). The first and third floors would be remodeled to install separate rooms with independent access, including fire barriers and safety systems, to house anywhere between 100-500 battery racks (**Figure 4**). Cables from each battery rack would be routed through the second floor, exiting the southern face of the building wall to connect to the inverters and transformers within the power conversion system outside of the building. No ground disturbance is necessary for this portion of the project.

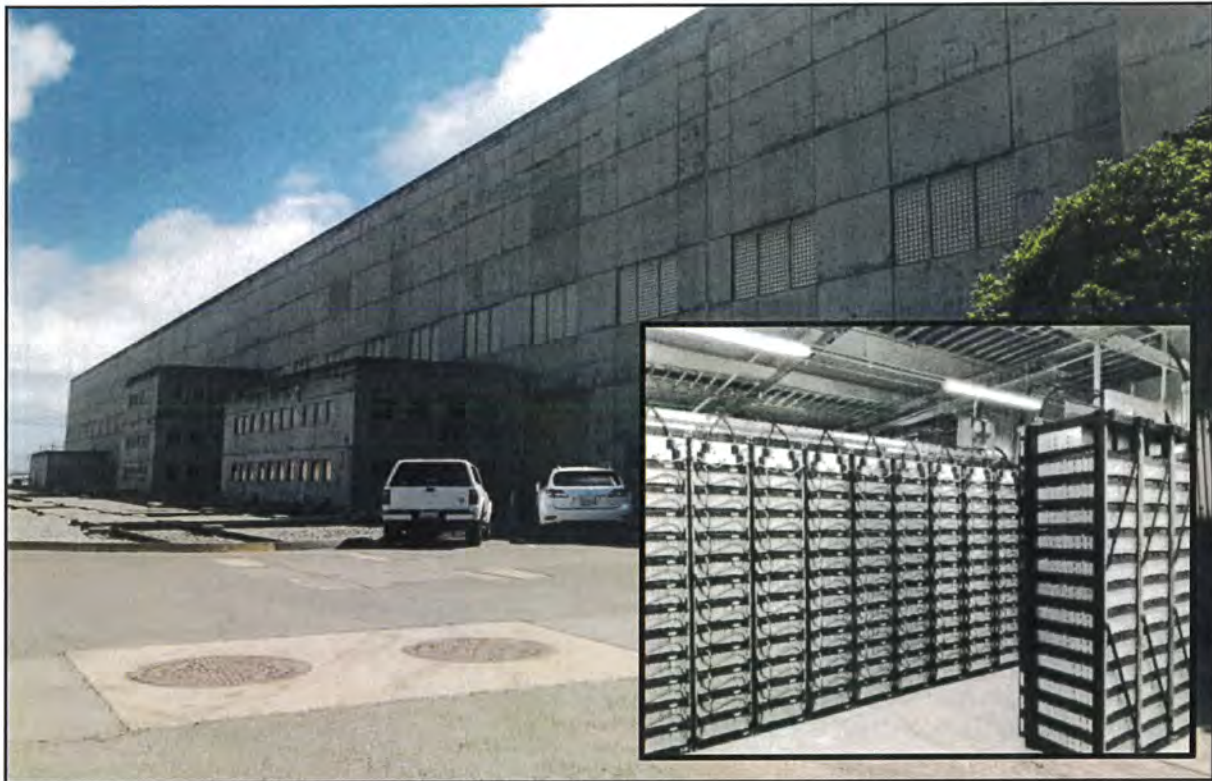


Figure 3. Existing Three-Story Building

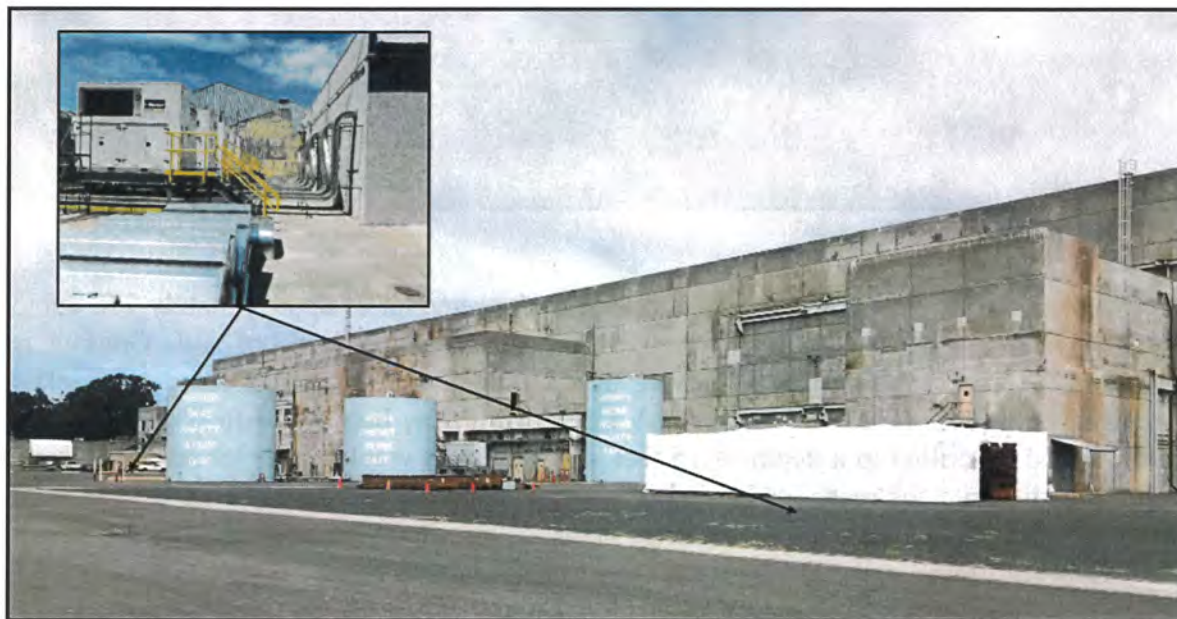




**Figure 4. Existing First and Third Floors**

PG&E's electrical transmission grid operates in alternating current (AC) but the battery energy is stored utilizing direct current (DC). Therefore, the power conversion system would receive the energy off of the electrical transmission grid in AC and convert the energy to DC to enable its storage into the batteries. Conversely, energy is converted from DC to AC prior to dispersing it back to the grid.

The power conversion system, which would be located adjacent to the existing building to the south (**Figure 5**) would contain approximately 200 inverter and transformer groups. Each inverter is approximately 11 feet long x 5.5 feet wide x 9 feet high and each transformer is approximately 7 feet wide x 6 feet long x 6 feet high. These components would be installed on top of the existing asphalt on foundations or skids, which would be connected both to the batteries by cables and to the substation electrically. No grading would be required for this portion of the Project.



**Figure 5. Power Conversion Areas**



PG&E transmission lines carry electricity throughout the State of California as part of the electrical transmission grid at high voltages. The transmission line located on the subject property, shown in **Figure 6** below, runs at 500 kilovolts (kV). In order for the power to be converted from AC to DC at the power conversion system, voltage would need to be reduced to 34.5 kV at the substation. The substation would be located in a 46,875 square foot area southeast of the BESS building (**Figure 6**) and would consist of a 500 kV transformer control house, associated breakers, switches, and miscellaneous equipment necessary to connect into the existing 500 kV transmission line. Each of the seven breakers is approximately 5.5 feet long x 5 feet wide x 11 feet high. The substation includes three “interrupter” poles, with a maximum height of 23 feet, that would connect the substation to the existing power transmission lines.



**Figure 6. Substation Area**

Site improvement in the substation area would require the removal of approximately 770 cubic yards of asphalt and the excavation of approximately 3,750 cubic yards of soil. Grading is expected to occur over a 3 day period, moving approximately 1,250 cubic yards per day. The depth of excavation is expected not to exceed 4 feet. However, between 4 to 6 piers for the foundation would be drilled to a depth of 15 feet. Grading soils would either be retained onsite for reuse, hauled offsite for reuse, or hauled offsite for disposal (Source 1). This is consistent with the recommendations set forth in the Soils Management Plan (Gearhart, Source 19) which would be discussed further in the Environmental Setting subsection below.

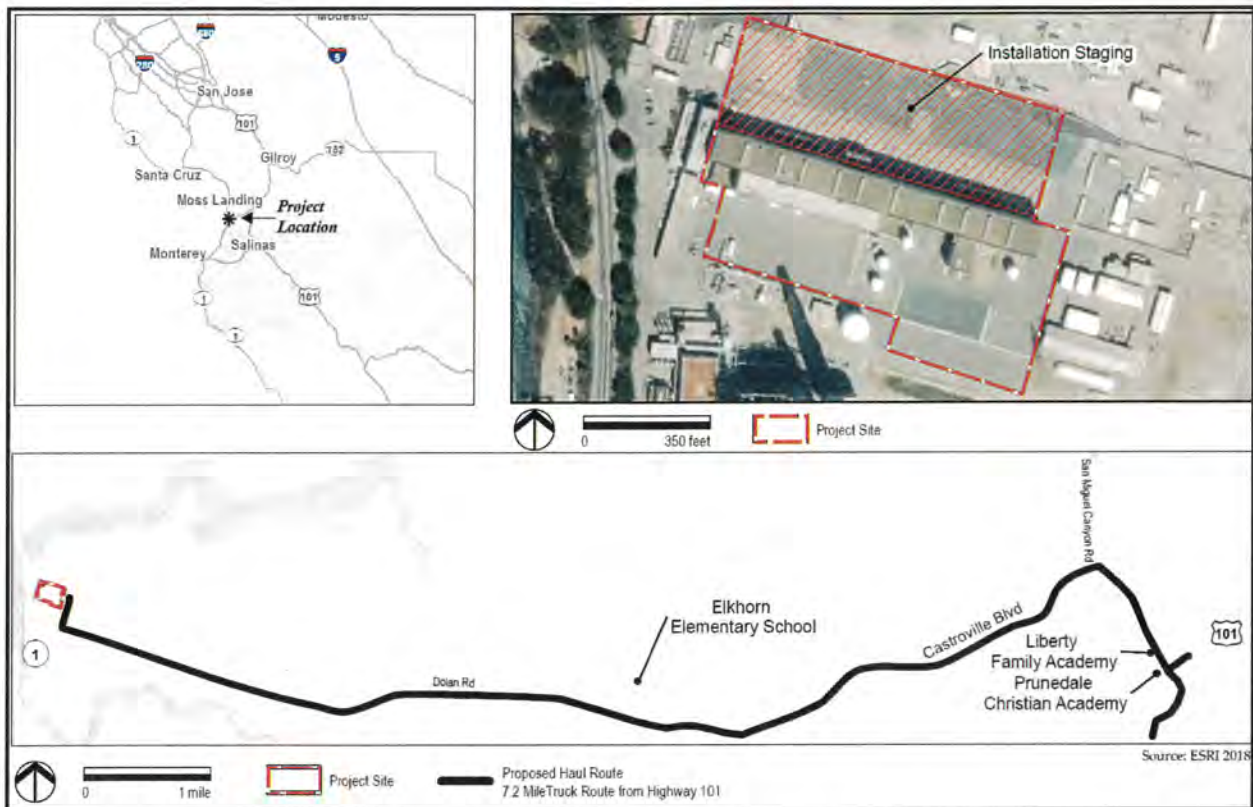
A preliminary Construction Management Plan (CMP) was submitted as part of the project application (Source 1) illustrating logistical planning of site improvements. As outlined in the CMP, the Project is expected to take approximately 14 months from start to finish, 6 of which is anticipated as the peak construction period. See **Table 1** below.

Components	Schedule	Quantity Equipment	Hours of Operation per Day	Total Work Days
Existing Building for Battery Storage	October 2019 to June 2020	8 Semi-Trucks	12	300
Inverter/Transformer Yard	January 2020 to July 2020	12 Forklifts	12	14
		10 Cement Trucks	12	20
Substation	September 2019 to January 2020	1 Excavator	12	3
		1 Grader	12	3
		1 Tractor/ Loader/ Backhoe	12	3
		2 Cranes	12	10
		4 Cement Trucks	4	10

**Table 1. Construction Summary Table – Construction Management Plan**

The construction phase of the Project is anticipated to have a maximum of 420 contractors on site with a maximum of 924 daily vehicle trips for employees, delivery trucks and heavy haul trips. The CMP includes a number of construction traffic management actions to ensure vehicle trips are directed away from Highway 1 (see proposed haul route illustrated in **Figure 7** below) and the amount of temporary construction traffic stays within the parameters of the maximum of 924 vehicle trips per day. The proposed actions include carpooling incentives, enforcement of one site entrance per vehicle, and scheduling shift changes and deliveries of construction material during off-peak hours. Further, in the unlikely case, the Monterey County RMA-Public Works and Facilities Division would also have discretion to require the use of California Highway Patrol during the BESS shift changes.





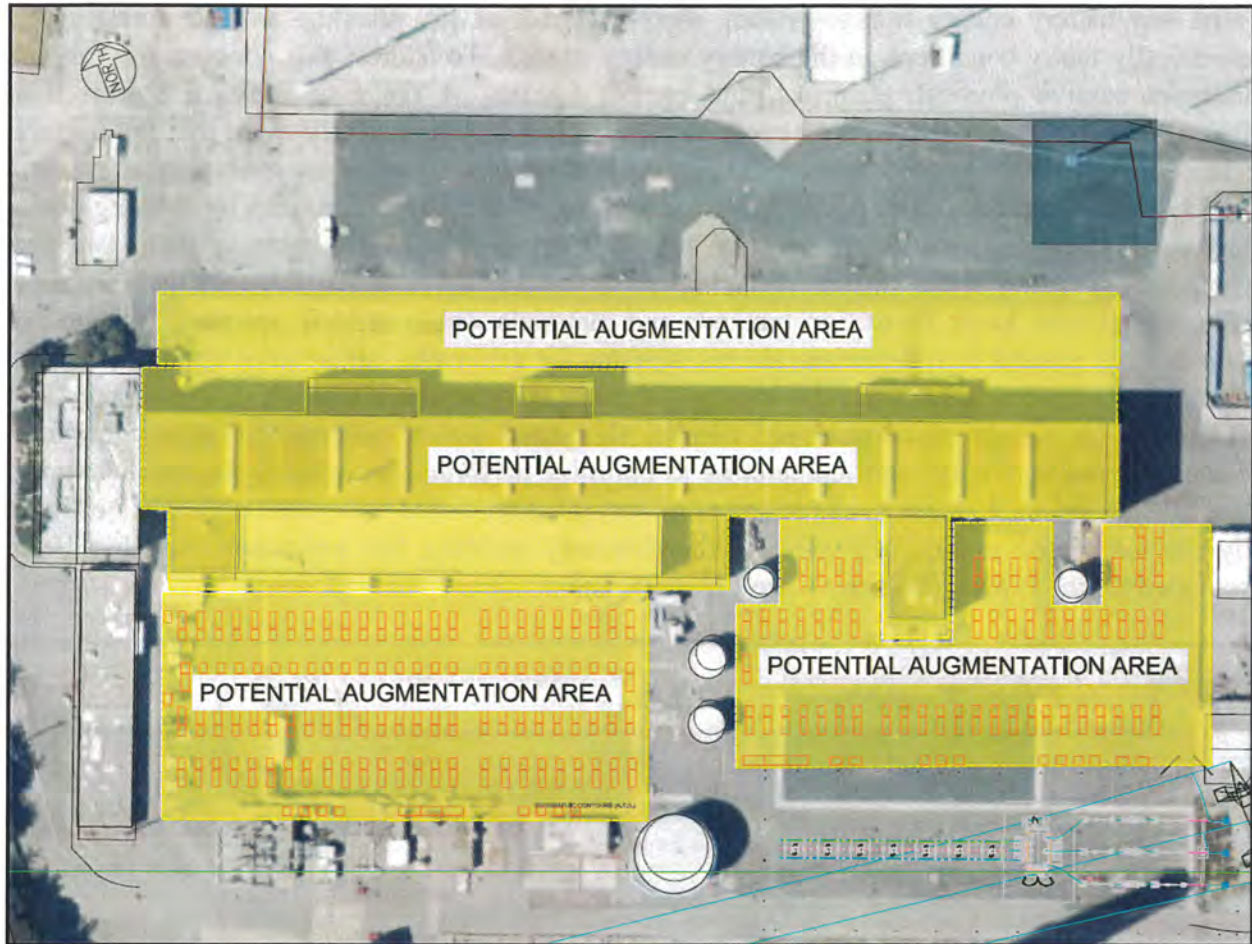
**Figure 7. Proposed Haul Route – Construction Management Plan**

Once the improvements to the site have been completed and the facility is in use, the operational component of the Project would require no more than 5 onsite employees. Maintenance of the site and replacement of batteries are anticipated to occur up to 3 times over the 20 year life span of the BESS, with a staggering replacement schedule to allow for optimum use of the BESS and to avoid a wholesale replacement of all the batteries at one time. The battery modules within the BESS would degrade over time due to use and to be able to keep a consistent battery energy storage capacity, augmentation would be required. Augmentation (**Figure 8**) is proposed to occur in of the following ways:

- 1) Replace depleted batteries with new to the battery energy storage component;
- 2) Attach additional batteries to the battery energy storage component; or
- 3) Install approximately 30 containers (approximately 320 square feet and 8 ½ feet tall) adjacent to the battery energy storage building on top of existing asphalt. Containers placed north of the existing building would be located between the building and the existing road. Containers placed south of the existing building would be located within the area identified for the power conversion system. Each container would require one pair of inverters and transformers per container.

Augmentation would not exceed the maximum of 200,000 battery modules and 200 total pairs of inverters and transformers proposed in the project description. As part of the operations, the Project would be monitored on a continuous basis and routinely inspected.





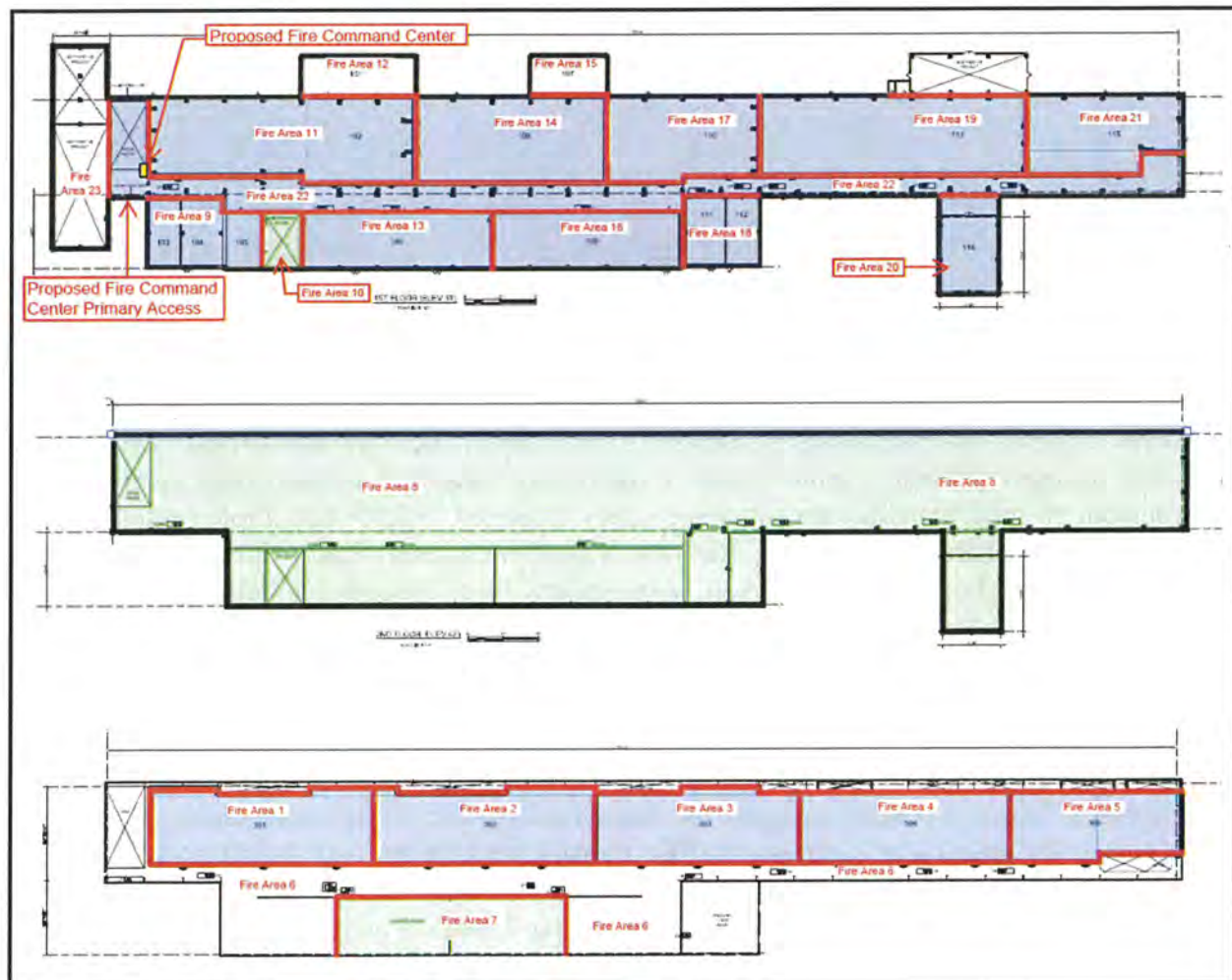
**Figure 8. Augmentation Site Plan**

During the installation and construction phase, hazardous materials such as fuels, lubricants, adhesives, solvents and paints may be utilized at the project site. Use and storage of hazardous materials during installation could create a significant hazard to workers, the public or the environment if such materials are inappropriately managed. MLPP has implemented several plans such as Hazardous Materials Business Plan/Contingency Plan, Hazardous Materials Inventory, Facility Emergency Plan, Soil Management Plan, Stormwater Pollution Prevention Plan and Contractor Safety Program (Source 1). These plans are consistent with federal, state and local hazards regulations. The use of these hazardous materials would be temporary and only during the installation phase of the Project. During Project operations, little to no hazardous materials are anticipated.

The proposed Project would be a passive use that would not use hazardous materials on a regular basis during its operational component. The transformer/inverter unit would contain a non-hazardous vegetable based oil, rated as fire-retardant insulation. The substation transformer would contain mineral oil, a highly-refined hydrocarbon-based oil used as an insulation medium and coolant in transformers. The substation would be designed to include a concrete tub beneath the transformer for mineral oil spill containment should a leak occur.



With any battery energy storage system, there is a risk of fire resulting from overheating or electrically faulty conditions in the battery energy storage. To address this concern, the Project includes passive physical, electrical, and control features. A range of active fire protection features would be installed in the battery storage building in the unlikely event that the passive source features were to fail. Further, the Project is controlled by a battery management system, which protects batteries from operating outside their safe operating conditions by shutting down battery charging and isolating the batteries. This is achieved with a number of redundant fire protection measures at the lithium ion cell level, the module level, the battery rack level, and the battery enclosure level. Protection methods and materials would include: smoke/fire detection sensors (e.g. ground fault detection, alarms, systems for automatic shutdown of cooling fans and opening of electrical contacts in the battery system) and automatic activation of fire suppression systems. The battery systems would contain integrated safety systems to actively monitor electrical current, voltage and temperature to optimize performance, mitigate potential failures, and prevent upset. Batteries performing out of specification would be immediately taken off line by the automated monitoring system. A preliminary building fire protection plan has been provided for the Project (Source 1), see **Figure 9**.

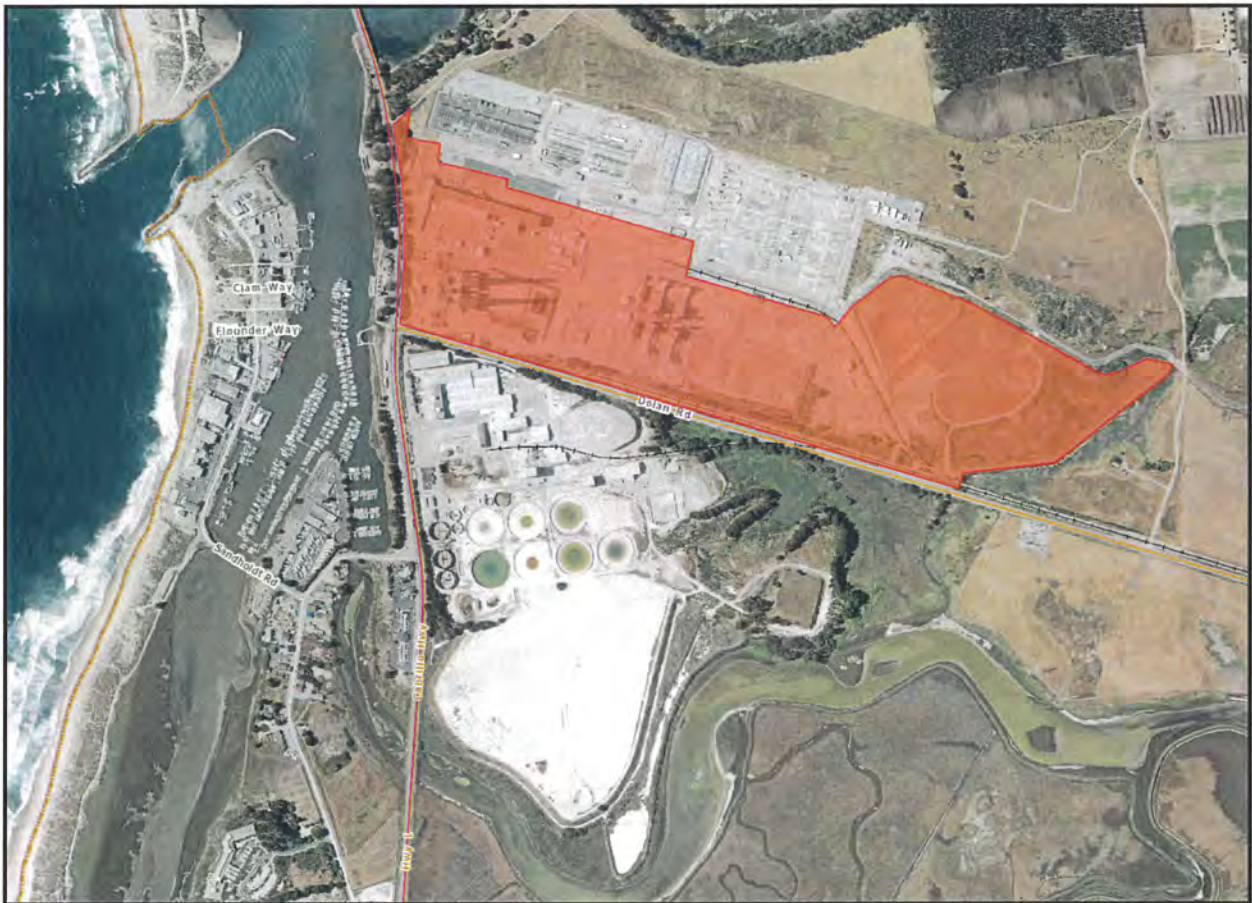


**Figure 9. Building Fire Protection Plan**



**B. Surrounding Land Uses and Environmental Setting:**

The subject property is a 137.5-acre parcel located at 11283 Dolan Road in Moss Landing (Assessor's Parcel Number 133-181-011-000) zoned Heavy Industrial within the Coastal Zone or "HI (CZ)". The project site is within an established industrial area located on the northeastern side of Highway 1 and Dolan Road intersection. To the north of the property is PG&E's electric transmission operations and maintenance headquarters (Assessor's Parcel Number 133-181-010-000) and to the south of the property is Moss Landing Business Park (Assessor's Parcel Number 133-172-013-000). West of the property, on the other side of Highway 1, lies Moss Landing Harbor. See **Figure 10** below.



