

# Exhibit A

This page intentionally left blank.

## **EXHIBIT A DISCUSSION**

### **Background and Site Conditions**

The Project site and adjoining properties were undeveloped land from at least 1919 through 1949. In 1949, the County of Monterey Planning Commission approved a Use Permit (Resolution No. 631) to allow the Jergins Oil Company to explore, drill and remove oil and gas on various tracts of land near San Ardo (approximately 22,000 acres). By the 1950s, the site area was gradually developed into what is now known as the San Ardo Oil Fields. During the 1950s into the early 2010s, the site, and immediate vicinity contained approximately 60 oil-gas wells, pits/sumps, pipelines, access roads, and related infrastructure. The configuration of the oil gas facilities continuously changed during this timeframe. By at least 1973, a cogenerating station was operating to the immediate northeast of the site, and parts of this facility appeared to extend onto the northeast portion of the site from 1981 through 2012. This included three bulk storage tanks present from 1994 through 2009.

In 2013, oil-gas facilities (and the portion of the generating station within the footprint of the site) were removed and closure of the Ferrini Flats area was completed by Aera Energy's remedial contractor to the standards of the regulatory agency at the time, State of California Division of Oil, Gas and Geothermal Resources. The closure included bulk removal of oil-impacted soils and re-grading of the Project site. Within the Project site's subsurface conditions remain the 7- to 8-inch-diameter steel well bores from the 2013 remediation. Over 100 well bores and 20 idle wells occur within the subject, APN: 423-081-019-000. During the abandonment process in 2013, these well bores were cut at least 5 feet below grade (no more than 10 feet) per California Department of Conservation, Geologic Energy Management Division (CalGEM) requirements. In addition, the wells were filled with concrete to the top of the cut well, capped, and backfilled with remediated soil. CalGEM monitored these well abandonments and signed off on the proper permits. Since 2013 the Project site has been used by Aera Energy for storage and other minor activities.

### **General Development Plan**

A Draft General Development Plan (GDP) has been prepared for the Proposed Project in compliance with Title 21 section 21.28.030. The four major components to the GDP include: Project Details (Solar Arrays and Inverter Blocks, Construction, Applicant Proposed Environmental Measures and Design Features, Operation and Maintenance, and Decommissioning.

#### **1. Construction**

Project construction would consist of two major stages. The first stage would include site preparation, grading, and preparing staging areas and on-site access routes. The second stage would involve assembling the racking system and constructing electrical interconnection facilities. Grubbing and grading would occur on the site to achieve the required surface conditions. Grading would consist of localized smoothing. Cuts and fills within 15-ft of abandoned oil well locations would be limited to a maximum depth of 3 feet to provide a safe buffer above the abandoned depth of the well heads (8-10 feet below the surface). Typical equipment during construction would include a pile

foundation driver, skid steers, forklifts, bulldozers, backhoes, tractors, excavators, graders, front-end loaders, and semi-trucks. Construction would be completed in approximately 5 months and start in the first quarter of 2025.

Hazardous wastes are not anticipated to be on-site. If hazardous wastes do occur on-site, they would be removed and disposed of in accordance with local, state, and federal laws. At the footing of the power conversion system pads, the existing soil would be scarified and recompactd as recommended by the geotechnical engineer. Racking for the PV arrays would be supported by a combination of ballast foundations (concrete foundations set on grade), and driven piles. At locations where there is an abandoned oil well, only ballasted foundations would be installed, and no driven piles would be installed within a 15 foot radius of the oil well. This design approach would ensure no driven piles come in contact with an abandoned oil well (see below *Hazards and Hazardous Materials* discussion).

#### *Hours*

Construction would occur primarily during daylight hours, Monday through Friday between 7:00 a.m. to 7:00 p.m., and, if necessary, between 8:00 a.m. to 8:00 p.m. on Saturdays and Sundays, in compliance with the County of Monterey General Plan Safety Element and Monterey County Code. If the schedule has been delayed due to weather or other event, construction may require some nighttime activity for material and equipment delivery. Nighttime activities would be performed with temporary lighting, which would be directed downward to minimize impacts to neighboring properties and wildlife in the project vicinity.

#### *Workforce and Construction Traffic*

Approximately 20 construction workers would be present on site daily, with an expected peak of approximately 80 workers during the first month of construction. Approximately 4 daily truck trips and 60 maximum daily worker vehicle trips (assuming 33% of trips are carpoled) are anticipated during the peak of construction. Carpooling would be encouraged. Portable toilet facilities would be installed for use by construction workers.

#### *Temporary Construction Staging Areas*

Temporary construction staging areas within the project site would be graded with a gravel surface and temporarily fenced to provide space for trailers and storage for supplies, vehicles, and equipment during construction.

#### *Stormwater and Dust Control*

The project would not substantially modify the natural drainage pattern of the project site and no on-site stormwater detention facilities would be constructed. County of Monterey conditions of approval require the applicant/owner to submit a Stormwater Pollution Prevention Plan (SWPPP) prior to issuance of any construction permits. All site preparation and construction activities would be performed in accordance with the SWPPP, which may include use of water trucks to manage dust; silt fencing, straw bales and temporary catch basins, and inlet filters to control stormwater; and truck tire muck shakers, or similar devices, to prevent mud and debris from being carried onto roadways.

During construction, approximately 150,000 to 250,000 gallons of non-potable water (approximately 0.8 acre-feet) is anticipated to be required for dust suppression and other purposes. Water would be pumped from an existing well, located approximately 0.2-mile northeast of the project site.

#### *Water and Wastewater*

As discussed above, approximately 0.8 acre-feet of water is anticipated for dust suppression and other purposes. This water would be pumped from two existing on-site non-potable wells. The project does not include, or require the need for, potable water.

Portable restroom facilities would be provided for workers during construction; no permanent sanitary facilities would be installed for project operation. Water use during operation would be less than 1.0 acre-foot per year for panel washing and general maintenance. The need for panel washing would be infrequent (e.g., months to years between washings) and determined based on the actual condition of the solar panels and any expected benefit from cleaning.

#### *Solid Waste*

Most waste generated during construction would be non-hazardous and consist primarily of cardboard, wood pallets, copper wire, scrap metal, common trash, and wood wire spools. Construction waste materials, such as metal and wood, would be handled in accordance with the California Green Building Standards Code, separated from the waste stream, and recycled whenever feasible. Non-recyclable construction waste would be placed into commercial trash dumpsters located on site. Dumpsters would be collected as needed by Waste Management and delivered to the San Ardo #2 Transfer Station. Construction would generate approximately 100 cubic yards of solid waste over the entire construction period, with approximately five cubic yards of solid waste generated per week.

## 2. Applicant Proposed Environmental Measures and Design Features

### *Biological Resources:*

- **Work Timing.** All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events, to the greatest extent feasible. Although not anticipated, should construction activities occur during the night, the project site shall have adequate lighting and the project biological shall be on-site to determine the presence of sensitive species.
- **Work Limits.** The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed.
- **Environmental Awareness Training.** A qualified biologist shall provide a Biological Awareness Training to Project personnel, detailing potentially occurring special status wildlife species and impact avoidance measures.
- **Vehicles and Equipment.** All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and

storage of fuel, lubricants, and solvents. All fueling and maintenance activities shall take place in the staging area.

- Pre-activity Biological Surveys. A qualified biologist shall conduct biological surveys of the disturbance area no more than seven days prior to ground disturbing activities. Surveys shall include, installation of motion activated cameras at all burrows with potential to support American badger and/or San Joaquin kit fox. Cameras will be in place for a minimum of three consecutive nights to determine occupancy. Appropriate buffers around active burrows will be established in consultation with the Project biologist and relevant resource agencies.
- Biological Monitoring. Biological monitoring shall be completed by a qualified biologist for all initial ground disturbance (e.g., grading/excavation activities). For this task, the biologist shall survey/clear undisturbed work areas prior to start of work and then monitor the area while initial grading activities are completed. Any wildlife observed during monitoring shall be allowed to move out of work limits of their own volition or shall be captured and relocated to nearby suitable habitat by the biologist, as necessary and in compliance with state and federal Endangered Species Act regulations.
- Nesting Bird Surveys. If vegetation removal (i.e., tree trimming/removal activities) is scheduled between February 1 and August 31 (general nesting bird season), nesting bird surveys shall be completed by a qualified biologist within 48 hours prior to start of work. If any active nests are discovered within or adjacent to work limits, an appropriate buffer (i.e., 500 feet for raptors and 250 feet for other birds, or at the discretion of a qualified biologist based on biological or ecological reasons) shall be established to protect the nest until a qualified biologist has determined that the nest is no longer active and/or the young have fledged.
- Wildlife Friendly Fencing. Security fence design and materials shall be incorporated to increase the fence's visibility to wildlife and reduce the chance of entanglement. Project fencing shall also include gaps to enable non-flying wildlife to pass through.
- Erosion Control. A Storm Water Pollution Prevention Plan (SWPPP) for all activities conducted within the Project limits shall be implemented and maintained during construction. Where needed, erosion and sediment controls (e.g., silt fences, straw wattles) shall be installed properly to increase effectiveness and shall be maintained regularly. Other Best Management Practices (BMPs) shall also be implemented as necessary and/or as required by Project permits, such as avoid washing, refueling, and maintenance of equipment within 50 feet (unless otherwise noted in Project-specific permits) from stream channels, regardless if water is present or absent in the channel.