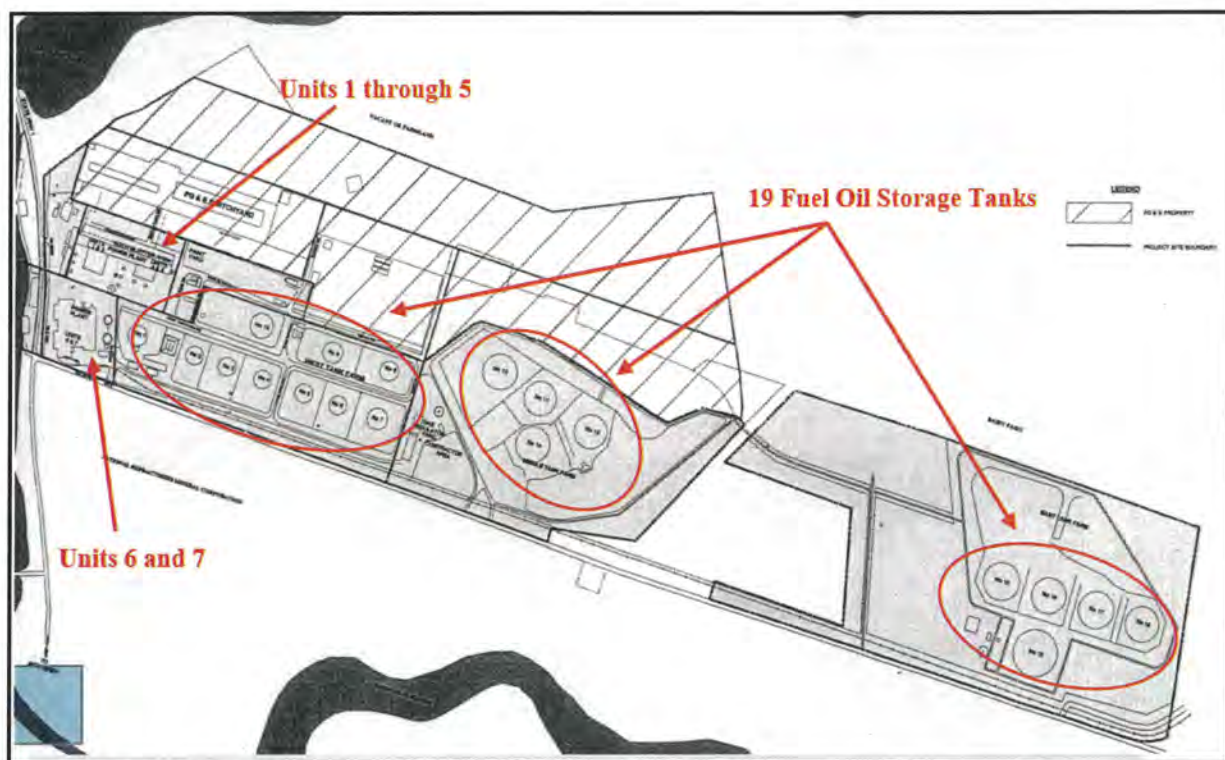
**Figure 10. Vicinity Map**

Property Background

The Moss Landing Power Plant (MLPP) was originally constructed in 1949. In 1950, the MLPP began operating and generating electricity with Units 1, 2, and 3 being in commercial service. In 1952, Units 4 and 5 were occupied to expand the current power production of the MLPP. In 1968, Units 6 and 7 were occupied, which are the 2 500-foot exhaust stacks. These 7 units, with the supported infrastructure needed to maintain the units, produced a combined net capacity of 2,060 megawatts. See **Figure 11** below (Source 1). In 1995, Units 1 through 5 were no longer being utilized. MLPP had made significant upgrades and improvements in which they called the



“Modernization Plan.” This plan was developed in 1999 and was constructed from 2000 to 2005. This plan included replacing Units 1 through 5 and upgrading Units 6 and 7. In 2002, new Units 1 and 2 were constructed. In 2005, Units 1-5 consisting of the eight 225 foot smokestacks, including the original Units 1 and 2 that was operating since 1950, were demolished and removed along with the 19 fuel oil storage tanks. The footprint of where Units 1 through 5 existed were replaced with asphalt by 2005 (Source 1). **Figure 12** identifies the site in 2005. Since the Modernization Plan, three warehouse storage buildings and a 742 square foot non-occupied modular equipment enclosure that supports various frequency drive controls for new Units 1 and 2 have been constructed. Information provided by the applicant (Source 1; Holson, Source 14; Holm, Source 15; and Hack, Source 16), indicates that excavation to a depth of approximately 20 feet occurred order to support and install the infrastructures mentioned above.



**Figure 11. Project History**





**Figure 12. Project Site Circa 2005**

Since the original construction of MLPP in 1949, the subject property has not only changed in its physical use, but intensity of use as well. To date, MLPP does not operate at the prior capacity of 2,060 megawatts as mentioned above. Over time, the amount of permanent employees and temporary/construction contractors have varied based upon the need of the MLPP, whether it was an installation period or general maintenance. In 1994, there were approximately 280 employees on site (Source 1). During the Modernization Plan (2005), construction and maintenance contractors reached levels of 700 employees per day, 7 days a week, for a period of two months. In 2016, there were up to 420 employees were needed for on-site maintenance. In 2017, the average amount of employees per day was 60. As identified in the Traffic Assessment under “Existing Plant Baseline Traffic Generation,” there is an increase of employees, up to 420 workers, during maintenance and repair operations, which take place periodically throughout the year (Higgins, Source 22).

#### Existing Site Conditions

As shown in **Figure 13** below, the Site Plan (Source 1) illustrates existing site conditions. In addition to paved and unpaved parking areas and access roads, supporting electric power generation facilities remain on a 90 acre portion of the subject property. These facilities consist of:

Facility	Existing Function	Proposed Function
Power (turbine) building for former Units 1-5	Vacant, not in use	Would house BESS
Administration	Still in use	No change
Warehouse	Still in use	No Change
Maintenance buildings	Still in use	No Change
Two cooling water intake structures	One intake in service	No Change
Two 500-foot chimneys for retired Units 6 and	Mothballed Units	No Change; Tank in

7	Distilled water tank in base	use.
Four 145-foot chimneys for operating new Units 1 and 2	Tank in use	No Change
Oil/Water Separator system located west of Unit 1 and north of the Energy Management Center	Still in use	No Change
Boiler make-up system (evaporator and demineralizers)	Still in use	No Change
Energy Management Center building	Still in use	No Change
Single-story 742 square foot non-occupied modular equipment enclosure to house variable frequency drive controls for the Units 1 & 2 circulation water pumps	Still in use	No Change

The remaining 47.5 acres of the property, east of the active portions discussed above, is the former fuel oil tank farm site. Demolition/cleanup of the fuel tanks and associated equipment has been completed (Monterey County Planning File No. PLN990233<sup>1</sup>) and the area is now unpaved and vacant. Reuse of this area is not proposed.

There are 3 vehicular access points to and from the subject property. Primary access is through the driveway entrance off Dolan Road, approximately ¾ of a mile east of Highway 1 and Dolan Road intersection. A secondary access point, for egress only, is located approximately 550 feet east of Highway 1 off Dolan Road. A tertiary access, for emergency services only, is located over 800 feet from the intersection of Highway 1 and Dolan Road, directly off Highway 1.

<sup>1</sup> Combined Development Permit consisting of a Coastal Development Permit for demolition of 19 above ground oil tanks and 150,000 cubic yards of grading and an Amendment to the Moss Landing Power Plant Master Plan to allow the proposed demolition and grading.



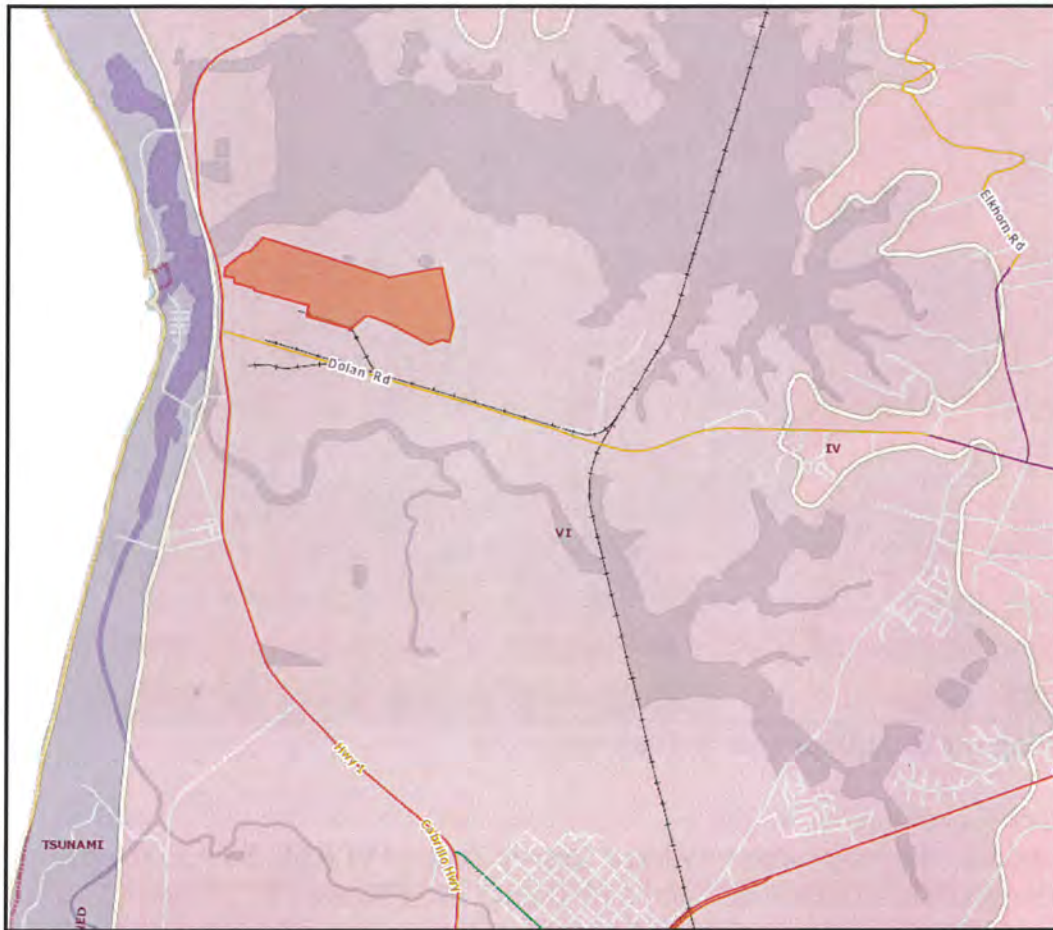


**Figure 13. Existing site conditions and surrounding areas**

#### Existing Geological Conditions

County records indicate the subject property has a Seismic Zone of VI (GIS, Source 7), which is considered a geological hazard area within the North County CIP (**Figure 14**). The main focus of the North County LUP is to minimize risks to life and property in areas of high geologic, flood and fire hazards and therefore, carefully regulated (Source 3). The North County CIP requires a geologic report be provided for development within geological hazard areas. A letter was provided by the Michelle L. Hack of Sargent & Lundy Engineers, Ltd., (Hack, Source 16) analyzing the Project's site improvements in light of the geological conditions and information contained in a previous geologic report prepared by Julian Isham, dated March 2016 which was prepared for the MLPP. The letter stated that subsurface investigations were completed in 2000 and 2010 that detailed information regarding the soil materials present within the upper 25 to 50 feet of the general MLPP. Hack detailed that the soil consisted of "... alternating layers of medium dense to dense silty sand and stiff to hard lean clay" (Hack, Source 16). Groundwater level was not recorded within this assessment but was considered to be a depth of about 29 feet. The information was enough to assess the foundations for the power conversion system and substation equipment but was not sufficient enough to confirm the ability for the existing three-story building to hold the capacity that is being proposed for the battery energy storage. Although the assessment stated there would be no substantial constraints by the Project, both the letter and report indicated further detailed geotechnical analysis must be conducted prior to the construction to determine that "the capacity of the existing piles being able to support the present structures, determine the depth to the groundwater level, design micro-piles if needed to increase foundation capacity to resist lateral seismic loads and provide data to confirm no liquefaction of the soils beneath the structure" and to evaluate any necessary structural improvements (Hack, Source 16 and Isham, Source 21).



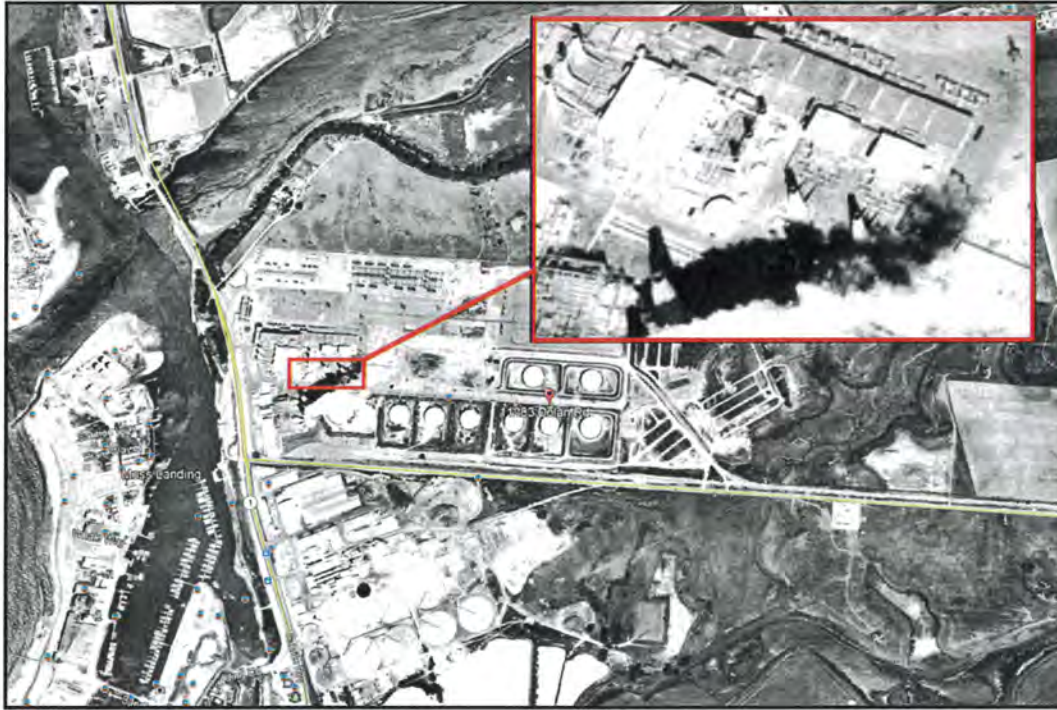


**Figure 14. Seismic zone**

#### Archaeological and Tribal Cultural Conditions

The subject property is located in an area of “high” archaeological sensitivity (GIS, Source 7). Since operation of the Moss Landing Power Plant in 1949, various areas of the subject property have been developed, demolished and re-developed, necessitating preparation of several archaeological studies. The subject property is known to be within the vicinity of two known archaeological sites (CA-MNT-229 and CA-MNT-277/278), with CA-MNT-229 extending into the subject property (Holm, Source 15). Although CA-MNT-229 extends into the subject property, it does not extend into the area of direct ground disturbance (Holm, Source 15). Several reports indicate the subject property was previously disturbed to a depth of 20 feet (Holm, Source 15; Hack, Source 16 and Jackson, Source 17). **Figure 15** illustrates the area of direct impact having previous construction of Units 1-5.

During County staff’s consultation with the Ohlone Costanoan Esselen Nation Native American Tribe (Source 13), the Project area and its vicinity was identified to hold tribal cultural significance to their people. See Section VI.18 of this Initial Study for further discussion.



**Figure 15. Direct Area of Impact**

#### Local and Regional Traffic Conditions

Primary vehicular access to the Project's vicinity is provided by Highway 1, which is highly constrained during peak travel hours and has a level of service (LOS) rating of "F." This condition can be attributed by the high volume of regional traffic on the road and the physical limitations of the roadway. Highway 1 is reduced from a 4-lane segment to a 2-lane segment between the Salinas Road and Highway 156 interchanges. Very little of the existing traffic condition is generated by the Moss Landing Community, including the subject property.

Secondary vehicular access to the vicinity is provided by Dolan Road which has a rating of LOS B (Higgins, Source 22). This roadway connects to Highway 156 (via Castroville Blvd.) and Highway 101 (via Castroville Blvd. and San Miguel Canyon Rd.).

### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

#### 1982 Monterey County General Plan

The Project site is subject to the 1982 Monterey County General Plan (General Plan) which provides regulatory framework, through goals and policies, for physical development. The proposed Project is consistent with the heavy industrial land use designation of this site. The proposed Project is a change of use for a Battery Energy Storage System on a developed parcel with existing uses relative to providing public utility level electricity. Therefore, the Project proposal is consistent with the General Plan. **CONSISTENT.**

#### North County Land Use Plan/Moss Landing Community Plan and Coastal Implementation Plan

The Project was reviewed for consistency with the North County Land Use Plan (NC LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Parts 1 (Title 20) and 2 (Chapter 20.144) which provides goals and policies for development in the incorporated coastal area of North Monterey County. These make up the Local Coastal Program that applies to the Project. Chapter 7 of the NC LUP outlines 3 basic tests for demonstrating a project's conformance with the plan: 1) the project must conform to the type and intensity of uses permitted within the specific geographical area concerned; 2) the project must conform to the policies listed in Chapters 2 through 6 of the NC LUP<sup>2</sup>; and 3) the project must fully meet any specific zoning provisions adopted to implement the plan. As described in Section II.A. Description of Project, of this Initial Study, the Project consists of a 3 component Battery Energy Storage System (BESS) (see **Figures 1, 2, 3, 4, 5 and 6**) on a property with a Heavy Industrial – Coastal Dependent land use designation and zoned Heavy Industrial. As discussed in Sections IV and VI of this Initial Study, the project, as proposed, conditioned, and mitigated, is consistent with Chapters 2 through 6 of the NC LUP. Chapter 5.5 of the Moss Landing Community Plan acknowledges the existing energy facility and industrial use of the subject property. Policies in this chapter allow for expansion and modernization of the facility provided off-site expansion is avoided and it conforms to all other requirements of this plan, and other state and federal regulations. The proposed BESS project would provide energy storage to allow for sustainable, renewable energy resources within an existing developed area of the site. **CONSISTENT.**

#### Air Quality Management Plan

The Air Quality Management Plan (AQMP, Source 11) for the Monterey Bay Region addresses attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB), including Moss Landing. Consistency with the AQMP is an indication that the Project avoids contributing to a cumulative adverse impact on air quality; not an indication of project specific impacts which are evaluated according to the Monterey Bay Air Resources District's (MBARD) adopted thresholds of significance. Indirect emissions associated

<sup>2</sup> If the proposal is not consistent with the policies contained in Chapters 2 through 6, the project shall not be approved unless it is modified to be consistent.



with industrial population-serving projects<sup>3</sup> are found consistent with the AQMP if any project related population increase does not exceed the estimated cumulative population of the relevant forecast listed in the AQMP. The Project is intended to provide for an efficient operation of a public utility. It is anticipated that 5 employees would be required to run the facility, resulting in no substantial increase of population in the area as part of the operational component of the Project. The Project does not include residential development and therefore, would not result in a population increase not already accounted for in the AQMP. Direct emissions associated with industrial population-serving projects are found consistent with the AQMP. On January 15, 2019, staff consulted with MBARD staff and determined that the Project would not conflict or obstruct implementation of the AQMP. The Project's construction emissions that would temporarily emit precursors of ozone are accommodated in the emission inventories of state- and federally-required air plans. The Project would not cause an increase of stationary emissions than what currently exists. **CONSISTENT.**

#### Water Quality Control Plan

The subject property lies within Region 3 of the Central Coast Regional Water Quality Control Board (CCRWWQCB) which regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. Operation of the implemented Project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of the Monterey County Code, the proposed Project has been conditioned by RMA-Environmental Services requiring the applicant to submit a drainage and erosion control plan. The CCRWWQCB has designated the Director of Health as the administrator of the individual sewage disposal regulations, conditional upon County authorities enforcing the Regional Water Quality Control Plan, Central Coast Basin (Basin Plan). These regulations are codified in Chapter 15.20 of the Monterey County Code. The Environmental Health Bureau has reviewed the Project to and from the existing septic design and location consistent with these regulations. For additional discussion on hydrology and water quality, please refer to Section VI.10 of this initial Study. **CONSISTENT.**

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<sup>3</sup> Industrial projects intended to meet the needs of the population forecasted in the AQMP.

#### **IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION**

##### **A. FACTORS**

This is a recirculation of environmental factors checked below that would be potentially affected by this project, as discussed within the checklist on the following pages. Other environmental factors were identified, please refer to the original Initial Study/Mitigated Negative Declaration for the Project prepared and circulated from January 29, 2019 through February 27, 2019 (SCH No. 2019011067). This document can be found at the Resource Management Agency – Planning, 1441 Schilling Place-2nd Floor, Salinas, CA 93901 or online at: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning/resources-documents/environmental-documents/pending>.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture/Forest Resources | <input type="checkbox"/> Air Quality                                   |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources           | <input type="checkbox"/> Energy  |
| <input type="checkbox"/> Geology/Soils                   | <input type="checkbox"/> Greenhouse Gas Emissions     | <input type="checkbox"/> Hazards/Hazardous Materials                   |
| <input type="checkbox"/> Hydrology/Water Quality         | <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing           | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation               | <input type="checkbox"/> Tribal Cultural Resources                     |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                     | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☒ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or




maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

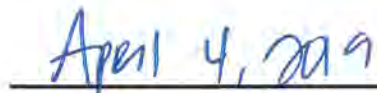
**EVIDENCE:**

**B. DETERMINATION**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature  
*Jacquelyn M. Nickerson*

  
\_\_\_\_\_  
Date  
*Assistant Planner*

**V. EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses

following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 5, 7, 32, 33, 34, 35, 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 5, 7, 32, 33, 34, 35, 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 2, 3, 5, 7, 32, 33, 34, 35, 36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

An Initial Study/Mitigated Negative Declaration, or IS/MND, prepared for the Project (Sch No. 2019011067), and circulated from January 29, 2019 through February 27, 2019, identified no impact to biological resources. NC LUP Chapter 2.3 states that development shall be prohibited in environmentally sensitive habitat areas such as riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. CIP Section 20.144.040 requires a biological survey for all development in, or within 100 feet of, environmentally sensitive habitat as shown in North County resource maps, a site



visit or when there's disagreement between the County and applicant. Monterey County Geographic Information System (GIS) contains metadata from the California Natural Diversity Database (CNDDB) which indicates the potential for western snowy plover, bank swallow, short-eared owl, longfin smelt, Congdon's tarplant, burrowing owl, and California red-legged frog to be onsite (Source 7 and **Figure 16** below). The existing conditions of the site were observed during staff's site visit, which consists of an operating energy facility. Pavement and structures are found within a 300-foot radius of the development area outside of the existing building. Based on GIS data, this area for development is approximately 2,500 linear feet from the buffer area identifying the potential for California red-legged frog to occur.



**Figure 16. Monterey County GIS – CNDDB Layer**

During the circulation period of the IS/MND, a letter from the California Department of Fish and Wildlife (CDFW) was submitted that identified potential project impacts to special-status species: California Tiger Salamander (CTS), Santa Cruz Long-Toed Salamander (SCLTS) and Peregrine Falcon (PEFA). In response, the applicant submitted two (2) biological assessments (Sources 34 and 35) which identified existing site conditions and compared these conditions to potential environmental changes resulting from project implementation. These assessments included discussion relative to previous surveys conducted by the applicant's biologist in 2016 for another project, DeepWater Desal, located along the north side of Dolan Road, east of the existing MLPP, one mile east of the Battery Energy Storage System site. At that time (January 2017), one adult CTS was observed and captured, no SCLTS were observed. As part of these assessments, site investigations of the development area and vicinity were performed on August 13, 2018 and March 28, 2019, to determine the presence of CTS and SCLTS and the potential of suitable aquatic or upland habitat. See **Figure 17** below.





**Figure 17. Biological Survey Information**

As discussed in Section II.B of this Initial Study, the subject property contains existing industrial facilities currently in operation and the Project proposes to utilize an existing three-story building and paved areas adjacent to this building. The Project includes site disturbance in areas that have been previously developed. Development is not proposed within 100 feet of the vernal pools where CTS have been sighted (**Figure 17**) and the only Project component in proximity to the closest vernal pool, approximately 200 feet, would be construction traffic using an existing roadway to access the site (**Figure 18**).



**Figure 18. Existing Conditions – Partial Site**

#### **4 (f). Conclusion: No Impact.**

The NC LUP identifies and presumes environmentally sensitive habitat areas (ESHA) are present within the planning area and policies and regulations providing guidance and limitation for development within and adjacent to ESHA have been adopted as part of the NC LUP. However, there is no Habitat Conservation Plan, Natural community Conservation Plan, or other local, regional or state habitat conservation plan adopted within the Project site. Therefore, conflict with Project implementation does not apply, resulting in no impact.

**4 (c) and (e). Conclusion: Less than Significant Impact.**

Information contained in the biological assessments (Sources 34 and 35) submitted by the applicant indicates that there is a vernal pool on the subject property and another on an adjacent property to the north (**Figure 17**). As discussed above and explained in Section II.B of this Initial Study, development will not occur within these areas. Therefore, the Project, as proposed, would avoid these wetlands resulting in a less than significant impact.