*Air Quality:*

- Construction Emissions: All diesel-powered construction equipment used during Project construction shall use a minimum of Tier 3 construction equipment; Tier 4 Final construction equipment will be used when reasonably and locally available.
- Water shall be applied to disturbed soils after demolition is completed or at the end of each day of cleanup.

- All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.

*Valley Fever:*

- A site-specific Valley Fever Management Plan (VFMP) will be developed for review and approval by the County of Monterey Health Department prior to soil-disrupting activities. The VFMP will include procedures for worker hazard awareness training, dust management, and safety measures to minimize worker and public exposure to dust that may contain the *Coccidioides* fungus spore known to cause Valley Fever. Documentation of Valley Fever training for workers on the site will be provided to County of Monterey HCD – Planning Department and the County of Monterey Health Department. Implementation of and adherence to the plan will be monitored by project team safety managers in alignment with the County of Monterey Health Department.

The above Applicant proposed environmental measures and design features are incorporated into the draft Conditions of Approval and Mitigation Measures, which are addressed in the Environmental Impact discussion below.

3. Operation and Maintenance

Once constructed, the project would operate 7 days per week, 365 days per year. The facility would be operated by Aera Energy, Solar Star Light Park LLC, or an affiliated company. Only minimal, infrequent on-site maintenance activities would be required for panel washing (up to twice per year), equipment repair, replacement, and vegetation control. The expected maintenance would generate minimal traffic during operations. Heavy equipment would not be utilized during normal operation. Large or heavy equipment may be brought to the facility infrequently for equipment repair or replacement or vegetation control. The operation would not require any additional workers beyond those already employed by Aera Energy or Solar Star Light Park LLC.

4. Decommissioning

At the end of the project's useful life (anticipated to be 20 to 35 years), the project would be decommissioned and restored. The proposed solar array is expected to be operational in 2025 and to remain in operation through 2045-2060.

Pre-dismantling activities include de-energizing and isolating the project from external electrical lines and delineated staging areas. As reclamation and equipment removal can take a year or more, access roads, fencing, sanitary facilities, and electrical power may temporarily remain in place for use by reclamation and restoration workers until no longer needed. Environmental protection measures installed during construction activities would be implemented during project reclamation and restoration. Consistent with current standard decommissioning practices, the PV solar modules and rack supports would be removed in their entirety from the site using cranes, dump trucks, and flat-bed and rear-loader garbage trucks. Some or all of the components (i.e., aluminum and steel components) would be salvaged and/or recycled, as feasible. Components that cannot be salvaged would be removed and disposed of in accordance with applicable laws and

regulations. The PV modules are not considered hazardous waste and would be disposed of in an approved landfill near the project site or recycled by an approved module recycler. Electrical equipment including inverters, transformers, cables, overhead lines, and substation infrastructure would be reclaimed in accordance with local, state, and federal laws. Hazardous wastes are not anticipated to be on-site. If hazardous wastes do occur on-site, they would be removed and disposed of in accordance with local, state, and federal laws. Roads that will not be reused for future uses would be restored to preconstruction conditions.

#### *Restoration*

Once the Proposed Project is decommissioned, the site would be restored to current conditions. This would include removal of roads, parking areas, and the substation, decompaction of soils using disking, and reseeded of disturbed areas. Reseeding would be accomplished with manually operated cyclone-type bucket spreaders, mechanical seed spreaders, blowers, hydroseeders, rubber-tired all-terrain vehicles equipped with mechanical spreaders, or other similar or more effective measures. If site restoration through reseeded is not feasible due to lack of water or other environmental factors, the Applicant/Owner would work with County of Monterey to identify and implement an alternate solution.

### **Potential Environmental Impacts**

#### *Visual Resources*

The project site is not located near a scenic highway or within an area designated as a “visually sensitive” in the 2010 General Plan. A Visibility Assessment (County of Monterey Document No. LIB210238) and Glare Analysis was prepared for the proposed project. The proposed project includes installation of eight-foot solar panels, which would introduce low vertical, geometric elements into a landscape ranging from relatively flat to moderately steep, with rolling hills and mountainous topography, dominated by oil rigs, rural residential properties, and dispersed vegetation. The proposed solar panels would be angled to the south, facing away from major roads including US 101, Wunpost Road, Sargents Canyon Road, and Sargents Road and therefore, would create little to no glare for those traversing the project area from public roads. While traveling northbound on US 101, there is a limited timeframe when potential glare from the proposed solar panels would be visible due to the hill directly south of the project site. The proposed solar panels are designed to capture rather than reflect sunlight and would have a lower index of refraction/reflectivity than common sources of glare in residential or commercial environments. The proposed solar panels would also have anti-reflective coatings and stippled glass, which further reduces reflected light.

#### *Biological Resources*

The project site previously supported oil operations and has since been graded and partially developed with a construction staging area, oil well, road, concrete pad, transformers, processing piping, and fencing. Multiple biological reports were prepared for the proposed project including:

- Biological Resources Habitat Assessment (HCD-Library No. LIB210235) prepared by Tetra Tech, Inc., dated March 15, 2021



- Preliminary Federal Aquatic Resources Delineation and State Aquatic Resource Delineation Report (HCD-Library No. LIB210237) prepared by Padre Associates, Inc., dated May 2021
- Biological Survey Report for Solar Start Light Park (HCD-Library No. LIB240194) prepared by Althouse and Meade, Inc., dated June 30, 2024.

Althouse and Meade, Inc., specifically biologist Jason Dart, will serve as the Project Biologist during construction, implementation of the Proposed Project, and decommissioning activities. On July 17, 2024, Jason Dart, Principal Investigator of Althouse and Meade, Inc., was issued a Specific Use Scientific Collecting Permit (SCP; No. S-190420011-19351-001-01) pursuant to Fish and Game Code Section 1002(a) and California Code of Regulations (CCR) Title 14 Section 650. This SCP authorizes Jason Dart to take (capture, measure, weigh, release, and salvage) certain amphibians, reptiles, and small mammals.

Although the 2024 biological report determined that eight special status plant species have the potential to occupy the site, botanical surveys conducted in 2021 and 2024 did not identify any special status plant species and therefore no impacts on sensitive plant species are expected to occur. The Project Biologist determined that implementation of the proposed project (construction and/or decommissioning activities) has the potential to impact five special status animal species and/or their habitat: American badger, Coast horned lizard, Western spadefoot, Salinas pocket mouse, and the Burrowing owl. Mitigation Measure BIO-1 has been applied as a condition of approval to reduce the potentially significant impact on these species to a level of less than significant. This mitigation requires the Applicant enter into a contract with a qualified biologist to prepare and implement a Biological Education Program for employees, monitor of initial ground disturbing and trenching activities, and conduct pre-construction and pre-decommissioning surveys for the American badger, Coast horned lizard, Western spadefoot, Salinas pocket mouse, and the Burrowing owl.

The California Department of Fish and Wildlife (CDFW) also informed staff that the San Joaquin kit fox and Northern California legless lizard have the potential to be on-site. The Project Biologist determined that both of these species have a very low to low potential to occupy the site. Though no adverse impacts on the San Joaquin kit fox and Northern California legless lizard are anticipated, the Applicant proposes to conduct a pre-construction survey for the San Joaquin kit fox; this survey has been incorporated into Mitigation Measure BIO-1.