**4 (a), (b), and (d). Conclusion: Less than Significant Impact with Mitigation Measures.**

As discussed above and explained in Section II.B of this Initial Study, the County received correspondence from the California Department of Fish and Wildlife (CDFW) identified potential impacts to California Tiger Salamander (CTS), Santa Cruz Long-Toed Salamander (SCLTS) and Peregrine Falcon (PEFA). As such, CDFW provided recommended mitigation measures that would reduce these impacts to a less than significant level. In response to these comments, and to provide clarification, the applicant submitted two (2) biological assessments (Sources 34 and 35). These assessments identified MLPP's existing site conditions and compared them to potential environmental changes resulting from project implementation. The assessments conclude that SCLTS was not found, but CTS was observed onsite in 2002 and on an adjacent property in 2017. The biologist identifies that the distance between the Project area and the CTS sighting locations are within the CTS known dispersal range. However, when comparing these existing site conditions with the project, the biologist found that additional surveys or mitigation measures were necessary.

The biologist observed small mammal burrows within 50 feet of the proposed substation (**Figure 19**). Documented breeding and upland habitat for CTS and SCLTS is located approximately  $\frac{3}{4}$  of a mile east of the project site. Further, two findings of CTS were notated east of the Project site, one in 2002 and one in 2017 (Source 35). In order for these special-status species to migrate from this location to the actual Project site, they would encounter various barriers. The MLPP is an existing, operating industrial facility that has been functioning since 1949/1950 (Source 1). The MLPP currently has administration buildings and active/inactive power generating infrastructures and other supportive technology. The surveys conducted for the Project on August 13, 2018 (Source 34) and March 28, 2019 (Source 35) concluded that there were no findings of CTS and SCLTS within the Project site. Subsequent information from CDFW revealed a finding of a female CTS near the Project site (Source 31) and although the potential for CTS and SCLTS to migrate from suitable habitat to these small mammal burrows is unlikely, there remains a slight possibility for this to occur. Therefore, mitigation measures to reduce potential impacts to less than significant level has been incorporated into the Project.





**Figure 19. Location of Small Mammal Burrows**

Further, CDFW expressed the concern for potential impacts to PEFA. There is record that in 2015, a PEFA nesting pair was observed on one of the MLPP smokestacks (Source 35). This nesting activity occurred despite the existing operational activities of the site. Similar to CTS and SCLTS, the potential for the project to impact to this special-status specie is relatively low, when compared to the existing site conditions. In accordance with the Migratory Bird Treaty Act of 1918, a standard condition of approval requiring a raptor/migratory bird nesting survey has been incorporated as part of the project. Implementation of this condition would ensure that the applicant retains a County approved and qualified biologist to perform a nest survey in order to determine if any active raptor or migratory birds' nests occur within the Project site or within 300 feet of the proposed grading. This standard Condition of Approval reduces any potential impacts to PEFA to a less than significant level, removing the need for a mitigation measure.

#### **Mitigation Measure No. 1: CTS/SCLTS Environmental Education and Operational Program**

The applicant shall implement an environmental education and operational program prior to commencement of any work associated with the Project within the project area. Environmental education shall include biological training for all persons employed or otherwise working in the Project area that are associated with the project. The environmental education program shall be developed in consultation with a qualified biologist and delivered by the biologist, or their trained designee, for the purpose of educating site personnel of the biology and general behaviors of California Tiger Salamander (CTS) and Santa Cruz Long-Toed Salamander (SCLTS) in all life stages in order to avoid impacts to these sensitive resources. The environmental education



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 CTS and SCLTS and their potential habitats;
- b) Information about distribution and habitat needs of CTS and SCLTS and their sensitivity to human activities;
- c) The special status of, including legal protection, recover efforts and penalties for violation.
- 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 Applicant/Owner shall make 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 CTS and SCLTS is observed.

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.

As a part of this operational program, the applicant shall implement avoidance measures for CTS and SCLTS that include a 50-foot no disturbance buffer delineated around all CTS/SCLTS occupied small burrows and CTS/SCLTS occupied breeding pools within and/or adjacent to the Project construction footprint. Should CTS and/or SCLTS be encountered in the Project area, all work personnel shall stop work in the immediate vicinity of the CTS and/or SCLTS and the applicant and/or a qualified biologist shall immediately contact CDFW to consult on the appropriate next steps, including whether a take authorization is necessary through an Incidental take Permit (ITP) issued by California Department of Fish and Wildlife (CDFW), pursuant to Fish and Game Code Section 2081(b).

**Mitigation Monitoring Action 1a:**

Prior to the issuance of a construction permit, the Applicant/Owner shall submit evidence to the satisfaction of the RMA Chief of Planning that a County approved and qualified biologist has been retained to assist in developing and implementing the environmental educational and operational program. The final environmental educational and operational program shall be submitted to the RMA Chief of Planning for review and approval. The biologist shall be retained prior to any of the personnel conducting work associated with the Project area and remain available until work has been completed.

**Mitigation Monitoring Action 1b:**

Prior to the issuance of a construction permit, the Applicant/Owner shall submit evidence to the satisfaction of the RMA Chief of 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 CTS and SCLTS, consistent with the requirements contained **Mitigation Measure No. 1.**

**Mitigation Monitoring Action 1c:**

Prior to the issuance of a construction permit, Applicant/Owner shall delineate the 50 foot CTS and SCLTS no disturbance buffer area around occupied burrows and breeding pools on all construction plans. The plans shall indicate materials to be used to protect this area and illustrated how the protection area shall be maintained until work has been completed. County staff shall verify the avoidance measures are in place prior to commence of work.

**Mitigation Monitoring Action 1d:**

Prior to the issuance of a construction permit, Applicant/Owner shall include a note on all construction plans which states: "Stop work within 50 feet of encountered CTS/SCLTS and immediately contact the site supervisor. Prior to resuming any further project-related construction, Applicant shall coordinate with the project planner and CDFW to determine the appropriate next steps, including the potential need for an ITP."

**Mitigation Monitoring Action 1e:**

Should CTS and/or SLTS be encountered at the Project site within 50 feet of construction activities, work shall stop in the immediate vicinity of the CTS and/or SCLTS, and the site supervisor will be immediately contacted. The Applicant/Owner and/or qualified biologist shall contact CDFW immediately to consult on the appropriate next steps, including whether a take authorization is necessary through an Incidental take Permit (ITP) by California Department of Fish and Wildlife (CDFW), pursuant to Fish and Game Code Section 2081(b). The applicant shall also contact the Monterey County Resource Management Agency within 24 hours to inform the project planner of the encounter.

**Mitigation Monitoring Action 1d:**

Prior to issuance of a final construction permit, the Applicant/Owner shall submit a letter prepared in consultation and signed by the qualified biologist to the RMA Chief of Planning, confirming successful implementation of the environmental education and operational program and provide a summary of any CTS and/or SLTS, as defined in Mitigation Measure No. 1, finds or no finds, as applicable.

11. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 11. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

The Project is subject to the goals and policies set forth in the North County Coastal Land Use Plan (NC LUP) and regulations set forth in the accompanying Coastal Implementation Plan (CIP), which make up part of the Local Coastal Program (LCP). The LCP was adopted to carry forward the goals and policies of the Coastal Act: (1) protect, maintain, enhance, and restore the overall quality of the coastal environment and its natural and man-made resources; (2) assure orderly, balanced utilization and conservation of coastal resources while taking into account the social and economic needs of the people of the State; (3) maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with resource conservation principles and constitutionally protected rights of private property owners; (4) prioritize coastal-dependent development over other development on the coast; and (5) encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including education uses, in the coastal zone.

### 11(a) and (c) Conclusion: No Impact.

The Project consists of installation and operation of a Battery Energy Storage System (BESS) within an existing building and site improvements on already disturbed sites on a property with an existing industrial use. The operational component would be consistent with the land use designation, Industrial-Coastal Dependent, and the established use of the site. Therefore, the project would not result in the physical divide of an established community as the establishment of the BESS would not create a barrier, induce or reduce population, or introduce a new use inconsistent with existing uses in the area. There are no habitat conservation plans (HCP) or natural community conservation plans (NCCP) approved on the subject property or within the area, resulting in no impact.

### 11(b). Conclusion: Less Than Significant.

The Project has the potential to impact biological resources, transportation/traffic and tribal cultural resources. Key Policy 2.3.1 of the NCLUP states that environmentally sensitive habitats of North County are unique, limited, and fragile resources of statewide significance, important to the enrichment of present and future generations of county residents and visitors; accordingly, they shall be protected maintained, and where possible, enhanced and restored. General Policies within this Chapter 2.3 of the NCLUP state that land uses and new development adjacent to these locations of environmentally sensitive habitat shall be compatible with the long-term maintenance of the resource by incorporating site planning and design features to prevent habitat impacts. Key Policy 2.9.1 of the NCLUP calls for the maintenance and protection of archaeological resources for their scientific and cultural heritage values. Section 5.2.2 of the



Moss Landing Community Plan 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 off Highway 1 to minimize hazardous and congested conditions.

Section 20.144.040 of the CIP provides development standards which is intended to protect, maintain, and where possible, enhance and restore North County's environmentally sensitive habitat. Development shall be modified to reduce any impacts to an insignificant level and assure the habitat's long-term maintenance. As discussed in Section VI.4 of this Initial Study, a biological survey was not required for the Project. However, during the public review period of the Initial Study Mitigated Negative Declaration (SCH. No. 2019011067), comments were received by the California Department of Fish and Wildlife (CDFW) that identified potential impacts to special-status species: California Tiger Salamander (CTS), Santa Cruz Long-Toed Salamander (SCLTS) and Peregrine Falcon (PEFA). As discussed in Section VI.4 of this Initial Study, mitigation measures and standard conditions of approval have been incorporated into the Project that would reduce potential impacts to a less than significant level. Therefore, the Project is found consistent with NC LUP policies and CIP regulations.

Section 20.144.110 of the CIP provides development standards relative to archaeological resources intended to assure maintenance and protection of North County's archaeological resources. Development shall be considered compatible only where they incorporate all site planning and design features necessary to avoid or mitigation impacts to archaeological resources. In accordance with these standards, archaeological survey reports (Holson, Source 14; Holm, Source 15; Jackson, Source 17). As discussed in Section VI.5 – Cultural Resources of this Initial Study, the Project is located on a portion of the subject property that has been previously disturbed. Therefore, the Project is found consistent with NC LUP policies and CIP regulations as development is sited to avoid impacts to archaeological resources.

Section 20.144.120 of the CIP provides transportation development standards with the intended result of upgrading the State highways, expansion and management of major County roads to accommodate traffic volumes at a Level of Service (LOS) C, and expand public transit to provide a viable transportation alternative. In accordance with this section, a Traffic Assessment (Higgins, Source 22) was submitted with the Project application. This assessment analyzed the historical, existing, and projected traffic volumes resulting from Project implementation. As outlined in the Project Construction Management Plan (Source 1) and the traffic assessment, vehicular access to and from the site will utilize a route that avoids access to Highway 1. This is consistent with NC LUP policies and CIP regulations for transportation.

## ***VII. MANDATORY FINDINGS OF SIGNIFICANCE***

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 3, 5, 7, 9, 32, 33, 34, 35)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 3, 5, 7, 8, 9, 14, 15, 28, 29, 30) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 3, 5, 7, 8, 9, 14, 15, 28, 29, 30)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Pursuant to Section 21083 of the Public Resources Code and Section 15065 of the CEQA Guidelines, a project would be considered to have a significant effect on the environment, and an Environmental Impact Report shall be prepared, if impacts identified cannot be avoided or mitigated to a point where no significant effect on the environment would occur. Analysis provided in this Initial Study found that there is no substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment.

### VII(a). Conclusion: Less than Significant with Mitigation Incorporated.

Based upon the analysis throughout this Initial Study, the proposed Project would have the potential to threaten or restrict the range of a rare or endangered plant or animal. There are known occurrences of California Tiger Salamander (CTS), Santa Cruz Long-Toed Salamander (SCLTS) and Peregrine Falcon (PEFA) on the Project site, and vicinity and as explained in Section VI. 4 of this Initial Study, the Project would have the potential to impact biological resources. However, based on the recommendations of CDFW and the applicant's biologist, a mitigation measure (Mitigation Measure No. 1) and standard condition of approval has been incorporated into the Project requiring an environmental education and operational program and bird nesting survey to occur prior to any construction activities. Implementation of this mitigation and condition of approval would reduce any potential impacts to a less than significant level.

Based on the existing conditions of the site, the Project would have no impacts to agriculture and forest resources (see Section VI.2). The Project would have potential impacts to cultural

resources (see Section VI.5). A standard condition of approval requiring work to be halted if cultural resources are accidentally uncovered during excavation has been incorporated within the project and would reduce the impact to a less than significant level.

The Project has a potential to result in significant impacts to tribal cultural resources. As discussed in preceding Section VI.18 – Tribal Cultural Resources, the site has identified as an area that has the potential to contain significant tribal cultural resources due to the abundance of resources already found on and near the area of development. Based on the recommendation identified at the Tribal Consultation meeting, a mitigation measure (Mitigation Measure No. 1) has been identified and incorporated into the Project requiring an approved tribal monitor to observe excavation up to a depth of 15 feet. Implementation of this mitigation would reduce the potential impact to a less than significant level.

#### **VII(b). Conclusion: Less Than Significant Impact.**

In addition to the Vistra Project, there are 2 projects in proximity of the site that were considered as part of the cumulative impact analysis: 1) the “Elkhorn Battery Energy Storage System Project” or “PG&E”, located on an adjacent property to the north (PLN180371) and an “RV and Boat Storage Project” or “McCombs” on Dolan Road east of the subject property (PLN160443). PG&E has been deemed complete by the County and preparation of an initial study is underway. McCombs is currently deemed incomplete by the County, but it is anticipated that operation of the facility has the potential to occur during the construction phase of the Vistra and/or PG&E projects. When considering all 3 projects together, potential cumulative impacts to air quality, biological resources, greenhouse gas emissions, hazards/hazardous materials, traffic/transportation, and tribal cultural resources have been identified.



**Figure 17. Projects Considered for Cumulative Analysis**

Vistra Project – Vistra proposes to remove approximately 770 cubic yards (yds<sup>3</sup>) of asphalt and excavate approximately 3,750yds<sup>3</sup> of soil. Based on the Construction Management Plan (Vistra



CMP) and in accordance with the requirements of the Soils Management Plan (Gearhart, Source 19), excavated soils would be tested for contaminants, and either reused onsite or hauled offsite. For the purposes of analyzing cumulative impacts, an assumption is made that all asphalt and soil will be hauled offsite. As illustrated in **Table 1** of this Initial Study, it is anticipated that construction of the project would require the use of 22 large vehicles, 2 cranes, 3 vehicles specifically for grading, and 12 forklifts. As demonstrated in **Figure 16**, the inbound and outbound haul route proposes to use Dolan Road to Castroville Boulevard to San Miguel Canyon Road to Highway 101, and vice versa.

As discussed in Section VI.3 of this Initial Study, the Project has the potential to create construction related air quality impacts in a region that is in non-attainment for PM<sub>10</sub> for the State's 2-hour ozone standard. As discussed in Section VI.9 of this Initial Study, the Project has the potential to emit hazards through transportation of contaminated soils along a rural road and within one quarter mile of an existing school. As discussed in Section VI.8 of this Initial Study, temporary construction activities of the proposed Project would be the main contributor to GHG emissions. However, impacts are identified to be less than significant. As discussed in Section VI.17 of this Initial Study, the Project has the potential to impact the performance effectiveness of the circulation of the proposed haul route. As discussed in Section VI.4 of this Initial Study, potential impacts have been identified to Biological Resources. A Mitigation Measure and standard condition of approval has been incorporated to reduce this impact to a less than significant level.

PG&E Project – PG&E proposes (Source 28) rough grading and excavation of foundations within the identified 4.5 acre development area (amount not quantified), excavation of approximately 7,850yds<sup>3</sup> and fill of approximately 3,450yds<sup>3</sup> soils. Although information on type and amount of construction vehicles was not provided, **Table 2** below (excerpt from the PG&E CMP) quantifies the amount of material hauled, loads, and trip frequency.

Material	Quantity (cubic yards)	Approximate Total Loads	Frequency (trips/day)
Stone hauled in	3,450	173	15
Concrete hauled in	340	43	8
Battery packs	268	268	6
Pad mount transformers	67	22	4
Rebar hauled in	6	6	1
Breakers	3	1	1
Steel	2	2	1
Switches	1	1	1
CCTVs	1	1	1
Station service	1	1	1
Switchgear	3	3	1
Conduits and grounds	1	1	1
Insulators	1	1	1
Bill of materials	5	5	2
LV cables	20	5	2
MV cables	18	6	1
Soils off hauled	4,400	440	15

**Table 2. Elkhorn Battery Energy Storage System Project Delivery and Off-Haul**

PG&E proposes (Source 28) outbound traffic to the landfill located in Marina is proposed to be routed from Dolan Road to Castroville Boulevard to Highway 156 to Highway 1 or from Dolan Road to Castroville Boulevard to San Miguel Canyon Road to Highway 101. The return route from the landfill is proposed through Highway 1 North to Dolan Road.

McCombs Project – The RV and Boat Storage project does not include any grading activities. Application materials (Source 29) includes a Traffic Management Plan that proposes drop off and pick up of stored vehicles during off peak traffic hours. The proposed route to the site would be from Highway 101 to San Miguel Canyon Road to Castroville Boulevard to Dolan Road. Outbound traffic would use the same route. Traffic data submitted with the McCombs application included actual driveway counts on a 1-week period from their existing operations in Scotts Valley (Source 29). This data is used as the assumed traffic generated by the project. From 12:00am to 11:00pm between September 19, 2017 to September 25, 2017, there was a total of 192 vehicles for inbound and outbound traffic, resulting in an average of 27 trips per day.

Air Quality – Potential cumulative air quality impacts have been identified based on the construction components of Vistra Project analysis in Section VI.3 of this Initial Study, and the proposed PG&E Project. As discussed above and in Section VI.3 of this Initial Study, the Vistra Project has the potential to create air quality impact as individual project due to the use of construction equipment. It is anticipated that the construction activities from the PG&E project would emit dust and fine particulate matter that would contribute the regions non-attainment for PM<sub>10</sub>, thus potentially resulting in air quality impacts. The McCombs project does not include grading and therefore would not cumulatively contribute to air quality impacts. Vistra's Construction Management Plan (CMP) proposes to grade 1,250 yds<sup>3</sup> per day. Section VI.3 of this

Initial Study demonstrates that emission of PM<sub>10</sub> per day would be well under the threshold of significance. In addition, the applicant submitted their California Emissions Estimator Model (CalEEMod, Version 2016.3.2) results (Source 1) which calculated the maximum unmitigated overall construction emissions of PM<sub>10</sub> to be 1.4713lbs/day. PG&E's CMP limits grading to 175 yds<sup>3</sup> per day and their CalEEMod results submitted with the application estimated that their project would emit 7.72lbs/day of PM<sub>10</sub>. With both of these projects combined, the anticipated emittance of PM<sub>10</sub> would be approximately 9.1913lbs/day, below the 82lbs/day threshold established by the CEQA Air Quality Guidelines "Criteria for Determining Construction Impacts" (Source 8). Therefore, these impacts are considered less than significant.

Biological Resources – Potential cumulative biological resources impacts have been identified based on the Vistra Project analysis in Section VI.4 of this Initial Study, and the proposed PG&E project. As discussed in Section VI. 4 of this initial study, special-status species such as California Tiger Salamander (CTS), Santa Cruz Long-Toed Salamander (SCLTS) and Peregrine Falcon (PEFA) have been known to be documented within the Project area or within the Project vicinity. It is anticipated that the construction activities from the PG&E project would contribute to the potential to impact these special-status species. PG&E project is located directly north of the proposed Vistra Project adjacent to the Project area. Similarly, the McCombs project is less than 1 mile east of the Vistra Project. Although, there is no data provided that would identify any special-status species in the PG&E and McCombs Project area, the sites are within the 2 kilometer dispersal range of CTS. A proposed construction schedule has been provided for the PG&E Project (Source 28) and the McCombs project has not yet identified a schedule. Therefore, due to similar construction schedules with the Vistra and PG&E Project, potential cumulative impacts to these special-status species have been identified. These impacts would be reduced to a less than significant level when mitigation measures are implemented.

Greenhouse Gas Emissions – Potential cumulative greenhouse gas emission impacts have been identified based on the Vistra Project analysis in Section VI.8 of this Initial Study, and the proposed PG&E Project. As discussed in Section VI.8 of this Initial Study, temporary construction activities of the proposed Vistra Project would be the main contributor to GHG emissions. This would also be the case for PG&E. Both Projects would use typical construction equipment that emit NO<sub>x</sub> and ROG. Use of this equipment has been accommodated within the *2012-2015 Air Quality Management Plan for the Monterey Bay Region (AQMP)* (AQMP, Source 11). CalEEMod results submitted with the Vistra application (Source 1) estimated that the project would generate approximately 2,307.43 metric tons CO<sub>2</sub>e (MT CO<sub>2</sub>e) of unmitigated GHG emissions over a 14 month period (time of anticipated construction). Amortization of that number over the 20 year life expectancy of the Project would result in approximately 115.37MT CO<sub>2</sub>e. CalEEMod results submitted with the PG&E application estimates approximately 40.415MT CO<sub>2</sub>e amortized over a 30 year period. The McCombs project would not involve grading activities or the use of construction equipment. Therefore, it is assumed that the McCombs project would not cumulatively contribute to GHG emissions. However, based on the fuel-burning construction equipment and vehicles utilized for the PG&E Project, GHGs, when combined with the Vistra Project would produce no more than the threshold of significance of 82 pounds per day of GHG precursors and these precursor emissions would have a less than significant impact on GHGs.



Hazards/Hazardous Materials – Cumulative Hazards/Hazardous Material impacts has the potential to occur as a result from the Vistra Project and PG&E Project. The Vistra Project has the potential to emit hazards through transportation of contaminated soils along a rural road and within one quarter mile of an existing school. As mentioned above, the PG&E Project proposes to use similar haul routes that would result in a cumulative impact when combined with the Vistra Project.

Traffic –Traffic trips for the Vistra Project, the PG&E 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 Vistra Project would result in no more than 924 daily trips. The construction component of the PG&E Project (Source 28), would result in approximately 180 daily trips. The RV and Boat Storage would result in 27 of daily trips (Source 29). Using the data provided by the project applications (Sources 1, 28, and 29), and in consultation with RMA-Public Works and Facilities, it has been determined that cumulatively, the 4 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. See **Tables 3** and **4** below.

<b>Level of Service for 2-Lane Rural Highway</b>			
<b>LOS B</b>	<b>LOS C</b>	<b>LOS D</b>	<b>LOS E</b>
4500	8100	13800	27600

**Note<sub>1</sub>:** Source Florida DOT, 2009 and draft Countywide Nexus Study

**Table 3. Thresholds for LOS**

<b>Vistra</b>					
Route: Project entrance-Dolan Rd-Castroville Blvd-San Miguel Cyn-Hwy 101					
<b>Road</b>	<b>Existing Volume</b>	<b>Existing LOS</b>	<b>Project Volume</b>	<b>Existing+Project Volume</b>	<b>LOS</b>
Dolan Road	5000	B	852	5852	B
Castroville Blvd	8400	C	852	9252	C
San Miguel Cyn	22000	E	852	22852	E

**Note<sub>1</sub>:** Project volume based on 420 employees + 6 deliveries. Worst case scenario this would generate 852 daily trips

**Note<sub>2</sub>:** Source Moss Landing Battery Energy Storage Project (PLN180394) Traffic Assessment and Construction Transportation Management Plan (CTMP) dated September 6, 2018 prepared by Keith Higgins.

**Table 4. Cumulative Project Data**

Tribal Cultural – Monterey County Geographic Information System (GIS) (Source 7) indicates that both the Vistra and PG&E Projects are located within an area of high archaeological sensitivity and in accordance with Section 20.145.110.B.1.a of the North County Coastal Implementation Plan (Source 3), an archaeological survey report was provided for both Projects (Holson, Source 14; Holm, Source 15; and Waechter, Source 30).

Prior to enactment of AB52, the State of California found that current laws provided limited protection for sites, features, places, objects, and landscapes with cultural value to California Native American Tribes, which included Native American sacred places. State Legislature enacted AB 52, Gatto. Native Americans: California Environmental Quality Act (Source 12) to recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The California Native American tribes are the experts with regards to their tribal history and practices. AB 52 enables these tribes to be included within the environmental analysis of project to help identify whether the land in question would have any tribal cultural resources. A consultation between the lead agency and respective tribe would occur to discuss the project. This allowed the tribe to identify any tribal cultural and apply mitigations as appropriate to reduce the level of impact to these resources.

Vistra Project, as described in Section II.A and II.B of this Initial Study, proposes to excavate 3,750 cubic yards of soil for the substation component of the Battery Energy Storage System (BESS). Although the subject property is within a known archaeological site, the area of direct impact, substation, is not within 750 feet of this known archaeological site. Further, reports provided by the applicant (Holson, Source 14 and Holm, Source 15) indicate that these areas have been previously disturbed down to a depth of 20 feet. However, due to the fact that the current soil within this substation cannot be confirmed whether it has been replaced with new soil, a mitigation measure for tribal cultural monitoring has been applied to the Vistra Project to reduce any impact to a less than significant level.

PG&E Project proposes to excavate 6,120 cubic yards of soil within an existing substation footprint. A report provided by the applicant indicates that the area of direct impact for PG&E Project is within three known archaeological sites (Waechter, Source 30). The report concluded that a surface survey was infeasible and recommended that a qualified archaeologist and Native American Most Likely Descendant monitor any subsurface disturbance below 5 feet and down to a depth of 15 feet. An Initial Study would be prepared for the PG&E Project, at which tribal consultation would occur. Staff can assume that because the Vistra and PG&E Project are similar in project description and location, that OCEN would be the tribe to consult. Based off the mitigation that was applied to the Vistra Project and suggested within the archaeological report for PG&E, a tribal monitor would be recommended.

Although the Vistra Project is not within a known archaeological site, the soil replaced within that area from previous excavations cannot be confirmed to be sterile soil. Therefore, requiring the need for a tribal cultural monitor. With this mitigation and the presumed mitigation for PG&E, any potential impact to tribal cultural resources would be reduced to a less than significant level. AB 52 enables the tribes to be a part of the environmental analysis, and the

tribal cultural monitoring would allow for the tribe to stop construction work if any sacred items, such as human remains, were found. Thus, being able to protect these resources.