Several avian species of concern have the potential to occupy nearby trees, including the Tricolored blackbird and Least Bell's vireo. Although no trees are proposed for removal, Condition No. 6 has been applied to require compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, which prohibit the disturbance of raptors and migratory birds and any activity that results in the loss of fertile eggs, and nestlings, or otherwise lead to nest abandonment. Thus, prior to ground disturbance, Condition No. 6 requires that a nest survey will be performed to determine if any avian species are nesting in nearby trees. Further, as detailed in the draft GDP, the proposed security fencing would incorporate design measures that increase the fence's visibility to reduce the potential for wildlife entanglement. Application of a non-standard condition of approval (Condition No. 17) would ensure this design component is implemented prior to final inspection by HCD-Building Services.

The Padre Associates, Inc. 2021 report included field surveys for the delineation of aquatic features/resources within the project site and along the ephemeral drainage northeast of the project disturbance area. It was determined that one aquatic feature occurs within the project site, a depressional feature. In addition, one man-made drainage basin and ephemeral drainage were identified adjacent to the project ground disturbance area to the east and northeast, respectively. The man-made drainage feature, totaling approximately 1.4 acres, meet the definitions for State wetlands and waters as it contains the three-parameter wetland criteria and includes the presence of a bed and bank. The Proposed Project has been designed with a 100 foot buffer from this wetland feature. Although all proposed site disturbance is located outside of the 100-foot buffer and no impacts to this wetland are anticipated, the draft GDP proposes the installation of protective construction fencing and fiber rolls. These protective measures would be installed prior to construction and decommissioning activities along the development boundaries adjacent to the identified basin and drainage features. Condition No. 18. has been applied that requires the Applicant/Owner to submit evidence to HCD-Planning confirming the installation of this design/project component. Adherence to this non-standard condition of approval would reduce potential impacts on the basin and drainage features during construction and operation to a less of less than significant.

#### *Cultural and Tribal Resources*

The project site is in a documented area of high archaeological sensitivity. One previously recorded cultural resource was identified within proximity of the project site. However, no cultural resources have been identified within the project site itself. Based on the negative results from previously conducted surveys and subsurface excavations at the nearby recorded site, the archaeologists and Native American monitors concluded it appears the site was destroyed or mistakenly identified. Therefore, although located in an area of high sensitivity and known resources, the Cultural Resource Record Search Report (County of Monterey Document No. LIB210234) concluded that there is no evidence that any cultural resources would be disturbed, and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 3).

On February 4, 2022, the Salinan Tribe and Esselen Tribe of Monterey County were formally notified of the project. No responses or formal consultation requested were made prior to circulation of the draft Initial Study. Following the public review period of the draft Negative Declaration and subsequent Mitigated Negative Declaration, the Salinan Tribe requested that construction activities be monitored by a tribal member. While no known Tribal cultural resources exist at the Project site, construction-related activities could potentially affect a buried Tribal cultural resource or a previously unknown Tribal cultural resource. To reduce this potential impact to a level less than significant level, Mitigation Measure TR-1 has been applied to require that a tribal member traditionally and culturally affiliated with the vicinity project site monitor ground-disturbing activities.

#### *Air Quality*

The Monterey Bay Air Resources Board (MBARD) has established air pollutant emission thresholds to determine whether a project would result in a cumulative net increase of air pollutants. According to these thresholds, construction activities with grading and excavation

that disturb more than 2.2 acres per day are assumed to be above the 82 pounds of particulate matter per day threshold. The Proposed Project would disturb approximately 35.5 acres of land. However, only 4.5 acres of grading (over 5 months) would occur (e.g., less than one acre per month). Further, the project plans limit grading to less than 2.2 acres per day). Therefore, the Proposed Project would not result in PM<sub>10</sub> emissions that exceed MBARD thresholds.

The nearest sensitive receptor to the project site is a residence located approximately 0.7 miles to the northeast along Sargents Road. The distance between the nearest receptor and the project site is greater than the 500-foot screening distance recommended by the California Air Resources Board for the preparation of health risk assessments, indicating that potential toxic air contaminants would disperse enough to be below the emissions threshold. However, given the project's larger disturbance footprint of approximately 35.5 acres, Mitigation Measures AQ1-AQ-3 have been applied and incorporated as conditions of approval. These mitigation measures require adherence to specific dust control practices, preparation and implementation of a Construction Staging Management Plan, and address vehicle emissions, the use of diesel vehicles, and idling.