#### **VII(c). Conclusion: Less than Significant Impact.**

The Project involves the reuse of an existing industrial building and site improvements in already developed areas within an established industrial site; therefore, the Project would not create a substantial adverse effect on human beings, either directly or indirectly. Implementation of the proposed Project would result in temporary minor incremental reductions in air quality and traffic in the project vicinity due to construction and insignificant permanent changes in traffic conditions resulting in the operational component of the project. The Project would result in less than significant impacts to air quality, greenhouse gas emissions, geology and soils, hazards and hazardous materials. Operation of vehicles during construction activities may generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. While the subject property would be exposed to ground-shaking from any of the faults that traverse Monterey County, the Project would be constructed in accordance with applicable seismic design parameters in the California Building Code. The primary source of criteria air pollutant and GHG emissions would stem from the use of equipment during construction activities. However, equipment use would be intermittent and limited to site preparation and construction activities. Pollutant emissions resulting from equipment used during construction would not exceed significance thresholds established by the CARB for GHG because the duration of use would be limited. Moreover, the Project would not create any significant air emissions beyond those associated with current residential uses established on the property. Construction-related noise or vibration impacts would be minimized by the limited project scope. The installation of the components of the battery energy storage system would not degrade the visual character of the area. Installation of automatic light fixtures would be installed and application of County conditions of approval would reduce visual and aesthetic impacts to less than significant. The Project as proposed, mitigated by design, and as conditioned, would result in impacts reduced to a less than significant level.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.



## ***VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the California Department of Fish and Wildlife. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department’s website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov).

**Conclusion:** The project (will) be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the RMA-Planning files pertaining to PLN180394 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans for PLN180394
2. 1982 Monterey County General Plan
3. North County Coast Land Use Plan
4. Moss Landing Community Plan
5. Monterey County Coastal Implementation Plan, Part 2 (NC CIP)
6. Monterey County Coastal Implementation Plan, Part 1 (Title 20 Zoning Ordinance)
7. Monterey County Geographic Information System (GIS)
8. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
9. Site Visit conducted by the project planner on September 18, 2018.
10. CEQA Statute and Guidelines 2017
11. The 2012-2015 Air Quality Management Plan (AQMP), including the 1991 AQMP and the 2009-2011 Triennial Plan Revision
12. California AB-52 Native Americans: California Environmental Quality Act 2014.  
[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB52](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52)
13. Tribal Consultation dated December 11, 2018 with The Ohlone/Costanoan-Esselen Nation
14. "Literature Review for the Moss Landing Battery Energy Storage Project" dated September 4, 2018 (Monterey County File No. LIB190003) prepared by John Holson, Principal Investigator, Pacific Legacy, Inc., Berkeley, CA
15. "Archaeological Sensitivity Assessment for the Moss Landing Battery Energy Storage System Project, Moss Landing Power Plant, Monterey County, California" dated December 12, 2018 (Monterey County File No. LIB180424) prepared by Lisa Holm, Senior Archaeologist, Pacific Legacy, Inc., Berkeley, CA
16. "Geotechnical Report for Planning Purposes" dated September 7, 2018 (Monterey County File No. LIB190004) prepared by Michelle L. Hack, Program Manager, Sargent & Lundy Engineers, Ltd., Chicago, IL
17. "Proposed Construction of Modular Equipment Building and Potential Impacts to Archaeological Site CA-MNT-229" dated March 16, 2018 (Monterey County File No. LIB160145) prepared by Thomas L. Jackson, Ph.D., Senior Archaeologist, Pacific Legacy, Inc., Berkeley, CA



18. Google Earth Imagery dated January 10, 2019, 36°48'21.44" N 121°46'58.27" W, Elevation at 23ft., Eye Alt. 8ft.
19. "Soil Management Plan: Parcels I, III, and IV. Moss Landing Power Plant" dated April 6, 2018 (Monterey County File No. LIB190007) prepared by Leon Gearhart, Senior Staff Scientist, Jacobson James & Associates, Inc., Roseville, CA
20. Monterey County Permit Records
21. "Moss Landing Power Plant Geologic Hazards Report" dated March 2016 (Monterey County File No. LIB190005) prepared by Julian C. Isham, Geology Manager, P.G., C.E.G., C.H.G, CB&I, Sacramento, CA
22. "Moss Landing Battery Energy Storage Project (PLN180394) Traffic Assessment and Construction Transportation Management Plan (CTMP)" dated September 6, 2018 (Monterey County File No. LIB190012) prepared by Keith B. Higgins, Traffic Engineer, PE, TE, Gilroy, CA
23. California AB-2514 Energy Storage Systems.  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200920100AB2514](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2514)
24. "2016 Monterey County Multi-Jurisdictional Hazard Mitigation Plan" adopted June 2015, prepared by The Monterey County Hazard Mitigation Planning Team and AECOM.
25. "Moss Landing Battery Energy Storage Facility Water Supply Assessment" dated September 7, 2018 (Monterey County File No. LIB190021) prepared by Michelle Hack, Sargent & Lundy Engineers, Ltd., Chicago, IL
26. "Moss Landing Coastal Climate Change Vulnerability Report" dated June 2017, prepared by Central Coast Wetlands Group, Moss Landing, CA
27. "2018 Monterey County Regional Transportation Plan", prepared by Transportation Agency for Monterey County in coordination with Association of Monterey Bay Area Governments
28. Project Application/Plans for PLN180371 – Elkhorn Battery Energy Storage System Project
29. Project Application/Plans for PLN160443 – McCombs
30. "A Cultural Resources Study for Pacific Gas & Electric Company's Proposed Elkhorn Battery Energy Storage System (BESS) Project" dated October 2018 (Monterey County File No. LIB180418) prepared by Sharon A. Waechter, Far Western Anthropological Research Group, Inc., Davis, CA
31. California Department of Transportation comment letter received February 12, 2018
32. California Department of Fish and Wildlife comment letter received February 27, 2018



33. Phone conference between the applicant, California Department of Fish and Wildlife and County Staff on March 21, 2019 at 10:00 a.m.
34. "Response to CDFW Letter, February 21, 2019 Duke Energy Moss Landing (Project) Mitigated Negative Declaration (MND) SCH No.: 2019011067" dated March 7, 2019 (Monterey County File No. LIB190079) prepared by Andrea Edwards, Senior Biologist; Janet Walther, MS, Senior Biologist; Monterey, CA
35. "Revised Response to CDFW Letter, February 21, 2019 Duke Energy Moss Landing (Project) Mitigated Negative Declaration (MND) SCH No.: 2019011067" dated March 29, 2019 (Monterey County File No. LIB190088) prepared by Andrea Edwards, Senior Biologist; Janet Walther, MS, Senior Biologist; Monterey, CA
36. Initial Study/Mitigated Negative Declaration (Sch No.: 2019011067) dated January 28, 2019 prepared by Jacquelyn M. Nickerson, Assistant Planner, Monterey County Resource Management Agency, Salinas, CA

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

**Project Title:** DUKE ENERGY MOSS LANDING LLC (VISTRA ENERGY CORPORATION)Lead Agency: Monterey County RMA - PlanningContact Person: Jacquelyn M. NickersonMailing Address: 1441 Schilling Place, 2nd FloorPhone: 831-755-5240City: SALINASZip: 93901County: MONTEREY**Project Location:** County: MONTEREYCity/Nearest Community: MOSS LANDINGCross Streets: 11283 Dolan RoadZip Code: 95039

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_° \_\_\_\_' \_\_\_\_" N / \_\_\_\_° \_\_\_\_' \_\_\_\_" W Total Acres: \_\_\_\_\_

Assessor's Parcel No.: 133-181-011-000

Section: \_\_\_\_\_

Twp.: \_\_\_\_\_

Range: \_\_\_\_\_

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: HWY 1

Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_

Railways: \_\_\_\_\_

Schools: NORTH MONTEREY CC**Document Type:**

CEQA:

☐ NOP☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) \_\_\_\_\_

☐ Draft EIS☐ Other: \_\_\_\_\_☒ Mit Neg Dec

Other: \_\_\_\_\_

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☒ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other: \_\_\_\_\_**Development Type:**☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_☒ Industrial: Sq.ft. 96,411 Acres 137.5 Employees 420☐ Educational: \_\_\_\_\_☐ Recreational: \_\_\_\_\_☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_☐ Transportation: Type \_\_\_\_\_☐ Mining: Mineral \_\_\_\_\_☐ Power: Type \_\_\_\_\_ MW \_\_\_\_\_☐ Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_☐ Hazardous Waste: Type \_\_\_\_\_☐ Other: \_\_\_\_\_**Project Issues Discussed in Document:**☐ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☐ Vegetation☐ Agricultural Land☐ Flood Plain/Flooding☐ Schools/Universities☒ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☐ Wetland/Riparian☐ Biological Resources☐ Minerals☒ Soil Erosion/Compaction/Grading☐ Growth Inducement☒ Coastal Zone☐ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☐ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☐ Public Services/Facilities☒ Traffic/Circulation☐ Other: \_\_\_\_\_**Present Land Use/Zoning/General Plan Designation:**North County Land Use Plan, Moss Landing Community Plan/HI**Project Description:** (please use a separate page if necessary)

Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1.) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2.) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date January 29, 2019 Ending Date February 28, 2019

### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>ERIC CHERNISS</u>
Address: _____	Address: <u>6555 SIERRA DRIVE</u>
City/State/Zip: _____	City/State/Zip: <u>IRVING, TX 75039</u>
Contact: _____	Phone: <u>408-460-8200</u>
Phone: _____	

Signature of Lead Agency Representative: \_\_\_\_\_

Date: 1/25/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



County of Monterey

State of California

**MITIGATED NEGATIVE DECLARATION**

**FILED**

**JAN 28 2019**

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Duke Energy Moss Landing LLC (Vistra Energy Corporation)
<b>File Number:</b>	PLN180394
<b>Owner:</b>	Duke Energy Moss Landing LLC
<b>Project Location:</b>	11283 Dolan Road, Moss Landing
<b>Primary APN:</b>	133-181-011-000
<b>Project Planner:</b>	Jacquelyn M. Nickerson
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1.) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2.) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site. The property is located at 11283 Dolan Road, Moss Landing (Assessor's Parcel Number 133-181-011-000), Moss Landing Community Plan.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

<b>Decision Making Body:</b>	Planning Commission
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	January 29, 2019
<b>Review Period Ends:</b>	February 28, 2019

Further information, including a copy of the application and Initial Study are available at the Monterey County RMA Planning, 1441 Schilling Place South, 2<sup>nd</sup> Floor, Salinas, CA 93901/(831) 755-5025

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING

1441 SCHILLING PL SOUTH 2<sup>ND</sup> FLOOR, SALINAS, CA 93901

(831) 755-5025 FAX: (831) 757-9516



## **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that Monterey County Resource Management Agency – Planning has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit consisting of two (2) Coastal Administrative Permit. [Duke Energy Moss Landing LLC (Vistra Energy Corporation), File Number PLN180394] at 11283 Dolan Road, Moss Landing (Assessor's Parcel Number 133-181-011-000), Moss Landing Community Plan. (see description below).

The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at Monterey County Resource Management Agency – Planning, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma/-planning/resources-documents/environmental-documents/pending>.

The Planning Commission will consider this proposal at a meeting on March 27, 2019 at 9:00 a.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from January 29, 2019 to February 28, 2019. Comments can also be made during the public hearing.

**Project Description:** Amendment to the Moss Landing Power Plant Master Plan consisting of an update to the existing and proposed uses and a Combined Development Permit consisting of a: 1.) Coastal Administrative Permit to change the use within an existing building to allow the establishment of a 20-year lifespan battery energy storage system; and 2.) Coastal Administrative Permit for development within 750 feet of a known archaeological site for the excavation and placement of the substation, replacement of an existing transformer, and installation of new inverters and transformers on-site.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Agency also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Agency has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of

comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Agency to ensure the Agency has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Agency to confirm that the entire document was received.

**For reviewing agencies:** Resource Management Agency – Planning requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Agency if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey  
Resource Management Agency – Planning  
Attn: Brandon Swanson, Interim RMA Chief of Planning  
1441 Schilling Place South 2<sup>nd</sup> Floor  
Salinas, CA 93901

Re: Duke Energy Moss Landing LLC (Vistra Energy Corporation)/File Number PLN180394

From:                      Agency Name: \_\_\_\_\_  
                                 Contact Person: \_\_\_\_\_  
                                 Phone Number: \_\_\_\_\_

- \_\_\_\_ No Comments provided  
\_\_\_\_ Comments noted below  
\_\_\_\_ Comments provided in separate letter

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### **DISTRIBUTION**

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. CalTrans District 5 (San Luis Obispo office)
4. California Coastal Commission, Attention Katie Butler
5. Association of Monterey Bay Area Governments
6. Monterey Bay Air Resources District
7. California Department of Fish & Wildlife, Monterey Field Office Environmental Review, Marine Region
8. California Department of Fish & Wildlife, Region 4, Renee Robison
9. Native American Heritage Commission, Sacramento Office
10. Louise Miranda-Ramirez, C/O Ohlone/Costanoan-Esslen Nation
11. North County Fire Protection District
12. Monterey County RMA-Public Works
13. Monterey County RMA-Environmental Services
14. Monterey County Environmental Health Bureau
15. Monterey County Sheriff's Office, Donna Galletti
16. Duke Energy Moss Landing LLC, Owner
17. Vistra Energy Corporation, Eric Chernuss, Agent
18. The Open Monterey Project
19. LandWatch Monterey County
20. Property Owners & Occupants within 300 feet (**Notice of Intent only**)
21. Robert Cleland, C/O Vistra Energy Corporation\*
22. Christopher Carr, C/O Baker Botts LLP\*
23. Navi Dhillon, C/O Baker Botts LLP\*
24. Kevin Vickers, C/O Baker Botts LLP\*
25. Sheila Sannadan, C/O Adams Broadwell Joseph & Cardozo\*

\*Received only Notice of Intent (hard copy)

### **Distribution by e-mail only (Notice of Intent only):**

26. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: [galacatos@usace.army.mil](mailto:galacatos@usace.army.mil))
27. Emilio Hipolito ([ehipolito@nccrc.org](mailto:ehipolito@nccrc.org))
28. Molly Erickson ([Erickson@stamplaw.us](mailto:Erickson@stamplaw.us))
29. Margaret Robbins ([MM\\_Robbins@comcast.net](mailto:MM_Robbins@comcast.net))
30. Michael Weaver ([michaelrweaver@mac.com](mailto:michaelrweaver@mac.com))
31. Monterey/Santa Cruz Building & Construction ([Office@mscbctc.com](mailto:Office@mscbctc.com))
32. Tim Miller ([Tim.Miller@amwater.com](mailto:Tim.Miller@amwater.com))

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

### PLANNING

1441 SCHILLING PLACE SOUTH, 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025/FAX: (831) 757-9516



**Project Title:** Duke Energy Moss Landing LLC (Vistra Energy Corporation)

**File No.:** PLN180394

**Project Location:** 11283 Dolan Road, Moss Landing

**Name of Property Owner:** Duke Energy Moss Landing LLC

**Name of Applicant:** Vistra Energy Corporation

**Assessor's Parcel Number(s):** 133-181-011-000

**Acreage of Property:** 137.5 acres

**General Plan Designation:** Heavy Industrial – Coastal Dependent

**Zoning District:** HI (CZ)/Heavy Industrial in the Coastal Zone

**Lead Agency:** County of Monterey, Resource Management Agency – Planning

**Prepared By:** Jacquelyn M. Nickerson, Assistant Planner

**Date Prepared:** January 25, 2019

**Contact Person:** Jacquelyn M. Nickerson, Assistant Planner

**Phone Number:** 831-755-5240

## II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

### A. Description of Project:

The purpose of the proposed project is to support renewable energy initiatives established by the State of California. Specifically, to reduce the loss of energy procured from alternative energy sources, such as wind and solar, and aid in providing consistent reliable energy. This would occur through storage of power during off peak use times and dispersing that power back to the electrical grid for use during high peak use times. The project application (herein after referred to as “Project”), consists of a 300 megawatt (MW) transmission-connected, standalone lithium ion battery energy storage system (BESS) with four hours of storage and a 20-year life span, on the southwest portion of a 137.5 acre parcel (**Figure 1**), herein after referred to as “the subject property” or “Moss Landing Power Plant” (MLPP).

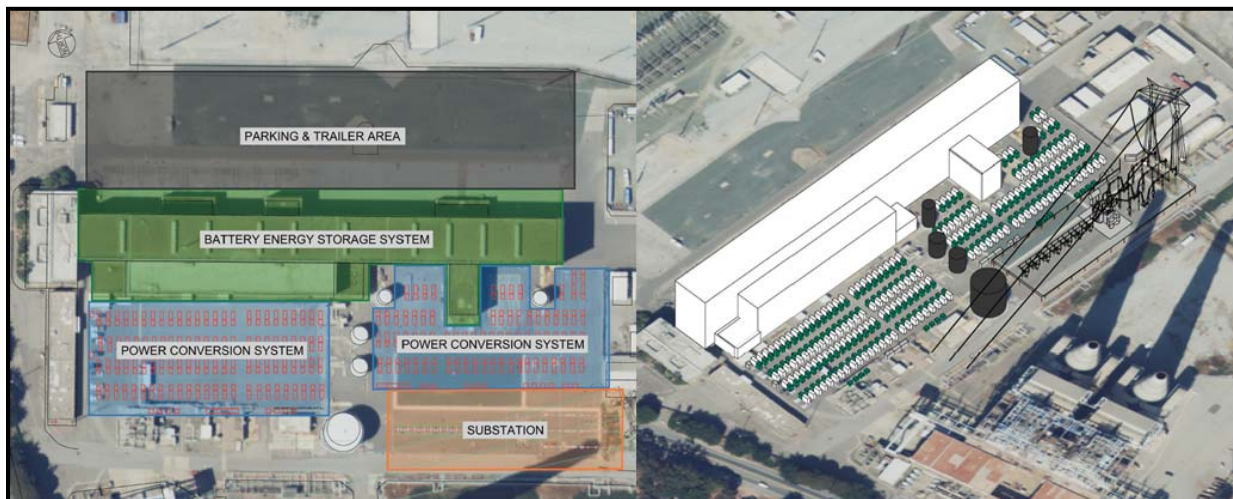


Figure 1. Partial Site Plan and Proposed Site Improvements

The BESS has 3 major components: battery energy storage, power conversion system and substation. First, the substation receives energy from the electrical grid; 2) the energy current changes through the power conversion system; and 3) energy is stored within the battery energy storage until utilized. Conversely, the energy gets routed out from the battery energy storage through the power conversion system and substation, and into the electrical transmission grid (**Figure 2**).

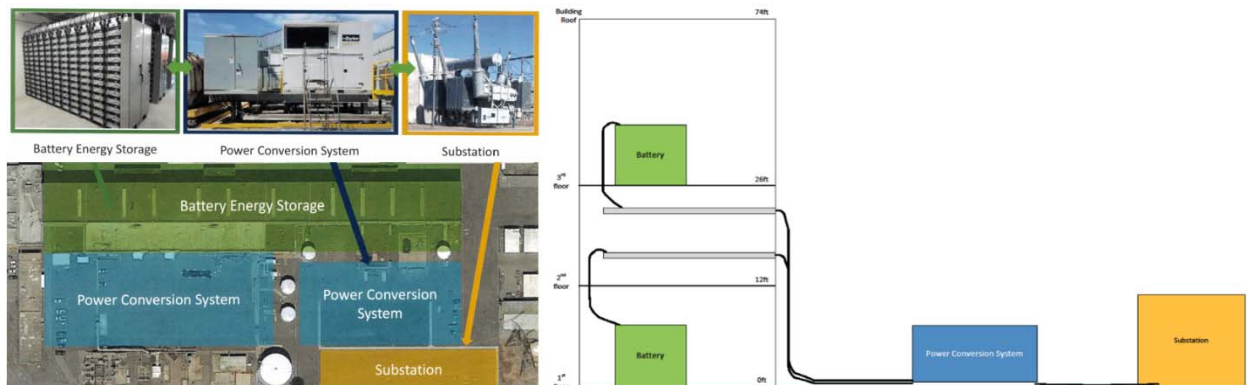


Figure 2. Battery Energy Storage System (BESS) Operational Diagram



The Project includes installing approximately 200,000 battery modules. Each battery module would be stored in racks that are approximately 9 feet tall and can hold between 17-24 battery modules depending upon configuration and manufacturer. All battery racks would be stored in an existing three-story 96,411 square foot building (**Figure 3**). The first and third floors would be remodeled to install separate rooms with independent access, including fire barriers and safety systems, to house anywhere between 100-500 battery racks (**Figure 4**). Cables from each battery rack would be routed through the second floor, exiting the southern face of the building wall to connect to the inverters and transformers within the power conversion system outside of the building. No ground disturbance is necessary for this portion of the project.



**Figure 3. Existing Three-Story Building**



**Figure 4. Existing First and Third Floors**

PG&E's electrical transmission grid operates in alternating current (AC) but the battery energy is stored utilizing direct current (DC). Therefore the power conversion system would receive the energy off of the electrical transmission grid in AC and convert the energy to DC to enable its storage into the batteries. Conversely, energy is converted from DC to AC prior to dispersing it back to the grid.

The power conversion system, which would be located adjacent to the existing building to the south (**Figure 5**) would contain approximately 200 inverter and transformer groups. Each inverter is approximately 11 feet long x 5.5 feet wide x 9 feet high and each transformer is approximately 7 feet wide x 6 feet long x 6 feet high. These components would be installed on top of the existing asphalt on foundations or skids, which would be connected both to the batteries by cables and to the substation electrically. No grading would be required for this portion of the Project.



**Figure 5. Power Conversion Areas**

PG&E transmission lines carry electricity throughout the State of California as part of the electrical transmission grid at high voltages. The transmission line located on the subject property, shown in **Figure 6** below, runs at 500 kilovolts (kV). In order for the power to be converted from AC to DC at the power conversion system, voltage would need to be reduced to 34.5 kV at the substation. The substation would be located in a 46,875 square foot area southeast of the BESS building (**Figure 6**) and would consist of a 500 kV transformer control house, associated breakers, switches, and miscellaneous equipment necessary to connect into the existing 500 kV transmission line. Each of the seven breakers is approximately 5.5 feet long x 5 feet wide x 11 feet high. The substation includes three “interrupter” poles, with a maximum height of 23 feet, that would connect the substation to the existing power transmission lines.



**Figure 6. Substation Area**

Site improvement in the substation area would require the removal of approximately 770 cubic yards of asphalt and the excavation of approximately 3,750 cubic yards of soil. Grading is expected to occur over a 3 day period, moving approximately 1,250 cubic yards per day. The depth of excavation is expected not to exceed 4 feet. However, between 4 to 6 piers for the foundation would be drilled to a depth of 15 feet. Grading soils would either be retained onsite for reuse, hauled offsite for reuse, or hauled offsite for disposal (Source 1). This is consistent with the recommendations set forth in the Soils Management Plan (Gearhart, Source 19) which would be discussed further in the Environmental Setting subsection below.

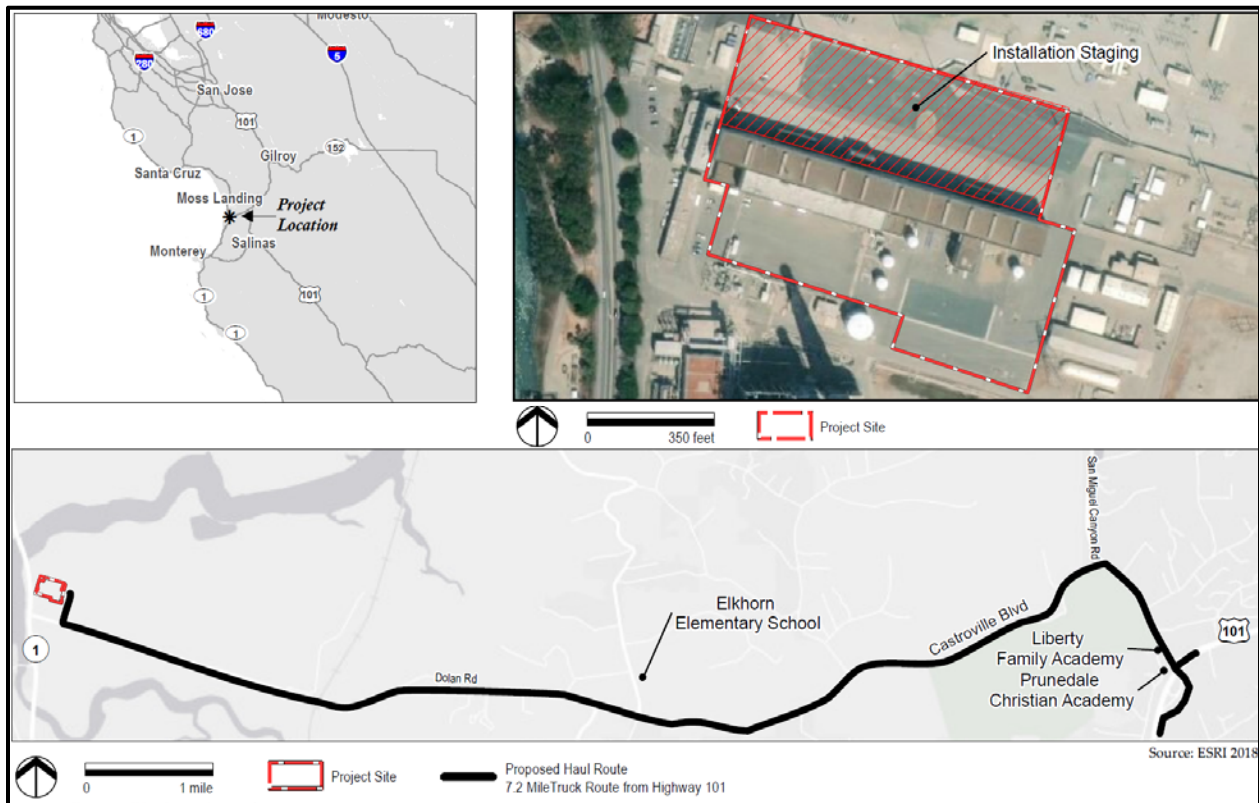


A preliminary Construction Management Plan (CMP) was submitted as part of the project application (Source 1) illustrating logistical planning of site improvements. As outlined in the CMP, the Project is expected to take approximately 14 months from start to finish, 6 of which is anticipated as the peak construction period. See **Table 1** below.

Components	Schedule	Quantity Equipment	Hours of Operation per Day	Total Work Days
Existing Building for Battery Storage	October 2019 to June 2020	8 Semi-Trucks	12	300
Inverter/Transformer Yard	January 2020 to July 2020	12 Forklifts	12	14
		10 Cement Trucks	12	20
Substation	September 2019 to January 2020	1 Excavator	12	3
		1 Grader	12	3
		1 Tractor/ Loader/ Backhoe	12	3
		2 Cranes	12	10
		4 Cement Trucks	4	10

**Table 1. Construction Summary Table – Construction Management Plan**

The construction phase of the Project is anticipated to have a maximum of 420 contractors on site with a maximum of 924 daily vehicle trips for employees, delivery trucks and heavy haul trips. The CMP includes a number of construction traffic management actions to ensure vehicle trips are directed away from Highway 1 (see proposed haul route illustrated in **Figure 7** below) and the amount of temporary construction traffic stays within the parameters of the maximum of 924 vehicle trips per day. The proposed actions include carpooling incentives, enforcement of one site entrance per vehicle, and scheduling shift changes and deliveries of construction material during off-peak hours. Further, in the unlikely case, the Monterey County RMA-Public Works and Facilities Division would also have discretion to require the use of California Highway Patrol during the BESS shift changes.