#### *Valley Fever*

Ground-disturbing construction activities and extended periods of high heat or unusually windy conditions at the project site could increase fugitive dust and expose sensitive receptors or construction works to Coccidioidomycosis, or San Joaquin Valley Fever (Valley Fever).

California Department of Public Health's guidelines for reducing worker exposure to Valley Fever include but are not limited to, providing construction workers with a training program, limiting workers' exposures to outdoor dust, wetting soils prior to excavation, positioning workers upwind, and providing workers with, at minimum, NIOSH-approved half-faced respirators. Further, state law, specifically Section 6709 of the Labor Code, requires employers to provide effective Valley Fever Awareness and Prevention Training for all construction employees at risk of prolonged exposure to dust in certain counties, including Monterey.

The County of Monterey Environmental Health Bureau (EHB) and its Health Officer have reviewed the Proposed Project and the submitted public comment raising concerns about Valley Fever. EHB does not recommend soil sampling as a reliable indicator for Valley Fever disease risk; the spores are likely present, regardless of test results, and the result does not predict the risk of exposure and/or likelihood of illness. Further, the California Department of Public Health's "Preventing Work-Related Coccidioidomycosis (Valley Fever)" document states "Valley Fever fungal spores are too small to be seen by the naked eye, and there is no reliable way to test the soil for spores before working in a particular place." To ensure compliance with Labor Code Section 6709 and California Department of Public Health's guidelines and reduce this potentially significant impact, EHB has applied a non-standard condition of approval (Condition No. 5). Implementation of Condition No. 5 would require that the Applicant/Owner prepare and submit to HCD-Planning and the County of Monterey Health Officer for review and approval a Valley Fever Management Plan that includes the following components and/or provisions:

- The plan shall be developed in consultation with a licensed occupational medicine physician specializing in pulmonary epidemiology;

- Include a job hazard analysis [in compliance with California Occupational Safety and Health Administration (Cal/OSHA) regulations] for any worker that will be exposed to dust;
- Describe the roles and the responsibilities of construction personnel to apply appropriate Valley Fever safety procedures and dust control measures to minimize potential worker and public exposure to dust; and
- Include specific measures to reduce the potential for exposure to Valley Fever, including but not limited to the following:
  - Model Valley Fever Worker Training Program and Safety Measures.
  - Dust suppression measures, including specific measures that must be taken if daily wind speeds exceed 15 mph or peak daily temperatures exceed 95 degrees Fahrenheit for three consecutive days.
  - Provide National Institute for Occupational Safety and Health-approved half-face respirators equipped with a minimum N-95 protection factor for use during soil-disturbing activities.

### *Hazards and Hazardous Materials*

The Proposed Project has been reviewed by the County of Monterey Environmental Health Bureau and the South County Fire Protection District during the discretionary permitting process to ensure that the project is consistent with their applicable regulations.

An underground utility survey conducted in May 2024 detected and confirmed 60 abandoned well head locations within or near the limits of the Proposed Project, and noted that all detected well heads were between 8 feet to 10 feet below grade. As designed, all cut and fill within 15 feet of abandoned oil well locations would be limited to a maximum depth of 3 feet to provide a safe buffer above the abandoned depth of the well heads (8-10 feet below the surface) (see Sheet C-302 of **Exhibit B, Attachment 2**, Project Plans). Limiting the excavation to 3 feet in depth would reduce well head depths to approximately 5 to 7 feet below grade. Well heads 5 to 7 feet below the ground depth would continue to be consistent with CalGEM requirements, which mandate that well heads are capped or cut off and welded closed with steel plates at least 5 feet below grade, but no more than 10 feet (California Code of Regulations Title 14 § 1723.5 - Surface Plugging). Racking for the solar arrays would be supported by a combination of ballast foundations (concrete foundations set on grade) and driven piles. At locations where an abandoned oil well is known to exist, only ballasted foundations would be installed, and no driven piles would be installed within a 15 foot radius of the oil well. This design approach would ensure no driven piles come in contact with an abandoned oil well. As proposed, the Project includes design measures to reduce potential impacts on known oil wells to a level of less than significant.