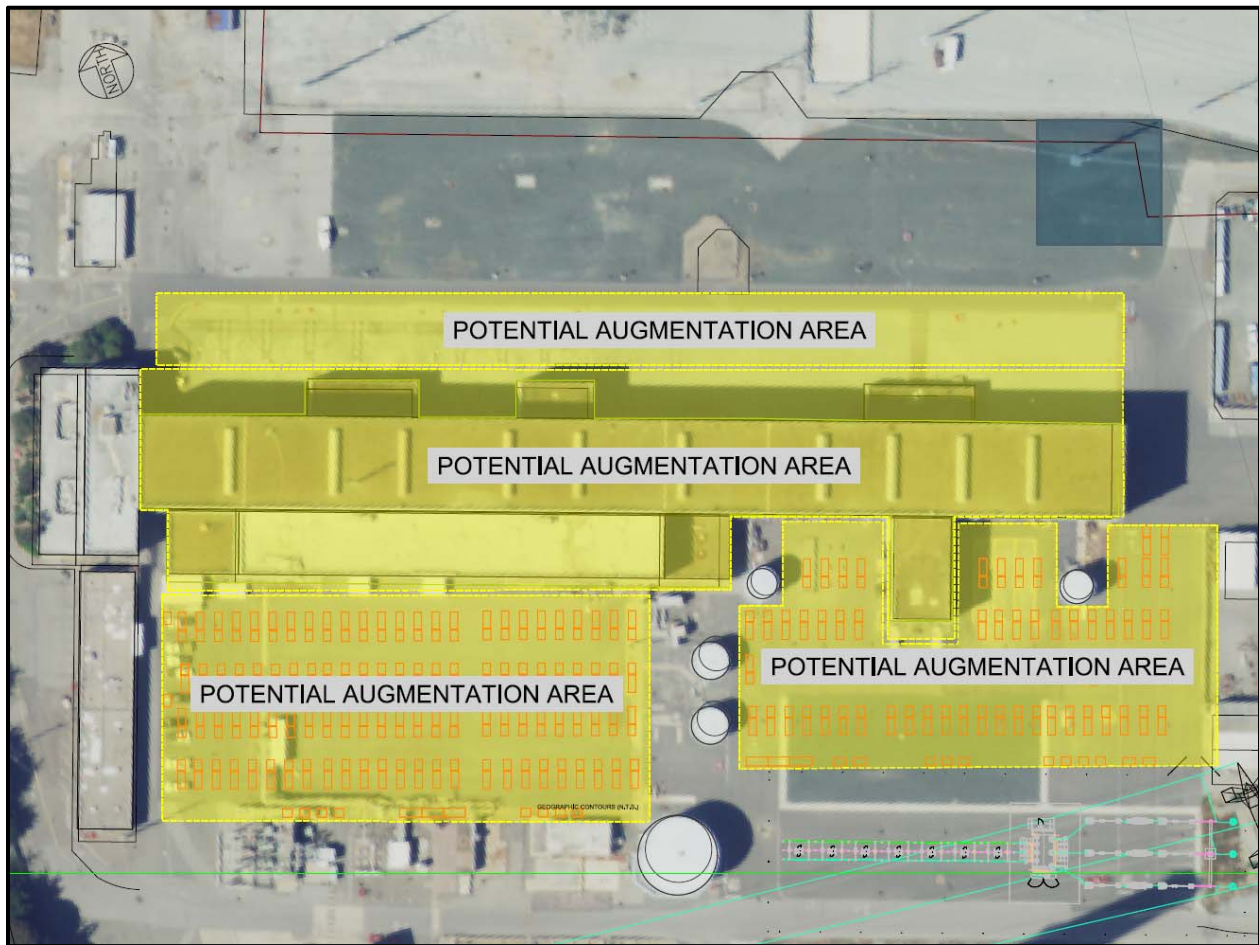


**Figure 7. Proposed Haul Route – Construction Management Plan**

Once the improvements to the site have been completed and the facility is in use, the operational component of the Project would require no more than 5 onsite employees. Maintenance of the site and replacement of batteries are anticipated to occur up to 3 times over the 20 year life span of the BESS, with a staggering replacement schedule to allow for optimum use of the BESS and to avoid a wholesale replacement of all the batteries at one time. The battery modules within the BESS would degrade over time due to use and to be able to keep a consistent battery energy storage capacity, augmentation would be required. Augmentation (**Figure 8**) is proposed to occur in of the following ways:

- 1) Replace depleted batteries with new to the battery energy storage component;
- 2) Attach additional batteries to the battery energy storage component; or
- 3) Install approximately 30 containers (approximately 320 square feet and 8 ½ feet tall) adjacent to the battery energy storage building on top of existing asphalt. Containers placed north of the existing building would be located between the building and the existing road. Containers placed south of the existing building would be located within the area identified for the power conversion system. Each container would require one pair of inverters and transformers per container.

Augmentation would not exceed the maximum of 200,000 battery modules and 200 total pairs of inverters and transformers proposed in the project description. As part of the operations, the Project would be monitored on a continuous basis and routinely inspected.



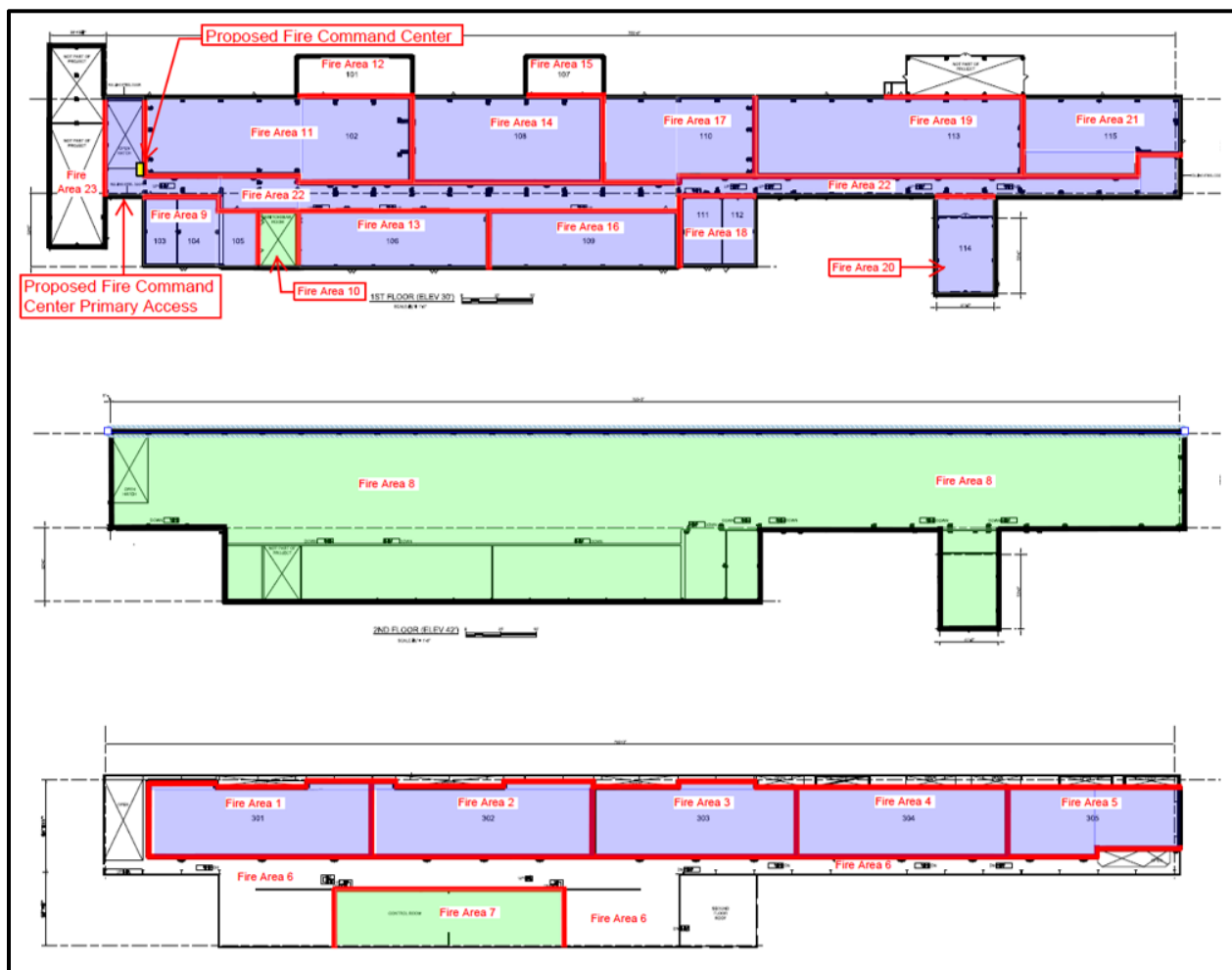
**Figure 8. Augmentation Site Plan**

During the installation and construction phase, hazardous materials such as fuels, lubricants, adhesives, solvents and paints may be utilized at the project site. Use and storage of hazardous materials during installation could create a significant hazard to workers, the public or the environment if such materials are inappropriately managed. MLPP has implemented several plans such as Hazardous Materials Business Plan/Contingency Plan, Hazardous Materials Inventory, Facility Emergency Plan, Soil Management Plan, Stormwater Pollution Prevention Plan and Contractor Safety Program (Source 1). These plans are consistent with federal, state and local hazards regulations. The use of these hazardous materials would be temporary and only during the installation phase of the Project. During Project operations, little to no hazardous materials are anticipated.

The proposed Project would be a passive use that would not use hazardous materials on a regular basis during its operational component. The transformer/inverter unit would contain a non-hazardous vegetable based oil, rated as fire-retardant insulation. The substation transformer would contain mineral oil, a highly-refined hydrocarbon-based oil used as an insulation medium and coolant in transformers. The substation would be designed to include a concrete tub beneath the transformer for mineral oil spill containment should a leak occur.



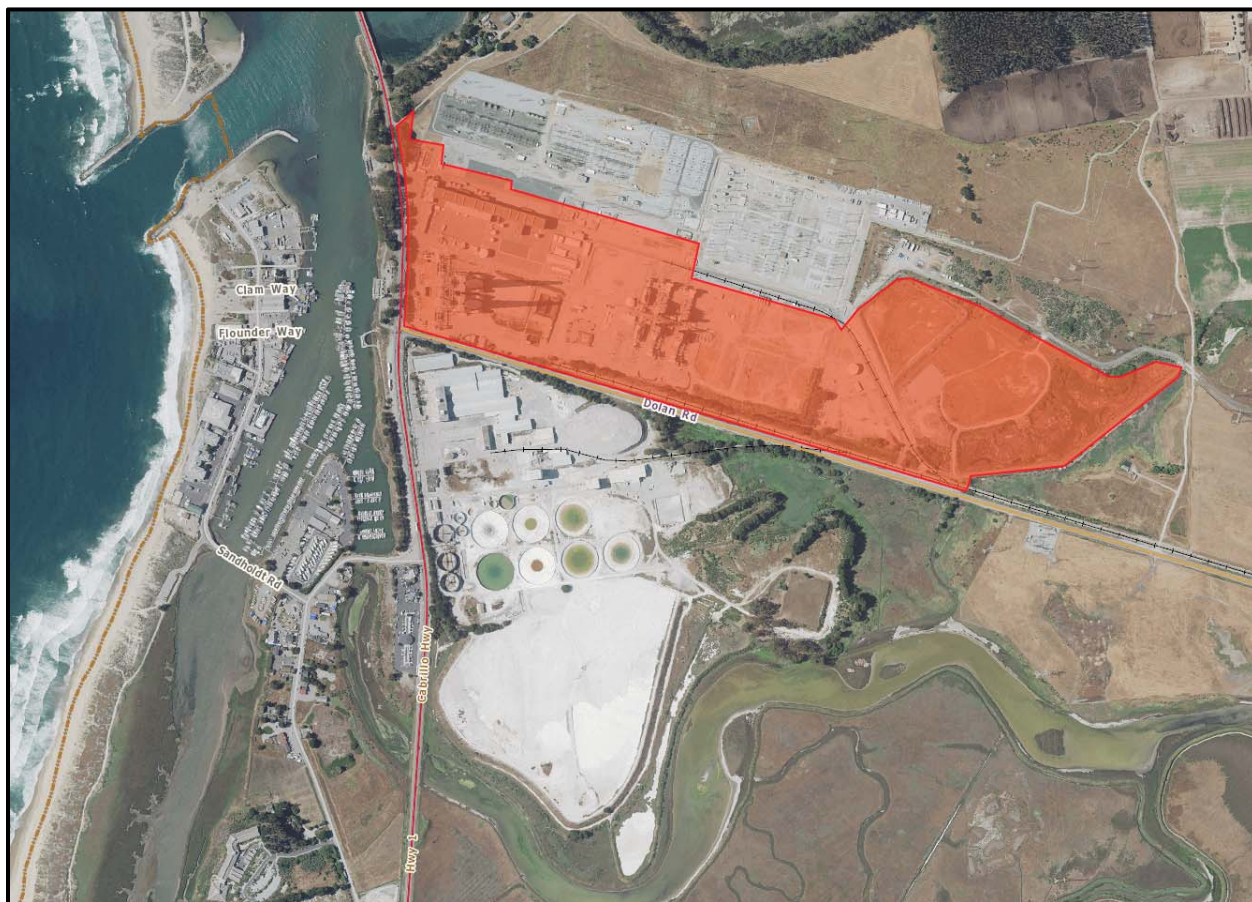
With any battery energy storage system, there is a risk of fire resulting from overheating or electrically faulty conditions in the battery energy storage. To address this concern, the Project includes passive physical, electrical, and control features. A range of active fire protection features would be installed in the battery storage building in the unlikely event that the passive source features were to fail. Further, the Project is controlled by a battery management system, which protects batteries from operating outside their safe operating conditions by shutting down battery charging and isolating the batteries. This is achieved with a number of redundant fire protection measures at the lithium ion cell level, the module level, the battery rack level, and the battery enclosure level. Protection methods and materials would include: smoke/fire detection sensors (e.g. ground fault detection, alarms, systems for automatic shutdown of cooling fans and opening of electrical contacts in the battery system) and automatic activation of fire suppression systems. The battery systems would contain integrated safety systems to actively monitor electrical current, voltage and temperature to optimize performance, mitigate potential failures, and prevent upset. Batteries performing out of specification would be immediately taken off line by the automated monitoring system. A preliminary building fire protection plan has been provided for the Project (Source 1), see **Figure 9**.



**Figure 9. Building Fire Protection Plan**

## **B. Surrounding Land Uses and Environmental Setting:**

The subject property is a 137.5-acre parcel located at 11283 Dolan Road in Moss Landing (Assessor's Parcel Number 133-181-011-000) zoned Heavy Industrial within the Coastal Zone or "HI (CZ)". The project site is within an established industrial area located on the northeastern side of Highway 1 and Dolan Road intersection. To the north of the property is PG&E's electric transmission operations and maintenance headquarters (Assessor's Parcel Number 133-181-010-000) and to the south of the property is Moss Landing Business Park (Assessor's Parcel Number 133-172-013-000). West of the property, on the other side of Highway 1, lies Moss Landing Harbor. See **Figure 10** below.



**Figure 10. Vicinity Map**

### Property Background

The Moss Landing Power Plant (MLPP) was originally constructed in 1949. In 1950, the MLPP began operating and generating electricity with Units 1, 2, and 3 being in commercial service. In 1952, Units 4 and 5 were occupied to expand the current power production of the MLPP. In 1968, Units 6 and 7 were occupied, which are the 2 500-foot exhaust stacks. These 7 units, with the supported infrastructure needed to maintain the units, produced a combined net capacity of 2,060 megawatts. See **Figure 11** below (Source 1). In 1995, Units 1 through 5 were no longer being utilized. MLPP had made significant upgrades and improvements in which they called the "Modernization Plan." This plan was developed in 1999 and was constructed from 2000 to 2005. This plan included replacing Units 1 through 5 and upgrading Units 6 and 7.

In 2002, new Units 1 and 2 were constructed. In 2005, Units 1-5 consisting of the eight 225 foot smokestacks, including the original Units 1 and 2 that was operating since 1950, were demolished and removed along with the 19 fuel oil storage tanks. The footprint of where Units 1 through 5 existed were replaced with asphalt by 2005 (Source 1). **Figure 12** identifies the site in 2005. Since the Modernization Plan, three warehouse storage buildings and a 742 square foot non-occupied modular equipment enclosure that supports various frequency drive controls for new Units 1 and 2 have been constructed. Information provided by the applicant (Source 1; Holson, Source 14; Holm, Source 15; and Hack, Source 16), indicates that excavation to a depth of approximately 20 feet occurred order to support and install the infrastructures mentioned above.

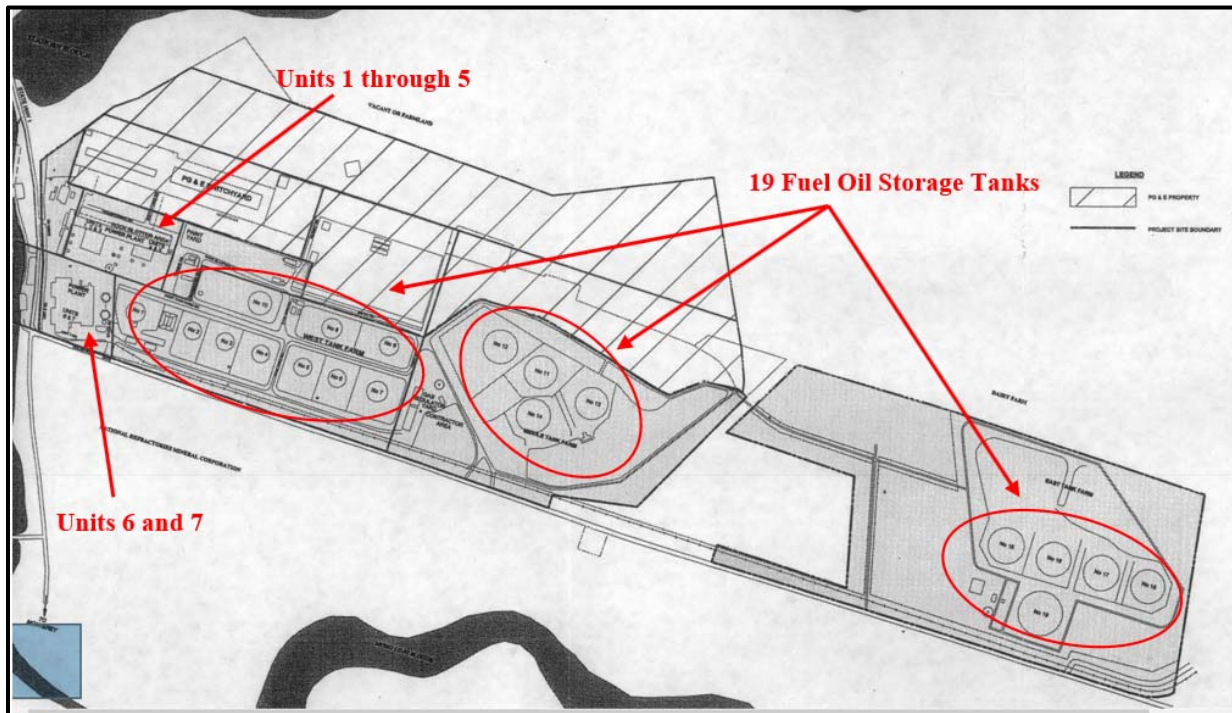
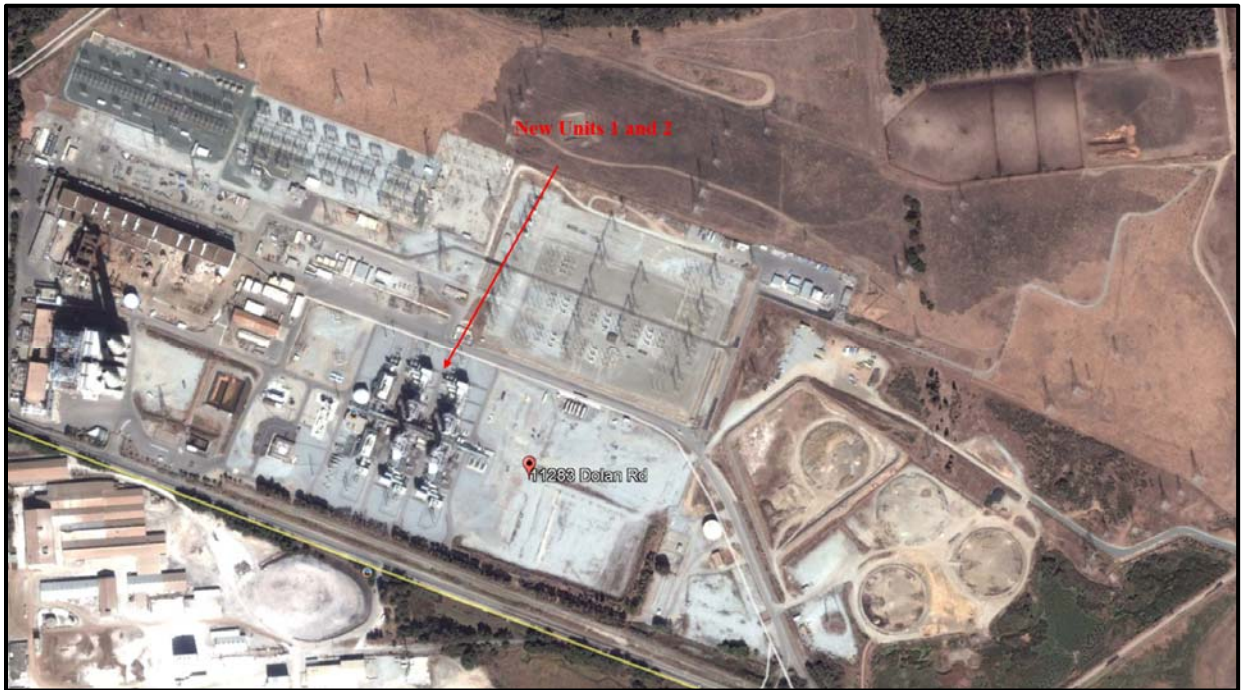


Figure 11. Project History





**Figure 12. Project Site Circa 2005**

Since the original construction of MLPP in 1949, the subject property has not only changed in its physical use, but intensity of use as well. To date, MLPP does not operate at the prior capacity of 2,060 megawatts as mentioned above. Over time, the amount of permanent employees and temporary/construction contractors have varied based upon the need of the MLPP, whether it was an installation period or general maintenance. In 1994, there were approximately 280 employees on site (Source 1). During the Modernization Plan (2005), construction and maintenance contractors reached levels of 700 employees per day, 7 days a week, for a period of two months. In 2016, there were up to 420 employees were needed for on-site maintenance. In 2017, the average amount of employees per day was 60. As identified in the Traffic Assessment under “Existing Plant Baseline Traffic Generation,” there is an increase of employees, up to 420 workers, during maintenance and repair operations, which take place periodically throughout the year (Higgins, Source 22).

#### Existing Site Conditions

As shown in **Figure 13** below, the Site Plan (Source 1) illustrates existing site conditions. In addition to paved and unpaved parking areas and access roads, supporting electric power generation facilities remain on a 90 acre portion of the subject property. These facilities consist of:

<b>Facility</b>	<b>Existing Function</b>	<b>Proposed Function</b>
Power (turbine) building for former Units 1-5	Vacant, not in use	Would house BESS
Administration	Still in use	No change
Warehouse	Still in use	No Change
Maintenance buildings	Still in use	No Change
Two cooling water intake structures	One intake in service	No Change

Two 500-foot chimneys for retired Units 6 and 7	Mothballed Units Distilled water tank in base	No Change; Tank in use.
Four 145-foot chimneys for operating new Units 1 and 2	Tank in use	No Change
Oil/Water Separator system located west of Unit 1 and north of the Energy Management Center	Still in use	No Change
Boiler make-up system (evaporator and demineralizers)	Still in use	No Change
Energy Management Center building	Still in use	No Change
Single-story 742 square foot non-occupied modular equipment enclosure to house variable frequency drive controls for the Units 1 & 2 circulation water pumps	Still in use	No Change

The remaining 47.5 acres of the property, east of the active portions discussed above, is the former fuel oil tank farm site. Demolition/cleanup of the fuel tanks and associated equipment has been completed (Monterey County Planning File No. PLN990233<sup>1</sup>) and the area is now unpaved and vacant. Reuse of this area is not proposed.

There are 3 vehicular access points to and from the subject property. Primary access is through the driveway entrance off Dolan Road, approximately  $\frac{3}{4}$  of a mile east of Highway 1 and Dolan Road intersection. A secondary access point, for egress only, is located approximately 550 feet east of Highway 1 off Dolan Road. A tertiary access, for emergency services only, is located over 800 feet from the intersection of Highway 1 and Dolan Road, directly off Highway 1.

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<sup>1</sup> Combined Development Permit consisting of a Coastal Development Permit for demolition of 19 above ground oil tanks and 150,000 cubic yards of grading and an Amendment to the Moss Landing Power Plant Master Plan to allow the proposed demolition and grading.

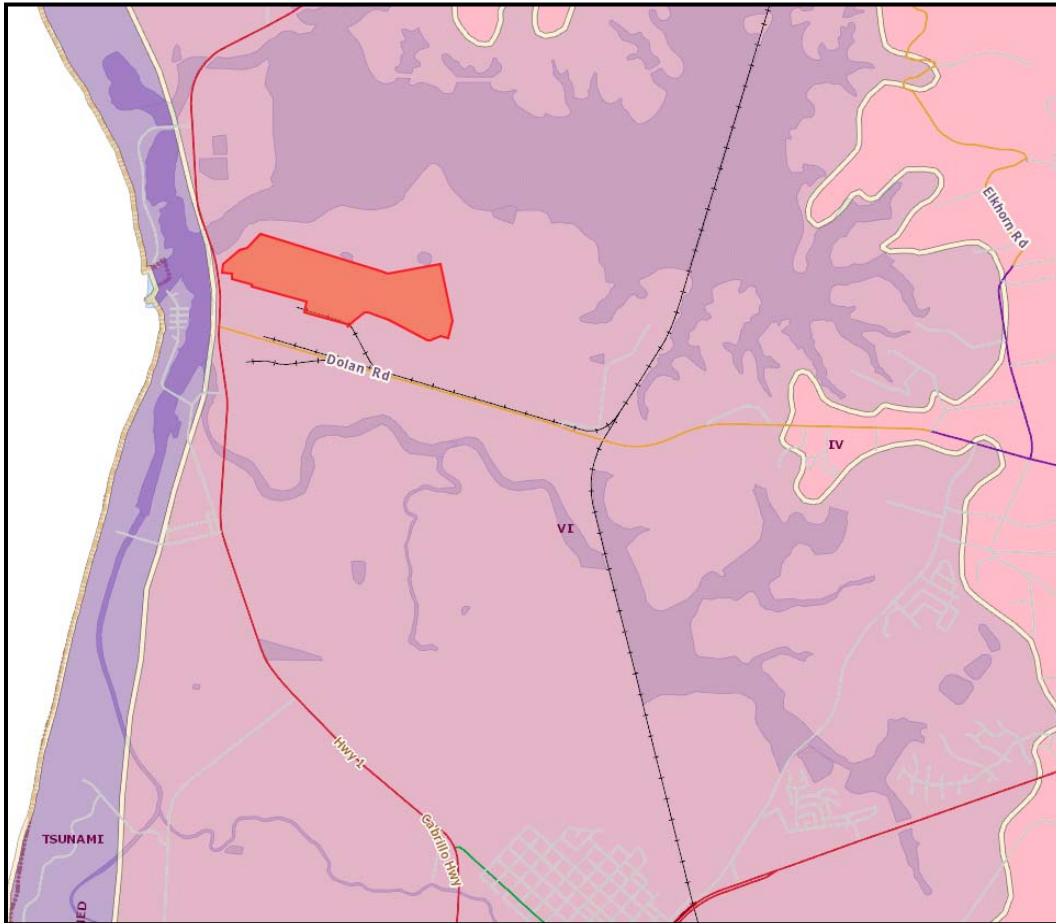


**Figure 13. Existing site conditions and surrounding areas**

### Existing Geological Conditions

County records indicate the subject property has a Seismic Zone of VI (GIS, Source 7), which is considered a geological hazard area within the North County CIP (**Figure 14**). The main focus of the North County LUP is to minimize risks to life and property in areas of high geologic, flood and fire hazards and therefore, carefully regulated (Source 3). The North County CIP requires a geologic report be provided for development within geological hazard areas. A letter was provided by the Michelle L. Hack of Sargent & Lundy Engineers, Ltd., (Hack, Source 16) analyzing the Project's site improvements in light of the geological conditions and information contained in a previous geologic report prepared by Julian Isham, dated March 2016 which was prepared for the MLPP. The letter stated that subsurface investigations were completed in 2000 and 2010 that detailed information regarding the soil materials present within the upper 25 to 50 feet of the general MLPP. Hack detailed that the soil consisted of "... alternating layers of medium dense to dense silty sand and stiff to hard lean clay" (Hack, Source 16). Groundwater level was not recorded within this assessment but was considered to be a depth of about 29 feet. The information was enough to assess the foundations for the power conversion system and substation equipment but was not sufficient enough to confirm the ability for the existing three-story building to hold the capacity that is being proposed for the battery energy storage. Although the assessment stated there would be no substantial constraints by the Project, both the letter and report indicated further detailed geotechnical analysis must be conducted prior to the construction to determine that "the capacity of the existing piles being able to support the present structures, determine the depth to the groundwater level, design micro-piles if needed to increase foundation capacity to resist lateral seismic loads and provide data to confirm no liquefaction of the soils beneath the structure" and to evaluate any necessary structural improvements (Hack, Source 16 and Isham, Source 21).



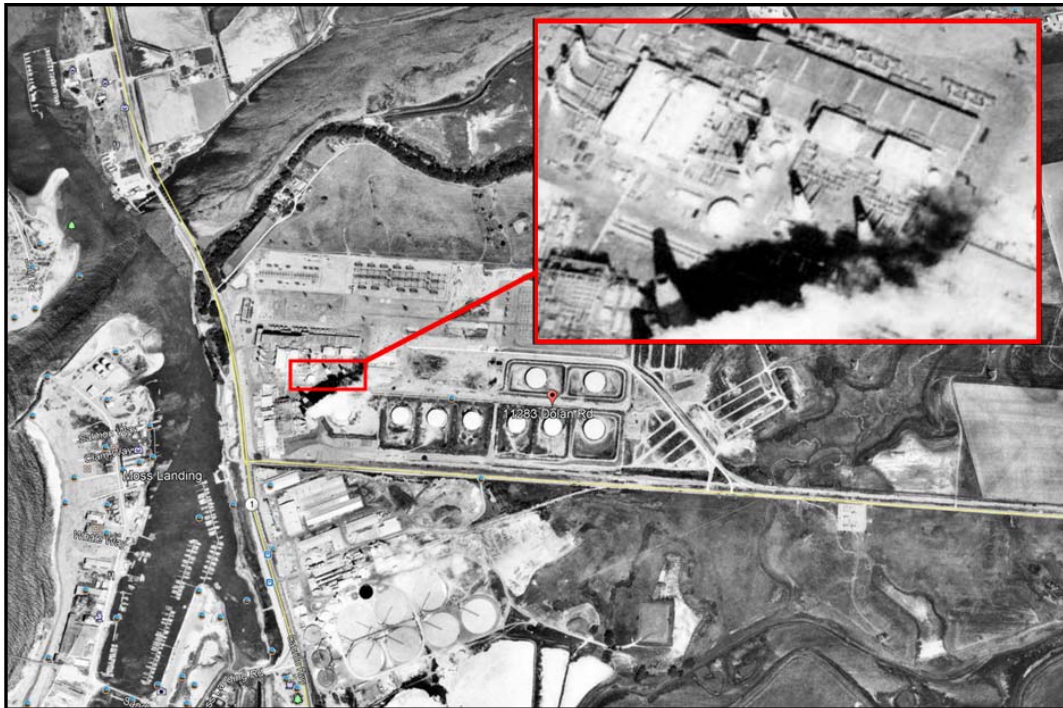


**Figure 14. Seismic zone**

#### Archaeological and Tribal Cultural Conditions

The subject property is located in an area of “high” archaeological sensitivity (GIS, Source 7). Since operation of the Moss Landing Power Plant in 1949, various areas of the subject property have been developed, demolished and re-developed, necessitating preparation of several archaeological studies. The subject property is known to be within the vicinity of two known archaeological sites (CA-MNT-229 and CA-MNT-277/278), with CA-MNT-229 extending into the subject property (Holm, Source 15). Although CA-MNT-229 extends into the subject property, it does not extend into the area of direct ground disturbance (Holm, Source 15). Several reports indicate the subject property was previously disturbed to a depth of 20 feet (Holm, Source 15; Hack, Source 16 and Jackson, Source 17). **Figure 15** illustrates the area of direct impact having previous construction of Units 1-5.

During County staff’s consultation with the Ohlone Costanoan Esselen Nation Native American Tribe (Source 13), the Project area and its vicinity was identified to hold tribal cultural significance to their people. See Section VI.18 of this Initial Study for further discussion.



**Figure 15. Direct Area of Impact**

#### Local and Regional Traffic Conditions

Primary vehicular access to the Project's vicinity is provided by Highway 1, which is highly constrained during peak travel hours and has a level of service (LOS) rating of "F." This condition can be attributed by the high volume of regional traffic on the road and the physical limitations of the roadway. Highway 1 is reduced from a 4-lane segment to a 2-lane segment between the Salinas Road and Highway 156 interchanges. Very little of the existing traffic condition is generated by the Moss Landing Community, including the subject property.

Secondary vehicular access to the vicinity is provided by Dolan Road which has a rating of LOS B (Higgins, Source 22). This roadway connects to Highway 156 (via Castroville Blvd.) and Highway 101 (via Castroville Blvd. and San Miguel Canyon Rd.).

#### **C. Project Approvals Required:**

The subject property is governed by policies and regulations contained in the 1982 Monterey County General Plan (General Plan), the North County Land Use Plan (North County LUP), the Moss Landing Community Plan (MLCP), the Monterey County Coastal Implementation Plan, Part 2 (North County CIP), and the Monterey County Coastal Zoning Ordinance, Part 1 (Title 20). Implementation of the project requires approval of a Combined Development Permit (CDP) consisting of a Coastal Administrative Permit to allow the establishment of a 20-year life span battery energy storage system within an existing building, replacement of an existing transformer, and installation of new inverters and transformers on-site and Coastal Administrative Permit for development within 750 feet of a known archaeological site.

Subsequent to obtaining the above discretionary permit approvals, the project would require ministerial approval from the Environmental Health Bureau, RMA-Public Works and Facilities, RMA-Environmental Services, and North County Fire Protection District through the County's

building permit process. In addition, any conditions of approval required by the reviewing agencies would require compliance prior to issuance and/or final of ministerial permits. RMA-Environmental Services has conditioned the Project to require obtaining a Storm Water Pollution Prevention Plan (SWPPP). Therefore, approval by the Central Coast Regional Water Quality Control Board (CCRWQCB) would also be required. The subject parcel is also within the appeal jurisdiction of the California Coastal Commission (CCC). However, pursuant to Section 20.86.080.A of Title 20, the project is not appealable to/by the CCC because the Project is not between the sea and first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, and the project does not involve development in the underlying zone as a conditional use. No other public agency permits would be required under this request.

**D. Potential Impacts Identified:**

The subject property is not located within a visually sensitive area; does not contain Prime or Unique Farmlands or state protected forest land; does not contain environmentally sensitive habitat; is not in an area that poses a threat caused by flooding; or considered a mineral resource recovery site. Project implementation would not require large amounts of potable water, create large amounts of wastewater, produce excessive noise or groundborne vibration, induce or reduce the population or availability of housing, or cause reduction of the existing level of services for fire, police, public schools, or parks. Therefore, the project would have no impact on aesthetics, agriculture and forest resources, biological resources, energy, mineral resources, noise, population/housing, public services, recreation, utilities/service systems or wildfire.

Potential impacts have been identified to air quality, cultural resources, geology/soils, greenhouse gas emissions, hazard/hazardous materials, hydrology and water quality and land use/planning, (see Section VI, Environmental Checklist, of this Initial Study). Conditions of approval have been incorporated into the Project to assure compliance with County requirements to the extent that they mitigate the identified potential impacts. Therefore, mitigations were not necessary for the Project to have a less than significant impact on these resources.

Potential impacts to transportation/traffic and tribal cultural resources caused by temporary construction activities and site excavation resulting from Project implementation have been identified and mitigation measures have been recommended to reduce these impacts to a less than significant level (see Section VI, Environmental Checklist, of this Initial Study).

Potential cumulative impacts to air quality, greenhouse gas emissions, hazards/hazardous materials, traffic and tribal cultural resource have been identified resulting from temporary construction activities. These impacts have been analyzed and as discussed in Section VII – Mandatory Findings of Significance of this Initial Study, these potential impacts have been found to have a less than significant impact on the environment.



### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

#### 1982 Monterey County General Plan

The Project site is subject to the 1982 Monterey County General Plan (General Plan) which provides regulatory framework, through goals and policies, for physical development. The proposed Project is consistent with the heavy industrial land use designation of this site. The proposed Project is a change of use for a Battery Energy Storage System on a developed parcel with existing uses relative to providing public utility level electricity. Therefore, the Project proposal is consistent with the General Plan. **CONSISTENT.**

#### North County Land Use Plan/Moss Landing Community Plan and Coastal Implementation Plan

The Project was reviewed for consistency with the North County Land Use Plan (NC LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Parts 1 (Title 20) and 2 (Chapter 20.144) which provides goals and policies for development in the incorporated coastal area of North Monterey County. These make up the Local Coastal Program that applies to the Project. Chapter 7 of the NC LUP outlines 3 basic tests for demonstrating a project's conformance with the plan: 1) the project must conform to the type and intensity of uses permitted within the specific geographical area concerned; 2) the project must conform to the policies listed in Chapters 2 through 6 of the NC LUP<sup>2</sup>; and 3) the project must fully meet any specific zoning provisions adopted to implement the plan. As described in Section II.A. Description of Project, of this Initial Study, the Project consists of a 3 component Battery Energy Storage System (BESS) (see **Figures 1, 2, 3, 4, 5 and 6**) on a property with a Heavy Industrial – Coastal Dependent land use designation and zoned Heavy Industrial. As discussed in Sections IV and VI of this Initial Study, the project, as proposed, conditioned, and mitigated, is consistent with Chapters 2 through 6 of the NC LUP. Chapter 5.5 of the Moss Landing Community Plan acknowledges the existing energy facility and industrial use of the subject property. Policies in this chapter allow for expansion and modernization of the facility provided off-site expansion is avoided and it conforms to all other requirements of this plan, and other state and federal regulations. The proposed BESS project would provide energy storage to allow for sustainable, renewable energy resources within an existing developed area of the site. **CONSISTENT.**

#### Air Quality Management Plan

The Air Quality Management Plan (AQMP, Source 11) for the Monterey Bay Region addresses attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB), including Moss Landing. Consistency with the AQMP is an indication that the Project avoids contributing to a cumulative adverse impact on air quality; not an indication of project specific impacts which are evaluated according to the Monterey Bay Air

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<sup>2</sup> If the proposal is not consistent with the policies contained in Chapters 2 through 6, the project shall not be approved unless it is modified to be consistent.

Resources District's (MBARD) adopted thresholds of significance. Indirect emissions associated with industrial population-serving projects<sup>3</sup> are found consistent with the AQMP if any project related population increase does not exceed the estimated cumulative population of the relevant forecast listed in the AQMP. The Project is intended to provide for an efficient operation of a public utility. It is anticipated that 5 employees would be required to run the facility, resulting in no substantial increase of population in the area as part of the operational component of the Project. The Project does not include residential development and therefore, would not result in a population increase not already accounted for in the AQMP. Direct emissions associated with industrial population-serving projects are found consistent with the AQMP. On January 15, 2019, staff consulted with MBARD staff and determined that the Project would not conflict or obstruct implementation of the AQMP. The Project's construction emissions that would temporarily emit precursors of ozone are accommodated in the emission inventories of state- and federally-required air plans. The Project would not cause an increase of stationary emissions than what currently exists. **CONSISTENT.**

#### Water Quality Control Plan

The subject property lies within Region 3 of the Central Coast Regional Water Quality Control Board (CCRWQCB) which regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. Operation of the implemented Project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of the Monterey County Code, the proposed Project has been conditioned by RMA-Environmental Services requiring the applicant to submit a drainage and erosion control plan. The CCRWQCB has designated the Director of Health as the administrator of the individual sewage disposal regulations, conditional upon County authorities enforcing the Regional Water Quality Control Plan, Central Coast Basin (Basin Plan). These regulations are codified in Chapter 15.20 of the Monterey County Code. The Environmental Health Bureau has reviewed the Project to and from the existing septic design and location consistent with these regulations. For additional discussion on hydrology and water quality, please refer to Section VI.10 of this initial Study. **CONSISTENT.**

## ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forest Resources    | <input checked="" type="checkbox"/> Air Quality                 |
| <input type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy                                 |
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials |

<sup>3</sup> Industrial projects intended to meet the needs of the population forecasted in the AQMP.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning      | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing                | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems      | <input type="checkbox"/> Wildfires                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☐ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:** VI.1 Aesthetics – Data contained within the Monterey County Geographic Information System (GIS), North County Land Use Plan, and Moss Landing Community Plan (MLCP) does not identify the subject property to be within a visually sensitive scenic area. Key Policy 5.6.1 of the MLCP states that it shall be the County’s objective to conserve the unique visual, cultural, and historic resources of Moss Landing to the greatest extent feasible while protecting private property rights (Source 4). As discussed in Section II.B of this Initial Study, the Project includes installation and operation of a Battery Energy Storage System (BESS) within an existing three-story building and site improvements adjacent to the building within existing developed area of the power plant (see **Figures 1, 2, 3, 4, 5 and 6**). The proposed design, colors and materials of the BESS are consistent with the industrial character of the project site. The Project would not create a new source of continuous external nighttime lighting to what already exists on the subject property. In addition, the proposed Project was brought before the North County Coastal Land Use Advisory Committee on November 7, 2018 for review of consistency with the neighborhood character. No objections or comments were made relative to aesthetics. In conclusion, implementation of the Project would



have no impact on aesthetic resources. (Source: 1, 2, 3, 4, 5, 6, 7, 9 and 18) *No Impact.*

VI.2 Agricultural and Forest Resources – Data contained within the Monterey County Geographic Information System (GIS) indicates that the subject property does not contain farmland that is Prime, Unique, or of Statewide or Local Importance; nor is it encumbered by a Williamson Act contract. As described in the Section II.B – Surrounding Land Uses and Environmental Setting of this Initial Study, the subject property maintains an industrial use and contains existing industrial structures. There were no ongoing agricultural uses on the property, or in the vicinity, observed during staff’s onsite visit. The subject property is not considered a forest or timber resource inventoried with the State of California as a “Demonstration State Forest”. Therefore, the Project would not result in conversion of prime agricultural lands to non-agricultural uses or impact agricultural resources and would have no impact on forest resources. (Source: 1, 3, 4, 7 and 9) *No Impact.*

VI.4 Biological Resources – Data contained within the Monterey County Geographic Information System (GIS) indicates that the subject property is not within an environmentally sensitive habitat area such as riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Critical habitat for special status animal species is not identified on the site. This information was confirmed during staff’s onsite visit. The Project includes site disturbance in areas that have been previously developed. Therefore, the Project would not result in impacts to biological resources. (Source: 1, 3, 4, 7 and 9) *No Impact.*

VI.5 Energy – Key Policy 5.5.1 of the Moss Landing Community Plan states that the County shall encourage maximum use and efficiency of these facilities and to allow for their reasonable long-term growth consistent with maintaining the environmental quality and character of the Moss Landing Community and its natural resources. As described in the Section II.A – Description of Project of this Initial Study, implementation of the Project includes the establishment of a Battery Energy Storage System. The State Legislature enacted Assembly Bill No. 2514 on September 29, 2010, which required the California Public Utilities Commission (CPUC) to procure viable and cost-effective energy storage systems by specific target dates. The Project is consistent with this bill as it permits the storage of energy, including alternative energy, during times of high production but low demand. The Project proposes to receive, store and discharge electric energy to and from the electrical grid. The Project would consume minimal energy for functions such as internal building lighting or facility monitoring during construction and operation. The Project proposes to install motion censored lighting for egress/ingress purposes, which would reduce the amount of energy utilized with continuous lighting. Therefore, the Project would not result in impacts to energy resources. (Source: 1, 3, 4, 23) *No Impact.*

VI.12 Mineral Resources – Based on the data contained in the Monterey County Geographic Information System (GIS) and observation during a site visit conducted by staff, it has been verified that there are no mineral resources for commercial use on the site. In addition, the Project does not include mining of mineral resources. Therefore, implementation of the Project would have no impact on mineral resources. (Source: 1, 7 and 9) *No Impact*.

VI.13 Noise – The subject property is located within a Heavy Industrial zoning district and is surrounded by existing industrial uses. Implementation of the Project would not introduce a new use with noise levels in excess of what currently exists. Noise levels would temporarily increase during construction and installation. However, based on the Construction Management Plan, these levels would not exceed the noise standards outlined within the 1982 General Plan and Monterey County Code Chapter 10.60. (Source: 1, 2 and 9) *No Impact*.

VI.14 Population and Housing – As described in the Section II.A – Description of Project of this Initial Study, implementation of the Project includes the reuse of an existing industrial building and site improvements in already developed areas. The operational component would require approximately 5 employees and does not include establishment of residential units or displacement of existing housing units. Therefore, the Project would not cause an increased demand for additional housing or substantially induce population growth in the area, either directly or indirectly, as no new public infrastructure would be extended to the site. The Project would have no significant impacts related to population and/or housing. (Source: 1 and 9) *No Impact*.

VI.15 Public Services – As described in Section II.A – Description of Project of this Initial Study, the Project includes installation of a Battery Energy Storage System within an existing building and site improvements in already disturbed areas. The Project would not require additional public services provided by the North County Fire Protection District, Monterey County Sheriff Department, schools within the North County Unified School District, or public parks (also see subsequent evidence for Recreation below) beyond what is already existing. The Project would not result in the expansion of other public facilities such as public roads (also see Section VI.17). Therefore, the Project would have no impact to public services. (Source: 1 and 9) *No Impact*.

VI.16 Recreation – As described in Section II.A – Description of Project of this Initial Study, the Project includes the installation of a Battery Energy Storage System within an existing building and site improvements in already disturbed areas. The proposed development does not trigger the need to provide park or recreation land and/or in-lieu fees established by the 1975 Quimby Act. Therefore, the Project would not result in a significant increase of the use of existing neighborhood and regional parks or other recreational facilities, causing substantial physical deterioration. The Project does not include or require construction or expansion of recreation facilities. The Project would not create significant recreational demands. (Source: 1 and 9) *No Impact*.

VI.19 Utilities and Service Systems – Wastewater service for the subject property, the Moss Landing Power Plant, is provided by a private onsite septic facility, regulated by the Monterey County Environmental Health Bureau. Potable water to the subject property is provided by the Moss Landing Mutual Water Company. However, the Project does not include a potable water component. The Project would not result in a significant increase in employees after the construction phase; therefore, the Project would not be required to tie into the public wastewater system operated by the Castroville Community Services District. (Source: 1 and 25) *No Impact*.

VI.20 Wildfires – The Project could pose the risk of fire resulting from overheating and electrically faulty conditions within the battery energy storage; however, the Project includes passive and active fire protection features as defined in Section II.A – Description of Project of this Initial Study. Furthermore, data contained within the Monterey County Geographic Information System (GIS), North County Land Use Plan, or Moss Landing Community Plan does not identify the subject property to be located in or near state responsibility areas or lands classified as very high fire severity zones. Therefore, the Project would have no impact to wildfires. (Source: 1, 3, 4, 7 and 9) *No Impact*.

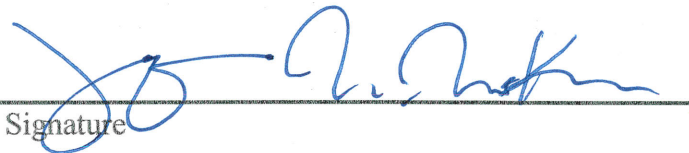
## **B. DETERMINATION**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE



DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

*Jacquelyn M. Nickerson*

1/25/19  
Date

*Assistant Planner*

## ***V. EVALUATION OF ENVIRONMENTAL IMPACTS***

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant

to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) The explanation of each issue should identify:
    - a) The significance criteria or threshold, if any, used to evaluate each question; and
    - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS					
Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 4, 5, 6, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 4, 5, 6, 7, 9 & 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 4, 5, 6, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 3, 4, 5, 6, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



## 2. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 8 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

Policy No. 20.1.1 of the 1982 Monterey County General Plan requires the County's land use and development policies to be integrated in, and consistent with the natural limitations of the County's air basins. The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. The CARB has established 14 air basins statewide and the subject property is located in the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). CARB uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. MBARD is responsible for enforcing these standards and regulating stationary sources through the *2008 Air Quality Management Plan for the Monterey Bay Region (AQMP)* and *2009-2001 Triennial Plan Revision* ("Revision"). On January 15, 2019, staff consulted with MBARD staff and determined that the Project would not conflict or obstruct implementation of the AQMP as temporary emissions from Project construction, which would emit precursors of ozone, have already been accommodated for in the emission inventories of state and federally required air plans.

### **3(a), (b), (e) and (f). Conclusion: No Impact**

As previously discussed in Section III of this Initial Study, the Project has been found to be consistent with the AQMP. Therefore, there would be no impact caused by conflict or obstruction of the AQMP. At present, Monterey County is in attainment for all federal and state air quality standards for Carbon monoxide (CO), Nitrogen dioxide (NO<sub>2</sub>), Sulfur Dioxide (SO<sub>2</sub>), lead, and fine particulates (PM<sub>2.5</sub>). Implementation of the Project would result in temporary emissions of CO, NO<sub>2</sub>, SO<sub>2</sub>, lead, and PM<sub>2.5</sub> during construction and grading activities; however, these would be well within the emittance levels accommodated within the AQMP; therefore, there would be no impact. The subject property is an existing industrial site and is not in an area where sensitive receptors, such as housing or schools, would be affected by construction and/or grading activities. Furthermore, the production of objectionable odors during construction activities and the operational component of the Project have not been identified. The Project does not include residential development and would not result in a population increase not already accounted for in the AQMP. The Project would not result in a change to current stationary emissions.

### **3(c) and (d). Conclusion: Less Than Significant Impact.**

Monterey County is designated as “non-attainment-transitional” for respirable particulates (PM<sub>10</sub>) for the State’s 2-hour ozone standard. Therefore, projects resulting in a substantial increase of PM<sub>10</sub> emissions would cause a significant impact to air quality. In addition, ambient ozone levels depend largely on the amount of precursors, nitrogen oxide (NO<sub>x</sub>) and reactive organic gases (ROG), emitted into the atmosphere. Implementation of the Project would result in temporary impacts resulting from construction and grading activities caused by dust generation and NO<sub>x</sub> and ROG emittance. Typical construction equipment would be used to construct the Project and volatile organic compounds (VOC) and NO<sub>x</sub> emitted from that equipment have already been accommodated within the AQMP. Therefore, their emissions would have a less than significant impact to air quality. Grading activities associated with the Project include the removal of approximately 770 cubic yards of asphalt and the excavation of approximately 3,750 cubic yards of soil. Grading is expected to occur over a 3 day period, moving approximately 1,250 cubic yards per day. The entire substation area is just over 1 acre (approximately 46,875 square feet). Although excavation is limited to areas for the foundation and piles, it is assumed that the worst case scenario would require excavation of the entire substation area. The grading limits in the CMP and the area for excavation would result in the Project to operate below the 2.2 acres per day threshold established by the CEQA Air Quality Guidelines “Criteria for Determining Construction Impacts.” (Source 1 and 8). Furthermore, construction-related air quality impacts would be controlled by implementing Monterey County standard conditions for erosion control that require watering and dust control. These impacts are considered less than significant based on the foregoing measures and best management practices incorporated into the Project design and grading activities to reduce air quality impacts below the threshold of significance. Therefore, the Project as proposed and conditioned, would result in a less than significant impact caused by pollutants currently in non-attainment for Monterey County and construction related air quality.

<b>4. BIOLOGICAL RESOURCES</b>		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>		Potentially Significant Impact		
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 4, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.