However, if impacts to known or unknown wells were to occur, hydrogen sulfide steam, methane gas, or other toxic gasses could be released and pose a potential hazard to the construction workers or nearby occupants. Although unlikely, if impacts to wells were to occur during construction or decommissioning activities or if excavation (cut) within 15 feet of a well head exceeds the proposed 3 feet, the Proposed Project would be required to comply with applicable CalGEM requirements and Public Resources Code section 3208.1. These state regulations establish well re-abandonment responsibility when a previously plugged and abandoned well is

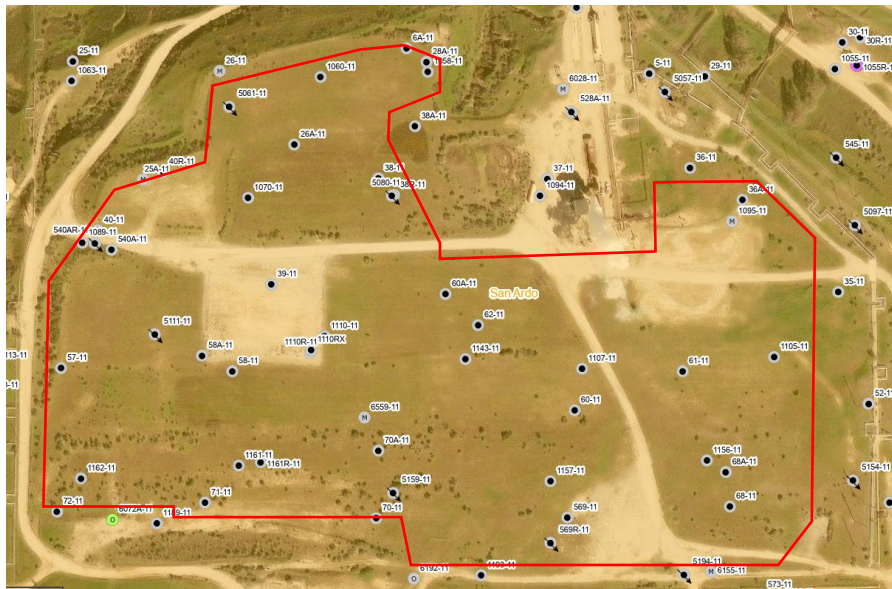
impacted by planned property development or construction activities. If impacts to wells occur during ground disturbing activities, and to ensure compliance with Public Resources Code section 3208.1 and California Code of Regulations Title 14 section 1723.5, the Applicant would be required to re-abandon or re-cap impacted or leaking well(s) in accordance with applicable CalGEM requirements. Mitigation Measure HM-1 has been applied and incorporated as a condition of approval requiring Applicant prepare and implement an Emergency Action Plan. The plan shall contain emergency contact information, procedures to follow if toxic gasses or other substances are released, construction crew safety zones, and remediation measures. Should impacts to oil wells occur during construction, operation, or decommissioning activities, this mitigation measure requires compliance with applicable CalGEM, Public Resource Code, and California Code of Regulation sections. Further, this mitigation measure requires that the Applicant enter into an agreement with the County of Monterey explaining that the Applicant/Owner/Project Operator is responsible for any costs associated with damaging or impacting on-site oil well(s), including but not limited to the removal of solar panels necessary to access the impacted well sites, re-abandonment of impact well(s), re-installation of solar panels (and associated equipment), etc. Implementation of Mitigation Measure HM-1 and adherence to state requirements will ensure less than significant impacts occur, relative to hazards and hazardous materials, and adequately addresses the concerns raised by CalGEM.

### **CEQA Public Comment**

Prior to circulation of the 2024 draft Initial Study/Mitigated Negative Declaration (IS/MND), the County prepared and circulated a draft Initial Study/Negative Declaration (IS/ND) in 2022. During and after the public review period for the draft IS/ND, the County received comments on the draft IS/ND from the California Department of Fish and Wildlife (CDFW), the Salinan Tribe, the California Department of Conservation (Geologic Energy Management Division; “CalGEM”), and Adams Broadwell Joseph & Cardozo. CDFW raised concerns about water pollution and potential impacts on special status plant and animal species; specifically, the State threatened and federally endangered San Joaquin kit fox, the State threatened tricolored blackbird, the State and federally Least Bell’s vireo, the California species of special concern Northern California legless lizard, the pale yellow layia, small flowered gypsum loving larkspur, and Abbott’s bush mallow. The Salinan Tribe raised concerns about impacts on tribal cultural resources. Though CalGEM’s comment letter noted that the project site has approximately 66 “plugged and abandoned oil and gas wells”, CalGEM requested additional review time to determine whether the wells would be impacted with the proposed development activities. Finally, the Adams Broadwell Joseph & Cardozo comment letter claimed that the Negative Declaration failed to provide an adequate description of the existing setting, failed to properly analyze potential impacts on hazards and hazardous materials, failed to adequately analyze or describe potential impacts on biological resources, and failed to adequately analyze potential air quality impacts. Additionally, this comment letter argued that there is substantial evidence supporting a fair argument that the project will result in potentially significant, unmitigated impacts on biological resources and air quality resources, including with the release Valley Fever fungus spores.