<b>5. CULTURAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 5, 7, 14, 15, 16, 17 & 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 3, 5, 7, 14, 15, 16 & 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 3, 5, 7, 14, 15, 16, 17 & 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 3, 5, 7, 14, 15, 16, & 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Discussion/Conclusion/Mitigation:**

Key Policy 2.9.1 of the North County LUP states that archaeological resources, including areas considered to be archaeologically sensitive but not yet surveyed or mapped, shall be maintained and protected for their scientific and cultural heritage values. Data within the Monterey County Geographic Information System (GIS) identifies the subject property to be within a “high” archaeologically sensitive area (Source 7). In accordance with Section 20.144.110.B of the North County Coastal Implementation Plan, an archaeological report is required for developments within these areas. Consistent with this regulation, archaeological assessments were prepared and submitted for the Project (Holson, Source 14; Holm, Source 15 and Hack, Source 16).

#### **5 (a) and (c). Conclusion: No Impact.**

Based on County permit records (Source 20), staff’s site visit (Source 9) and the reports submitted by the applicant (Holson, Source 14; Holm, Source 15 and Hack, Source 16), the subject property is not identified to contain historical resources, an informal cemetery, or evidence of paleontological finds. Therefore, implementation of the Project would have no impact to historic resources, human remains interred outside of formal cemeteries, or unique paleontological resources or geologic features.

#### **5 (b) and (d). Conclusion: Less Than Significant Impact**

The report submitted, Literature Review for the Moss Landing Battery Energy Storage Project (Holson, Source 14), included a review of previous archaeological reports that described known and cataloged cultural finds and resource conditions within the Moss Landing Power Plant. A ground survey of the Project site area was also conducted to assess potential effects on archaeological resources and human remains.

The Moss Landing Power Plant site has been the subject of several studies over time, including archeological resource monitoring and survey work within the Project area when the prior power generation Units 1-5 were demolished. Prior construction and demolition activities associated

with Units 1-5 resulted in extensive subsurface disturbance within the Project area, down to a depth of 20 feet (Holm, Source 15). The Project site area, specifically, the substation, is within the footprint of the prior generation Units 1-5. Excavation for the substation is proposed to a depth of four feet for the foundation and 15 feet for 4 to 6 drilled piers (Section II.B of this Initial Study).

Based on the history of the Project site area, prior disturbance of the site, and information contained in the several prior cultural resources studies reviewed, Pacific Legacy concludes that "...it is unlikely that additional development will result in the discovery of or disturbance to intact cultural remains" (Holson, Source 14).

The Project archaeologist made two recommendations for addressing discovery of cultural deposits and/or human remains with the substation area in the unlikely event that such deposits/remains are uncovered. These recommendations are consistent with County standard conditions of approval related to unanticipated discovery of archaeological resources and human remain and the Project has been conditioned as such. This would reduce any potential impact to a less than significant level.

6.	ENERGY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source: 1, 3, 4 & 23)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: 1, 3, 4 & 23)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

7. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1 and 7) Refer to Division of Mines and Geology Special Publication 42.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2016 California Building Code, creating substantial risks to life or property? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 3, 5 & 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

Monterey County GIS indicate the subject property is located within a Seismic Zone of VI (Source 7). Pursuant to Section 20.144.100.A.1.d of the North County Coastal Implementation Plan, to determine the extent of any impacts that the Project may have, an assessment was provided (Hack, Source 16). This assessment evaluated the soil condition within this area. Further, a geologic report prepared by Julian Isham, dated March 2016 was prepared for the Moss Landing Power Plant (MLPP), refer to Section II.B of this Initial Study.

#### 7(a.i), (a.iv), (d), and (e). Conclusion: No Impact.

Surface ground rupture occurs when fault movement breaks the ground surface. Since there are no known faults mapped or projected through the subject property, there is a low probability of

fault related surface ground rupture. The subject property does not contain areas subject to landsliding or expansive soils, based on information derived from the Geological and Geotechnical report. Wastewater resulting from the operational component of the Project would be serviced by an existing on-site septic system. There would be no impact associated with these hazards as a result of implementation of the Project.

**7(a.ii), (a.iii), (b), and (c). Conclusion: Less Than Significant Impact.**

The potential for structural damage to the proposed building could be attributed by strong ground shaking caused by fault rupture and the soils conditions of the site. There are no active faults within the immediate vicinity nor are there any that pass beneath the MLPP; however, the San Andreas Fault is located 11 miles northeast of the subject property and the Rinconada Fault is located 8 miles southeast of the subject property (Isham, Source 21). Both the letter and report provided indicate further detailed geotechnical analysis must be conducted prior to the construction to determine that “the capacity of the existing piles being able to support the present structures, determine the depth to the groundwater level, design micro-piles if needed to increase foundation capacity to resist lateral seismic loads and provide data to confirm no liquefaction of the soils beneath the structure” (Hack, Source 16). The Project has been conditioned with a standard condition to ensure the foundations of the proposed battery storage system would not cause any unstable soil or seismic related ground-failure. Implementation of this condition would ensure any potential geologic impacts caused by the proposed Project would be reduced to a less than significant level.

8. GREENHOUSE GAS EMISSIONS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1 & 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

According to the United States Environmental Protection Agency (EPA), greenhouse gases (GHG) are emitted by natural processes and human activities such as electricity production, motor vehicle use, and agricultural uses. These gases trap heat in the atmosphere and the elevation of GHGs has led to a trend of unnatural warming of the earth’s climate, otherwise known as the “greenhouse effect”. In order to reduce the statewide level of GHG emissions, the State Legislature adopted California Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006. AB 32 established a comprehensive statewide program of regulatory and market mechanisms to achieve reductions in GHG emissions, thereby reducing the State’s vulnerability to global climate change. The Monterey Bay Air Resources District (MBARD) is responsible for the monitoring of air quality and regulation of stationary sources throughout the North Central Coast Air Basin, where the proposed Project is located, by enforcing standards and



regulating stationary sources through the *2012-2015 Air Quality Management Plan for the Monterey Bay Region* (AQMP) (AQMP, Source 11) which evaluates a project's potential for a cumulative adverse impact on regional air quality (ozone levels).

**8(a) and (b). Conclusion: Less Than Significant Impact.**

The Project includes the installation of a three-component Battery Energy Storage System in an existing electrical power plant. From an operational GHG emission standpoint, this would result in no change the GHG emission baseline of the surrounding area. Temporary construction activities of the proposed Project would be the main contributor to GHG emissions. However, quantifying temporary Project emissions would be too speculative. Therefore, in lieu of State guidance or locally adopted thresholds, a primarily qualitative approach was used to evaluate possible impacts from the Project.

Ambient ozone levels depend largely on the number of precursors, such as nitrogen oxide (NO<sub>x</sub>) and reactive organic gases (ROG), emitted into the atmosphere. Implementation of the Project would result in temporary impacts resulting from construction and grading activities that require fuel combustion of construction vehicles, a primary source of NO<sub>x</sub> and ROG emittance. Typical construction equipment would be used to construct the Project and NO<sub>x</sub> and ROG that would be emitted from that equipment have been accommodated within the AQMP. Therefore, implementation of the Project would produce no more than the threshold of significance of 82 pounds per day of GHG precursors and these precursor emissions would have a less than significant impact on GHGs.

9. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 7, 9 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 7 & 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 7, 19 & 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1 & 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

As described in Section II. Project Description of this Initial Study, the Project includes installation a Battery Energy Storage System (BESS) within an existing building and site improvements in already disturbed areas. The subject property, Moss Landing Power Plant (MLPP), is currently in use employees are required to comply with existing regulations for handling hazardous materials (Source 1). Remediation activities conducted on the subject property, listed in the Corrective Measures Evaluation Summary Report approved by the California Department of Toxic Substances Control (DTSC) in 2009, included in-situ chemical oxidation for hazardous waste in groundwater and soils removal activities for hazardous wastes in soil. Hazardous wastes remain in groundwater and are above levels acceptable for unrestricted land use. It is unknown if hazardous waste remains in soils; therefore, it is assumed that hazardous waste in soils remain above the levels acceptable for unrestricted land use. Because of this, a Soils Management Plan (Gearhart, Source 19) was prepared as a condition of the Land Use Covenant and Agreement executed by Dynegy Moss Landing, LLC and the DTSC (Appendix A of Source 19). Soils disturbance on the subject property is required to be consistent with this plan. In addition, the Project was reviewed by the Monterey County Environmental Health Bureau for consistency with their rules and regulations for handling, transporting, and storing hazardous waste.

#### 9(d), (e), (f), (g) and (h). Conclusion: No Impact.

The subject property is not included on the California Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List). Therefore, the Project would not have the potential to create a significant hazard to the public or the environment relative to Government Code Section 65962.5.

Data contained in the Monterey County GIS and as observed during staff's site visit confirms that the subject property is not within an area subject to an airport land use plan, within 2 miles of an airport, or within the vicinity of a private airstrip (Sources 7 and 9). Therefore, the Project would not result in an airport or over-flight safety hazard for people residing or working in the Project area.

The Project includes establishment and installation of a BESS on an existing site identified as a Critical Facility in Figure E-15, Critical Facilities and Infrastructure (Electric Power Plant), of the Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) adopted for the County of Monterey (Source 26). Implementation of the Project would not result in the change of the site's status nor would it interfere with the implementation of the MJHMP.

The Project would be located on an existing industrial site. It is not located in an area where wildlands are adjacent to an urbanized area. Therefore, the Project would not result in exposing people or structures to a significant risk of loss, injury, or death involving wildland fires.

**9(a), (b) and (c). Conclusion: Less Than Significant Impact.**

During construction of the Project, hazardous materials such as fuels, lubricants, adhesives, solvents and paints may be utilized at the Project site. Use and storage of hazardous materials during installation could create a significant hazard to workers, the public or the environment if such materials are inappropriately managed. The MLPP maintains and implements several plans such as Hazardous Materials Business Plan/Contingency Plan, Volume I, Hazardous Materials Inventory, and Volume II, Facility Emergency Plan, Soil Management Plan, Stormwater Pollution Prevention Plan and Contractor Safety Program (Source 1). These plans are consistent with federal, state and local hazards. The use of these hazardous materials would be temporary and only during the installation phase of the Project.

The Project includes partial renovation of a structure built in the 1940's, during a time when asbestos and lead paint were commonly found in building materials. Therefore, a standard condition of approval has been incorporated with Project to ensure construction activities involving asbestos renovation and demolition meet Federal asbestos standards and Monterey Bay Air Resource District Rule 424.

The Construction Management Plan (Source 1) for the Project demonstrates that excavated asphalt and soils from the site are anticipated to be disposed off-site. As required by the Soils Management Plan (Gearhart, Source 19), soil, contact waste, decontamination fluids, and other wastes generated during soil disturbance shall be placed in approved containers or stockpiles, stored on-site, properly labeled, and secured until hauled to an approved off-site disposal facility. The Project has been conditioned requiring modification of the CMP to include a note demonstrating how requirements of the Soils Management Plan shall be met.

Google Earth mapping (Source 18) identifies that the proposed haul route contained in the CMP, **Figure 7**, is approximately 130-feet from the Elkhorn Slough Elementary School and 723-feet from Manzanita Park. Inappropriate handling and/or accidental spills of contaminated soils would have the potential to emit hazardous material, substances, and/or waste within one-quarter mile of a school and a public recreation facility. The Project has been conditioned requiring

modification of the CMP to include a note demonstrating how hauling of hazardous materials off-site 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 off-site facility.

The operational component of the Project includes the use of hazardous materials. Contractors and employees for the BESS would be required to comply with long-established hazardous materials regulations for MLPP designed to substantially reduce hazards from routine transport, use, or disposal of hazardous materials, and from accidents/actions that could otherwise elevate the risk of such materials being released to the environment. As discussed in Section II.B of this Initial Study, the Project includes a preliminary Fire Protection Plan (Source 1) intended to ensure Project implementation would reduce any hazard related to fire to a less than significant level. As proposed, the Project would be monitored on a continuous basis from the operations center at the Moss Landing Power Plant and routinely inspected. The Project has been reviewed by the Monterey County Environmental Health Bureau and the North County Fire Protection District. Both agencies have determined that the Project is consistent with their applicable regulations and no additional conditions or mitigations would be required. Therefore, the Project, as proposed and conditioned, would result in a less than significant impact relative to hazards and hazardous materials.

10. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 7 & 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 7 & 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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**10. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2, 7 & 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 7 & 26)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The subject property, also referred to as the Moss Landing Power Plant (MLPP), is an existing industrial facility and Project implementation would allow installation of a Battery Energy Storage System (BESS), refer to Section II.B of this Initial Study, within an existing building and site improvements in already developed areas. Potable water service to MLPP is provided by the Moss Landing Mutual Water Company and wastewater is served by a private on-site wastewater system. During the course of the discretionary application process, the Project has been reviewed by RMA-Environmental Services and Monterey County Water Resources Agency to determine consistency with Monterey County regulations relative to hydrology and water quality.

**10(b), (g), (h), (i) and (j). Conclusion: No Impact.**

The water supply assessment submitted with the Project application (Hack, Source 25) identified historical water use of MLPP and supply from the Moss Landing Mutual Water Company for a 17-year period (between 2000 to 2017). This data demonstrates that MLPP's average water use is 73,000 gallons per day (gpd) and the average water supply Moss Landing Mutual Water Company provides to MLPP is 163,000 gpd. It is anticipated that the Project would require an average of 100 gpd. The assessment concludes that existing water supply for MLPP is sufficient to provide for the additional water use necessary for the Project. Implementation of the Project would not substantially deplete groundwater supplies and/or interfere substantially with groundwater recharge.

Data contained within the Monterey County Geographic Information System (GIS) indicates that the subject property is not within 100-year flood zone, or within a dam or tsunami inundation area. In addition to 100-year flood hazard area mapped by FEMA, the Moss Landing Coastal Climate Change Vulnerability Report (Source 26) analyzed how existing hazards would be affected by climate change (such as rising tides, coastal storm flooding, dune erosion, and fluvial flooding to river flooding). The report indicates that future climate change projections would not significantly increase beyond existing levels. Therefore, the Project would not result in placing structures within a flood hazard area, impede or redirect flood flows, or be inundated by tsunami or mudflow. There are no lakes, or larger enclosed bodies of water, on or near the subject property, therefore there would be no hazard related to seiche.

**10(a), (c), (d), (e) and (f). Conclusion: Less Than Significant Impact.**

The Project includes making improvements to existing impervious surfaces. Therefore, operational component of the Project would not substantially alter existing drainage patterns of the site. The construction component of the Project includes site improvements that would require the removal of asphalt and excavation of soils. This would have the potential to impact water quality standards caused by erosion, siltation, and/or onsite flooding. The subject property has an existing SWPPP for the existing industrial facilities. In accordance with CCRWQCB's requirements, and as conditioned by RMA-Environmental Services, the Project is required to obtain a SWPPP specifically for the construction activities. In accordance with Monterey County regulations contained in Monterey County Code (MCC) Chapter 16.08, Grading, and 16.12, Erosion Control, RMA-Environmental Services has also conditioned the Project to require submittal of final grading and erosion control plans, developed in accordance with the recommendations contained in the Geotechnical Report (Monterey County File No. LIB190004), reviewed and approved by the Project Geotechnical Engineer, and completed work subsequently certified by the Project Geotechnical Engineer that all development has been in accordance with the submitted report and approved plans. Therefore, the Project, as proposed and conditioned, would have a less than significant impact to hydrology and water quality.

<b>11. LAND USE AND PLANNING</b>		Less Than Significant			
		Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Physically divide an established community? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The Project is subject to the goals and policies set forth in the North County Coastal Land Use Plan (NC LUP) and regulations set forth in the accompanying coastal implementation plan (CIP), which make up part of the Local Coastal Program (LCP). The LCP was adopted to carry forward the goals and policies of the Coastal Act: (1) protect, maintain, enhance, and restore the overall quality of the coastal environment and its natural and man-made resources; (2) assure orderly, balanced utilization and conservation of coastal resources while taking into account the social and economic needs of the people of the State; (3) maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with resource conservation principles and constitutionally protected rights of private property owners; (4) prioritize coastal-dependent development over other development on the coast; and (5) encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including education uses, in the coastal zone.

**11(a) and (c) Conclusion: No Impact.**

The Project consists of installation and operation of a BESS within an existing building and site improvements on already disturbed sites on a property with an existing industrial use. The operational component would be consistent with the land use designation, Industrial-Coastal Dependent, and the established use of the site. Therefore, the project would not result in the physical divide of an established community as the establishment of the BESS would not create a barrier, induce or reduce population, or introduce a new use inconsistent with existing uses in the area. There are no habitat conservation plans (HCP) or natural community conservation plans (NCCP) approved on the subject property or within the area, resulting in no impact.

**11(b). Conclusion: Less Than Significant.**

The Project has the potential to impact tribal cultural resources and result in transportation impacts. Key Policy 2.9.1 of the NCLUP calls for the maintenance and protection of archaeological resources for their scientific and cultural heritage values. Section 5.2.2 of the Moss Landing Community Plan 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 off Highway 1 to minimize hazardous and congested conditions.

Section 20.144.110 of the CIP provides development standards relative to archaeological resources intended to assure maintenance and protection of North County's archaeological resources. Development shall be considered compatible only where they incorporate all site planning and design features necessary to avoid or mitigation impacts to archaeological resources. In accordance with these standards, archaeological survey reports (Holson, Source 14; Holm, Source 15; Jackson, Source 17). As discussed in Section VI.5 – Cultural Resources of this Initial Study, the Project is located on a portion of the subject property that has been previously disturbed. Therefore, the project is found consistent with NC LUP policies and CIP regulations as development is sited to avoid impacts to archaeological resources.

Section 20.144.120 of the CIP provides transportation development standards with the intended to result of upgrading the State highways, expansion and management of major County roads to

accommodate traffic volumes at a Level of Service (LOS) C, and expand public transit to provide a viable transportation alternative. In accordance with this section, a Traffic Assessment (Higgins, Source 22) was submitted with the Project application. This assessment analyzed the historical, existing, and projected traffic volumes resulting from Project implementation. As outlined in the Project Construction Management Plan (Source 1) and the traffic assessment, vehicular access to and from the site will utilize a route that avoids access to Highway 1. This is consistent with NC LUP polices and CIP regulations for transportation.

<b>12. MINERAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

<b>13. NOISE</b>				
<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b>13. NOISE</b>				
<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 7 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

<b>14. POPULATION AND HOUSING</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

15. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

16. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

17. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2018 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Section 5.2.2 of the Moss Landing Community Plan 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. Section 20.144.120.A.1 of the Coastal Implementation Plan (CIP) requires that a traffic study be required for all development proposals with potential to significantly impact the service level of, or traffic safety along, Highway 1. Historical vehicular access on and off the subject property, also referred to as the Moss Landing Power Plant or “MLPP”, is provided along Highway 1 and Dolan Road. Primary access is through a driveway entrance off Dolan Road, approximately ¾ of a mile east of the Highway 1 and Dolan Road intersection. A secondary access point, for egress only, is located approximately

550 feet east of Highway 1 off Dolan Road. A tertiary access, for emergency services only, is located over 800 feet from the intersection of Highway 1 and Dolan Road, directly off Highway 1. In accordance with the provisions of the CIP, a traffic assessment (Higgins, Source 22) was submitted with the Project application. The operational component of the Project would result in 5 new employees to run the facility and provide for any daily maintenance. However, the construction component of the Project would result in a temporary, but significant, increase of vehicle trips to and from the subject property.

**17(c), (d), (e), and (f). Conclusion: No Impact.**

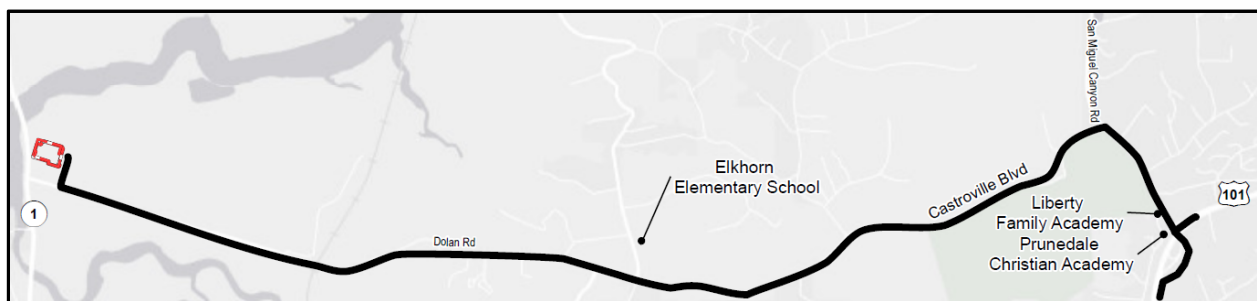
The Project does not include the use of aircraft or involve the establishment of structures with heights or exterior lighting that would result in a change in air traffic patterns. The Project does not include improvements to roadways or the establishment of a new use on the subject property and vicinity. Existing access for emergency ingress and egress would not be affected by Project implementation. Existing public transit, bicycle, or pedestrian facilities and/or adopted plans for such facilities, would not be affected by Project implementation. Therefore, the Project would have no impact to transportation relative to air traffic patterns, hazards due to design features, inadequate emergency access, or public transit, bicycle, or pedestrian facilities.

**17(a) and (b). Conclusion: Less Than Significant Impact.**

To determine if the Project would impact the performance effectiveness of the circulation system *or* conflict with the goals, objectives, and policies of the 2018 Regional Transportation Plan for Monterey County, the traffic assessment (Higgins, Source 22) first identified existing traffic conditions of the roadways and the subject property's existing baseline traffic generation. Second, the assessment identified anticipated traffic volumes associated with the Project's operational and construction components, utilizing the proposed traffic routes identified in the Construction Management Plan (CMP).

Existing Roadway Traffic Conditions

Existing vehicular access to and from MLPP is provided by 2 driveways off Dolan Road and 1 driveway off Highway 1. The CMP identifies a vehicle trip route that would be utilized for the Project (**Figure 16**); from subject property, to Dolan Road, to Castroville Boulevard, to San Miguel Canyon Road, to Highway 101 and vice versa. Therefore, the existing level of service (LOS) of these roadways were considered.



**Figure 16. Haul Routes**



The 2-lane segment of Highway 1<sup>4</sup> through Moss Landing operates at a LOS F during peak hours. Dolan Road, a 2-lane major roadway, carries approximately 5,000 vehicles per day and operates at a LOS B during peak hours. Castroville Boulevard is a 2-lane major roadway that carries approximately 8,400 vehicle per day and operates at a LOS C during peak hours. San Miguel Canyon Road is a 2-lane major roadway that carries approximately 22,000 vehicles per day and operates at a LOS E during peak hours. Highway 101 is a 6-lane freeway that carries approximately 84,000 vehicles south of San Miguel Canyon Road, operating at a LOS C, and a 4-lane freeway that carries approximately 59,700 vehicles north of San Miguel Canyon Road, operating at a LOS between C and D during peak hours.

#### Baseline Traffic Conditions of MLPP

The baseline traffic conditions of the site were determined by considering the holistic use of the subject property. There are between 30 to 60 employees at MLPP during a typical workday. During routine repair and maintenance operations, which occur periodically throughout the year, there are approximately 420 employees at MLPP (Higgins, Source 22).

#### Historical Roadway Improvements

In 2002, a significant modernization project for MLPP was approved. Between 2000-2002, onsite employees fluctuated between 700 to 420 construction employees. To mitigate impacts caused by the Modernization Plan project, improvements to Highway 1 and Dolan Road, Dolan Road and MLPP entrance, Castroville Boulevard at Dolan Road and Elkhorn Road intersections, and San Miguel Canyon Road and Castroville Boulevard.

#### Project Specific Traffic Generation

The operational component of the Project would not significantly increase vehicle trips to and from MLPP and there are no long-term traffic impacts identified. Conversely, temporary impacts caused by a significant increase of vehicle trips during the construction component of the Project would have the potential to conflict with the effectiveness for performance of the circulation system. As discussed in Section II.A – Description of Project of this Initial Study and as shown in the Construction Summary Table (**Table 1**), it is anticipated that construction activities (such as site preparation, grading/excavation, improvements to the existing building, and installation of the BESS) will occur over a 14 month period. Implementation of the Project anticipates that there would be a maximum of 420 construction workers during peak construction activity and a maximum daily peak of 924 daily trips vehicle resulting from employees, deliveries, an off-haul trips.

The CMP has been developed, in consultation with the Project Traffic Engineer, to address temporary traffic impacts with the intention of reducing any potential impact to a less than significant level. In addition to the traffic route that avoids traveling on Highway 1, the CMP outlines the following traffic management actions:

- Encourage carpooling with preferential parking, breakfast and lunch meal incentives.
- Schedule shift changes for construction worker during off-peak hours.

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<sup>4</sup> Highway 1 is a major commuter and tourist route. This regional traffic is the primary contributor to the highway operating at a failed level of service. Although it impacts transportation circulation in the area, existing local traffic minimally contributes to the highway's service level.

- Enforce a policy of one site entrance per day per vehicle.
- Schedule deliveries of construction materials during off-peak hours.
- Limit total combined daily employees for construction of the BESS Project and ongoing maintenance of existing MLPP operations to the existing total of 420 per day. The daily contractor number will be monitored via Vistra Energy's current site access monitoring process; all vehicles that enter or leave the site are recorded, and by requiring the construction contractor to record access to the construction area.
- Prohibit the use of Highway 1 for construction personnel and deliveries through a signage program that directs construction employee and delivery traffic away from Highway 1, and through incorporating employee and delivery trip driving directions and restrictions into construction contractor contracts. If the construction contractor is found by Vistra Energy to be in non-compliance for implementing the prohibition, the construction contractor will be subject to termination.
- Monterey County Public Works Department will have the discretion to require the use of California Highway Patrol during Battery Project shift changes.

As concluded by the Project Traffic Engineer (Higgins, Source 22), the strategies contained in the CMP would reduce or eliminate peak hour construction impacts and limit the amount of construction employees on the site to the maximum of 420 established as MLPP's baseline condition. Therefore, it has been determined that the Project, as proposed, mitigates potential impacts relative to traffic to a less than significant level. No additional mitigation measures are required. RMA-Public Works and Facilities have recommended a standard condition of approval requiring the applicant to submit a Final Construction Management Plan prior to issuance of construction permits. This would ensure proper implementation of the CMP.

The vehicle route outlined in the CMP utilizes San Miguel Canyon Road, which is part of the "Monterey County G12 Operational and Capacity Improvement" project included in 2018 Monterey County Regional Transportation Plan (RTP) prepared by the Transportation Agency for Monterey County. This project includes operational and capacity improvements along San Miguel Canyon Road, Hall Road, Elkhorn Road, Salinas Road, and Porter Drive, including road widening, turning lanes, signalization and intersection improvements, and bicycle and pedestrian facilities. This project is anticipated to occur over 20-years (2020-2040). Therefore, the temporary construction traffic would have a less than significant impact to the RTP.