Following consideration of these concerns and given the new information in the record, the County revised the draft IS/MND. The revised draft IS/MND provided information and mitigation measures addressing CDFW, Salinan Tribe, Adams Broadwell Joseph & Cardozo, and

CalGEM concerns. No comments were received during the public review period for the draft IS/MND. However, after the public review period for the re-circulated draft IS/MND, the County received one comment letter from CalGEM (**Exhibit E**). This comment letter acknowledges that the project site and surrounding area contains 60+ oil wells and requests additional review time to determine that the abandonment status for each well. Per the CalGEM's online mapping database, all wells within the project boundaries have a "Plugged" status (see **Figure 1**). There is one above ground well approximately 30 feet from the construction limits that CalGEM identifies as being "Active". However, a 2024 utility survey identifies this well as "Abandoned". Regardless of the status of this single well, all oils wells within the project limits will not be impacted with implementation of the project, as designed and mitigated.



**Figure 1.** CalGEM Well Finder GIS. "Plugged" oil wells are shown in gray, and "Active" oil wells shown in green. Project boundaries outlined in red.

CalGEM's comment letter also provides a summary of its regulations and general recommendations. Per this letter, CalGEM categorically advises against building over, or in any way impeding access to oil, gas, or geothermal wells (note: Access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street). Should a local jurisdiction, such as the County of Monterey, permit development over abandoned wells, liability and re-abandonment responsibility is shifted from CalGEM to the property owner and permitting authority/local jurisdiction. Additionally, there are no guarantees that a well abandoned in compliance with current CalGEM requirements will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges that wells plugged and abandoned to the most current standards have a lower probability of leaking in the future, however there is no guarantee that such abandonments will not leak. Based on discussions with CalGEM, approximately 66% of the wells within or near the project site are abandoned to current standards. The remainder of the wells were abandoned to previous standards in effect at that time of abandonment. CalGEM is not recommending that these wells be re-abandonment to current standards but provided comment to ensure the Planning Commission was aware of the regulatory requirements if a well were impacted.

Although the project has been designed to avoid impacts to the nearby oil wells, staff recognizes that implementation (or decommissioning) of the project could influence or impact a well, and access would be impeded (placement of solar arrays over well heads). Accordingly, Mitigation Measure HM-1 has been applied. If a leak were to occur, this mitigation measure, as well as the County's standard Indemnification Agreement Condition of Approval, essentially requires adherence to CalGEM and other state requirements, places all responsibility to remove the structures that impeded access to the well and re-abandonment of the well on the Applicant/Owner, and removes any County liability. See above discussion, *Hazards and Hazardous Materials*.

Additionally, following the public review period of the re-circulated draft IS/MND, the Salinan Tribe called County staff and requested tribal monitoring for all ground disturbance below four feet. The draft IS/MND includes Mitigation Measure TR-1, which requires that a tribal monitor observes all project-related grading and excavation. This mitigation has been incorporated as a condition of approval.

All other commentors on the 2022 draft Initial Study/Negative Declaration did not comment on the 2024 draft Initial Study/Mitigated Negative Declaration. The draft IS/MND's supplemental biological analysis and draft Mitigation Measure BIO-1 address CDFW concerns. Additionally, Condition No. 5 and Mitigations Measures AQ-1, AQ-2, AQ-3, BIO-1 require environmental protection and avoidance measures that address potential environmental concerns raised by Adams Broadwell Joseph & Cardozo's initial comments. Accordingly, their concerns are also presumed to be resolved with adoption of the draft IS/MND.

This page intentionally left blank