18. TRIBAL CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (Source: 1, 2, 3, 4, 5, 7, 12, 13, 14, & 17)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. Source: 1, 2, 3, 4, 5, 7, 12, 13, 14, & 17)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

As discussed in Section VI.5 – Cultural Resources of this Initial Study, Monterey County Geographic Information System (GIS) (Source 7) indicates that the subject property, also referred to as the Moss Landing Power Plant or “MLPP”, is located within an area of high archaeological sensitivity and in accordance with Section 20.145.110.B.1.a of the North County Coastal Implementation Plan, an archaeological survey report, two archaeological assessments were prepared and submitted for the Project (Holson, Source 14 and Holm, Source 15). These assessments also relied on previous studies prepared for MLPP.

Prior to the enactment of AB 52, the State of California found that current laws provided limited protection for sites, features, places, objects, and landscapes with cultural value to California Native American Tribes. This included the protection of Native American sacred places such as places of worship, religious or ceremonial sites, and sacred shrines. California Native Americans have used, and continue to use, natural settings in the conduct of religious observances, ceremonies, and cultural practices and beliefs. These resources reflect the tribes’ continuing cultural ties to the land and their traditional heritages. Many of these archaeological, historical, cultural, and sacred sites are not located within the current boundaries of California Native American reservations and rancherias, and therefore are not covered by the protectionist policies of tribal governments. To recognize California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, the

Legislature enacted AB 52, Gatto. Native Americans: California Environmental Quality Act (Source 12).

Enactment of AB 52 formally recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. California Native American tribes are experts with regard to their tribal history and practices for which they are traditionally and culturally affiliated. Due to this unique history, and to uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, environmental analysis of projects should include tribal knowledge about the land and tribal cultural resources at issue, as well as the potential significant impact on those resources. Therefore, a meaningful consultation between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources shall occur. This would allow that tribal cultural resources to be identified, and culturally appropriate mitigation and mitigation monitoring programs considered by the decision making body of the lead agency. This also enables California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources and ultimately establishes that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

The subject parcel is located in the aboriginal territory of the Ohlone/Costanoan-Esselen Nation (OCEN). Pursuant to Assembly Bill 52 or “AB 52” (Source 12), tribal consultation between County staff and OCEN took place regarding the Project (Source 13). During consultation, OCEN identified that the area of proposed development has the potential to contain cultural resources significant to the tribe. The Project includes excavation of soil, and although Section VI.5 of this Initial Study found impacts to cultural (archaeological) resources less than significant, the Project would have the potential to impact tribal cultural resources.

**18(a.i). Conclusion: Less Than Significant.**

Monterey County records indicate that the subject property is not listed on the California Register of Historic Places or on Monterey County’s local list. Archaeologists who have studied a nearby identified site, CA-MNT-229, suggests that it meets the criteria for significance historical under both state and federal laws. Between the time the site was initially identified (1950) and the last update to the State of California Department of Parks and Recreation records (2001), the boundaries have expanded. However, the area of proposed ground disturbance is identified to be outside of that area. Although the area of proposed development is not within an archaeological site eligible to be designated as a historical resource, previous studies have shown there is the potential to uncover new finds and boundaries can be modifies. Therefore, it has been determined that the Project would have a less than significant impact from a conservative standpoint.

**18(a.ii). Conclusion: Less Than Significant with Mitigation Incorporated.**

In accordance with AB 52, the County consulted with OCEN on December 11, 2018. During consultation, OCEN identified that the entire surrounding area of Moss Landing is a sacred burial ground. Therefore, objecting to the excavation for the substation area. 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 clearly identify areas of tribal cultural significance and how the Project would impact those resources. Based on the archaeological information available, it is clear that there are known resources in proximity of the Project. This information also indicates that the boundaries of the closest site are outside of the development area. County records for previous permits (Source 20) on MLPP demonstrate that the area for proposed excavation of the substation had been previously disturbed. OCEN stated that if the area of the substation area has been previously disturbed and replaced with *new soil*, there would be no potential for impacts and mitigation would not be necessary. The Project applicant and County staff could not provide substantial evidence to show the area has been filled with new soil. 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 returned back to the tribe. Implementation of this recommended mitigation would reduce potential impacts to tribal cultural resources to a less than significant level.

**Mitigation Measure No. 1: Protection of Tribal Cultural Resources and Sacred Places.**

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.

**Mitigation Monitoring Action No. 1a:** 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. 1**. 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. 1b:** 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. 1** as well as how uncovered cultural resources will be handled, in coordination with the project archaeologist.

**Mitigation Monitoring Action No. 1c:** 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. 1** 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. 1d:** During earth disturbance activities specified in **Mitigation Measure No. 1**, the OCEN approved Native American Tribal Monitor shall be onsite observing the work, consistent with the approved contract required by **Mitigation Measure Action No. 1b**. 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.

19. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1 & 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1 & 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

20. WILDFIRE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated, and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 3, 5,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: ) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

Pursuant to Section 21083 of the Public Resources Code and Section 15065 of the CEQA Guidelines, a project would be considered to have a significant effect on the environment, and an Environmental Impact Report shall be prepared, if impacts identified cannot be avoided or mitigated to a point where no significant effect on the environment would occur. Analysis provided in this Initial Study found that there is no substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment.

### VII(a). Conclusion: Less than Significant with Mitigation Incorporated.

Based upon the analysis throughout this Initial Study, the proposed Project does not have the potential to threaten or eliminate a plant community or reduce the number or restrict the range of a rare or endangered plant or animal. However, the Project may have the potential to degrade the quality of the environment by potentially eliminating important examples of the major periods of California prehistory.

Based on the existing conditions of the site, the Project would have no impacts to agriculture and forest resources (see Section VI.2) or biological resources (see VI.4). The Project would have potential impacts to cultural resources (see Section VI.5). A standard condition of approval

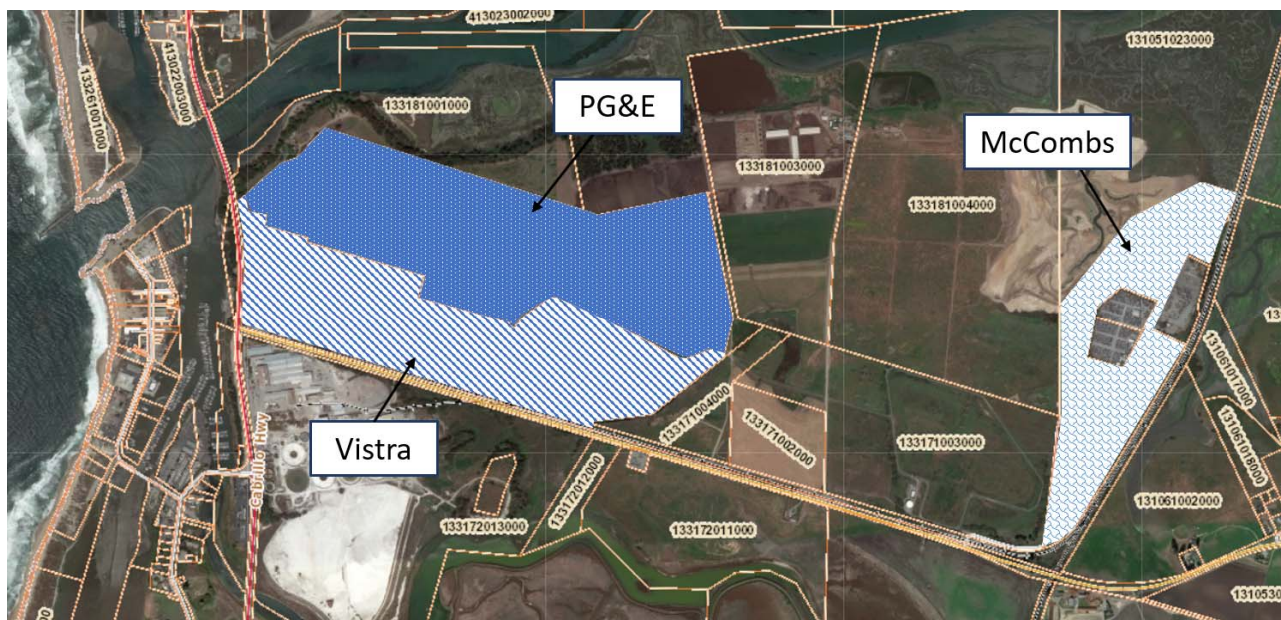


requiring work to be halted if cultural resources are accidentally uncovered during excavation has been incorporated within the project and would reduce the impact to a less than significant level.

The Project has a potential to result in significant impacts to tribal cultural resources. As discussed in preceding Section VI.18 – Tribal Cultural Resources, the site has identified as an area that has the potential to contain significant tribal cultural resources due to the abundance of resources already found on and near the area of development. Based on the recommendation identified at the Tribal Consultation meeting, a mitigation measure (Mitigation Measure No. 1) has been identified and incorporated into the Project requiring an approved tribal monitor to observe excavation up to a depth of 15 feet. Implementation of this mitigation would reduce the potential impact to a less than significant level.

#### **VII(b). Conclusion: Less Than Significant Impact.**

In addition to the Vistra Project, there are 2 projects in proximity of the site that were considered as part of the cumulative impact analysis: 1) the “Elkhorn Battery Energy Storage System Project” or “PG&E”, located on an adjacent property to the north (PLN180371) and an “RV and Boat Storage Project” or “McCombs” on Dolan Road east of the subject property (PLN160443). PG&E has been deemed complete by the County and preparation of an initial study is underway. McCombs is currently deemed incomplete by the County, but it is anticipated that operation of the facility has the potential to occur during the construction phase of the Vistra and/or PG&E projects. When considering all 3 projects together, potential cumulative impacts to air quality, greenhouse gas emissions, hazards/hazardous materials, traffic/transportation, and tribal cultural resources have been identified.



**Figure 17. Projects Considered for Cumulative Analysis**

**Vistra Project** – Vistra proposes to remove approximately 770 cubic yards (yds<sup>3</sup>) of asphalt and excavate approximately 3,750yds<sup>3</sup> of soil. Based on the Construction Management Plan (Vistra CMP) and in accordance with the requirements of the Soils Management Plan (Gearhart, Source

19), excavated soils would be tested for contaminants, and either reused onsite or hauled offsite. For the purposes of analyzing cumulative impacts, an assumption is made that all asphalt and soil will be hauled offsite. As illustrated in **Table 1** of this Initial Study, it is anticipated that construction of the project would require the use of 22 large vehicles, 2 cranes, 3 vehicles specifically for grading, and 12 forklifts. As demonstrated in **Figure 16**, the inbound and outbound haul route proposes to use Dolan Road to Castroville Boulevard to San Miguel Canyon Road to Highway 101, and vice versa.

As discussed in Section VI.3 of this Initial Study, the Project has the potential to create construction related air quality impacts in a region that is in non-attainment for PM<sub>10</sub> for the State's 2-hour ozone standard. As discussed in Section VI.9 of this Initial Study, the Project has the potential to emit hazards through transportation of contaminated soils along a rural road and within one quarter mile of an existing school. As discussed in Section VI.8 of this Initial Study, temporary construction activities of the proposed Project would be the main contributor to GHG emissions. However, impacts are identified to be less than significant. As discussed in Section VI.17 of this Initial Study, the Project has the potential to impact the performance effectiveness of the circulation of the proposed haul route.

**PG&E Project** – PG&E proposes (Source 28) rough grading and excavation of foundations within the identified 4.5 acre development area (amount not quantified), excavation of approximately 7,850yds<sup>3</sup> and fill of approximately 3,450yds<sup>3</sup> soils. Although information on type and amount of construction vehicles was not provided, **Table 2** below (excerpt from the PG&E CMP) quantifies the amount of material hauled, loads, and trip frequency.

Material	Quantity (cubic yards)	Approximate Total Loads	Frequency (trips/day)
Stone hauled in	3,450	173	15
Concrete hauled in	340	43	8
Battery packs	268	268	6
Pad mount transformers	67	22	4
Rebar hauled in	6	6	1
Breakers	3	1	1
Steel	2	2	1
Switches	1	1	1
CCTVs	1	1	1
Station service	1	1	1
Switchgear	3	3	1
Conduits and grounds	1	1	1
Insulators	1	1	1
Bill of materials	5	5	2
LV cables	20	5	2
MV cables	18	6	1
Soils off hauled	4,400	440	15

**Table 2. Elkhorn Battery Energy Storage System Project Delivery and Off-Haul**

PG&E proposes (Source 28) outbound traffic to the landfill located in Marina is proposed to be routed from Dolan Road to Castroville Boulevard to Highway 156 to Highway 1 or from Dolan Road to Castroville Boulevard to San Miguel Canyon Road to Highway 101. The return route from the landfill is proposed through Highway 1 North to Dolan Road.

McCombs Project – The RV and Boat Storage project does not include any grading activities. Application materials (Source 29) includes a Traffic Management Plan that proposes drop off and pick up of stored vehicles during off peak traffic hours. The proposed route to the site would be from Highway 101 to San Miguel Canyon Road to Castroville Boulevard to Dolan Road. Outbound traffic would use the same route. Traffic data submitted with the McCombs application included actual driveway counts on a 1-week period from their existing operations in Scotts Valley (Source 29). This data is used as the assumed traffic generated by the project. From 12:00am to 11:00pm between September 19, 2017 to September 25, 2017, there was a total of 192 vehicles for inbound and outbound traffic, resulting in an average of 27 trips per day.

Air Quality – Potential cumulative air quality impacts have been identified based on the construction components of Vistra Project analysis in Section VI.3 of this Initial Study, and the proposed PG&E Project. As discussed above and in Section VI.3 of this Initial Study, the Vistra Project has the potential to create air quality impact as individual project due to the use of construction equipment. It is anticipated that the construction activities from the PG&E project would emit dust and fine particulate matter that would contribute the regions non-attainment for PM<sub>10</sub>, thus potentially resulting in air quality impacts. The McCombs project does not include grading and therefore would not cumulatively contribute to air quality impacts. Vistra's Construction Management Plan (CMP) proposes to grade 1,250 yds<sup>3</sup> per day. Section VI.3 of this Initial Study demonstrates that emission of PM<sub>10</sub> per day would be well under the threshold of significance. In addition, the applicant submitted their California Emissions Estimator Model (CalEEMod, Version 2016.3.2) results (Source 1) which calculated the maximum unmitigated overall construction emissions of PM<sub>10</sub> to be 1.4713lbs/day. PG&E's CMP limits grading to 175 yds<sup>3</sup> per day and their CalEEMod results submitted with the application estimated that their project would emit 7.72lbs/day of PM<sub>10</sub>. With both of these projects combined, the anticipated emittance of PM<sub>10</sub> would be approximately 9.1913lbs/day, below the 82lbs/ day threshold established by the CEQA Air Quality Guidelines "Criteria for Determining Construction Impacts" (Source 8). Therefore, these impacts are considered less than significant.

Greenhouse Gas Emissions – Potential cumulative greenhouse gas emission impacts have been identified based on the Vistra Project analysis in Section VI.8 of this Initial Study, and the proposed PG&E Project. As discussed in Section VI.8 of this Initial Study, temporary construction activities of the proposed Vistra Project would be the main contributor to GHG emissions. This would also be the case for PG&E. Both Projects would use typical construction equipment that emit NO<sub>x</sub> and ROG. Use of this equipment has been accommodated within the *2012-2015 Air Quality Management Plan for the Monterey Bay Region (AQMP)* (AQMP, Source 11). CalEEMod results submitted with the Vistra application (Source 1) estimated that the project would generate approximately 2,307.43 metric tons CO<sub>2</sub>e (MT CO<sub>2</sub>e) of unmitigated GHG emissions over a 14 month period (time of anticipated construction). Amortization of that number over the 20 year life expectancy of the Project would result in approximately 115.37MT CO<sub>2</sub>e. CalEEMod results submitted with the PG&E application estimates approximately 40.415MT CO<sub>2</sub>e amortized over a 30 year period. The McCombs project would not involve

grading activities or the use of construction equipment. Therefore, it is assumed that the McCombs project would not cumulatively contribute to GHG emissions. However, based on the fuel-burning construction equipment and vehicles utilized for the PG&E Project, GHGs, when combined with the Vistra Project would produce no more than the threshold of significance of 82 pounds per day of GHG precursors and these precursor emissions would have a less than significant impact on GHGs.

Hazards/Hazardous Materials – Cumulative Hazards/Hazardous Material impacts has the potential to occur as a result from the Vistra Project and PG&E Project. The Vistra Project has the potential to emit hazards through transportation of contaminated soils along a rural road and within one quarter mile of an existing school. As mentioned above, the PG&E Project proposes to use similar haul routes that would result in a cumulative impact when combined with the Vistra Project. However,

Traffic –Traffic trips for the Vistra Project, the PG&E 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 Vistra Project would result in no more than 924 daily trips. The construction component of the PG&E Project (Source 28), would result in approximately 180 daily trips. The RV and Boat Storage would result in 27 of daily trips (Source 29). Using the data provided by the project applications (Sources 1, 28, and 29), and in consultation with RMA-Public Works and Facilities, it has been determined that cumulatively, the 4 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. See **Tables 3** and **4** below.

Level of Service for 2-Lane Rural Highway			
LOS B	LOS C	LOS D	LOS E
4500	8100	13800	27600

**Note<sub>1</sub>:** Source Florida DOT, 2009 and draft Countywide Nexus Study

**Table 3. Thresholds for LOS**



<b>Vistra</b>					
Route: Project entrance-Dolan Rd-Castroville Blvd-San Miguel Cyn-Hwy 101					
Road	Existing Volume	Existing LOS	Project Volume	Existing+Project Volume	LOS
Dolan Road	5000	B	852	5852	B
Castroville Blvd	8400	C	852	9252	C
San Miguel Cyn	22000	E	852	22852	E

**Note<sub>1</sub>:** Project volume based on 420 employees + 6 deliveries. Worst case scenario this would generate 852 daily trips

**Note<sub>2</sub>:** Source Moss Landing Battery Energy Storage Project (PLN180394) Traffic Assessment and Construction Transportation Management Plan (CTMP) dated September 6,2018 prepared by Keith Higgins.

**Table 4. Cumulative Project Data**

Tribal Cultural –\_Monterey County Geographic Information System (GIS) (Source 7) indicates that both the Vistra and PG&E Projects are located within an area of high archaeological sensitivity and in accordance with Section 20.145.110.B.1.a of the North County Coastal Implementation Plan (Source 3), an archaeological survey report was provided for both Projects (Holson, Source 14; Holm, Source 15; and Waechter, Source 30).

Prior to enactment of AB52, the State of California found that current laws provided limited protection for sites, features, places, objects, and landscapes with cultural value to California Native American Tribes, which included Native American sacred places. State Legislature enacted AB 52, Gatto. Native Americans: California Environmental Quality Act (Source 12) to recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The California Native American tribes are the experts with regards to their tribal history and practices. AB 52 enables these tribes to be included within the environmental analysis of project to help identify whether the land in question would have any tribal cultural resources. A consultation between the lead agency and respective tribe would occur to discuss the project. This allowed the tribe to identify any tribal cultural and apply mitigations as appropriate to reduce the level of impact to these resources.

Vistra Project, as described in Section II.A and II.B of this Initial Study, proposes to excavate 3,750 cubic yards of soil for the substation component of the Battery Energy Storage System (BESS). Although the subject property is within a known archaeological site, the area of direct impact, substation, is not within 750 feet of this known archaeological site. Further, reports provided by the applicant (Holson, Source 14 and Holm, Source 15) indicate that these areas have been previously disturbed down to a depth of 20 feet. However, due to the fact that the current soil within this substation cannot be confirmed whether it has been replaced with new soil, a mitigation measure for tribal cultural monitoring has been applied to the Vistra Project to reduce any impact to a less than significant level.

PG&E Project proposes to excavate 6,120 cubic yards of soil within an existing substation footprint. A report provided by the applicant indicates that the area of direct impact for PG&E Project is within three known archaeological sites (Waechter, Source 30). The report concluded that a surface survey was infeasible and recommended that a qualified archaeologist and Native American Most Likely Descendant monitor any subsurface disturbance below 5 feet and down to a depth of 15 feet. An Initial Study would be prepared for the PG&E Project, at which tribal consultation would occur. Staff can assume that because the Vistra and PG&E Project are similar in project description and location, that OCEN would be the tribe to consult. Based off the mitigation that was applied to the Vistra Project and suggested within the archaeological report for PG&E, a tribal monitor would be recommended.

Although the Vistra Project is not within a known archaeological site, the soil replaced within that area from previous excavations cannot be confirmed to be sterile soil. Therefore, requiring the need for a tribal cultural monitor. With this mitigation and the presumed mitigation for PG&E, any potential impact to tribal cultural resources would be reduced to a less than significant level. AB 52 enables the tribes to be a part of the environmental analysis, and the tribal cultural monitoring would allow for the tribe to stop construction work if any sacred items, such as human remains, were found. Thus, being able to protect these resources.

#### **VII(c). Conclusion: Less than Significant Impact.**

The Project involves the reuse of an existing industrial building and site improvements in already developed areas within an established industrial site; therefore, the Project would not create a substantial adverse effect on human beings, either directly or indirectly. Implementation of the proposed Project would result in temporary minor incremental reductions in air quality and traffic in the project vicinity due to construction and insignificant permanent changes in traffic conditions resulting in the operational component of the project. The Project would result in less than significant impacts to air quality, greenhouse gas emissions, geology and soils, hazards and hazardous materials. Operation of vehicles during construction activities may generate airborne odors (e.g., diesel exhaust); however, such emissions would be localized to the immediate area under construction and would be short in duration. While the subject property would be exposed to ground-shaking from any of the faults that traverse Monterey County, the Project would be constructed in accordance with applicable seismic design parameters in the California Building Code. The primary source of criteria air pollutant and GHG emissions would stem from the use of equipment during construction activities. However, equipment use would be intermittent and limited to site preparation and construction activities. Pollutant emissions resulting from equipment used during construction would not exceed significance thresholds established by the CARB for GHG because the duration of use would be limited. Moreover, the Project would not create any significant air emissions beyond those associated with current residential uses established on the property. Construction-related noise or vibration impacts would be minimized by the limited project scope. The installation of the components of the battery energy storage system would not degrade the visual character of the area. Installation of automatic light fixtures would be installed and application of County conditions of approval would reduce visual and aesthetic impacts to less than significant. The Project as proposed, mitigated by design, and as conditioned, would result in impacts reduced to a less than significant level.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## ***VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the California Department of Fish and Wildlife. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the California Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department’s website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov).

**Conclusion:** The project will be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the RMA-Planning files pertaining to PLN180394 and the attached Initial Study / Proposed Mitigated Negative Declaration.



## ***IX. SOURCES***

1. Project Application/Plans for PLN180394
2. 1982 Monterey County General Plan
3. North County Coast Land Use Plan
4. Moss Landing Community Plan
5. Monterey County Coastal Implementation Plan, Part 2 (NC CIP)
6. Monterey County Coastal Implementation Plan, Part 1 (Title 20 Zoning Ordinance)
7. Monterey County Geographic Information System (GIS)
8. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
9. Site Visit conducted by the project planner on September 18, 2018.
10. CEQA Statute and Guidelines 2017
11. The 2012-2015 Air Quality Management Plan (AQMP), including the 1991 AQMP and the 2009-2011 Triennial Plan Revision
12. California AB-52 Native Americans: California Environmental Quality Act 2014.  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB52](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52)
13. Tribal Consultation dated December 11, 2018 with The Ohlone/Costanoan-Esselen Nation
14. “Literature Review for the Moss Landing Battery Energy Storage Project” dated September 4, 2018 (Monterey County File No. LIB190003) prepared by John Holson, Principal Investigator, Pacific Legacy, Inc., Berkeley, CA
15. “Archaeological Sensitivity Assessment for the Moss Landing Battery Energy Storage System Project, Moss Landing Power Plant, Monterey County, California” dated December 12, 2018 (Monterey County File No. LIB180424) prepared by Lisa Holm, Senior Archaeologist, Pacific Legacy, Inc., Berkeley, CA
16. “Geotechnical Report for Planning Purposes” dated September 7, 2018 (Monterey County File No. LIB190004) prepared by Michelle L. Hack, Program Manager, Sargent & Lundy Engineers, Ltd., Chicago, IL
17. “Proposed Construction of Modular Equipment Building and Potential Impacts to Archaeological Site CA-MNT-229” dated March 16, 2018 (Monterey County File No. LIB160145) prepared by Thomas L. Jackson, Ph.D., Senior Archaeologist, Pacific Legacy, Inc., Berkeley, CA

18. Google Earth Imagery dated January 10, 2019, 36°48'21.44" N 121°46'58.27" W, Elevation at 23ft., Eye Alt. 8ft.
19. "Soil Management Plan: Parcels I, III, and IV. Moss Landing Power Plant" dated April 6, 2018 (Monterey County File No. LIB190007) prepared by Leon Gearhart, Senior Staff Scientist, Jacobson James & Associates, Inc., Roseville, CA
20. Monterey County Permit Records
21. "Moss Landing Power Plant Geologic Hazards Report" dated March 2016 (Monterey County File No. LIB190005) prepared by Julian C. Isham, Geology Manager, P.G., C.E.G., C.H.G, CB&I, Sacramento, CA
22. "Moss Landing Battery Energy Storage Project (PLN180394) Traffic Assessment and Construction Transportation Management Plan (CTMP)" dated September 6, 2018 (Monterey County File No. LIB1900012) prepared by Keith B. Higgins, Traffic Engineer, PE, TE, Gilroy, CA
23. California AB-2514 Energy Storage Systems.  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200920100AB2514](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB2514)
24. "2016 Monterey County Multi-Jurisdictional Hazard Mitigation Plan" adopted June 2015, prepared by The Monterey County Hazard Mitigation Planning Team and AECOM.
25. "Moss Landing Battery Energy Storage Facility Water Supply Assessment" dated September 7, 2018 (Monterey County File No. LIB190021) prepared by Michelle Hack, Sargent & Lundy Engineers, Ltd., Chicago, IL
26. "Moss Landing Coastal Climate Change Vulnerability Report" dated June 2017, prepared by Central Coast Wetlands Group, Moss Landing, CA
27. "2018 Monterey County Regional Transportation Plan", prepared by Transportation Agency for Monterey County in coordination with Association of Monterey Bay Area Governments
28. Project Application/Plans for PLN180371 – Elkhorn Battery Energy Storage System Project
29. Project Application/Plans for PLN160443 – McCombs
30. "A Cultural Resources Study for Pacific Gas & Electric Company's Proposed Elkhorn Battery Energy Storage System (BESS) Project" dated October 2018 (Monterey County File No. LIB180418) prepared by Sharon A. Waechter, Far Western Anthropological Research Group, Inc., Davis, CA