

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.

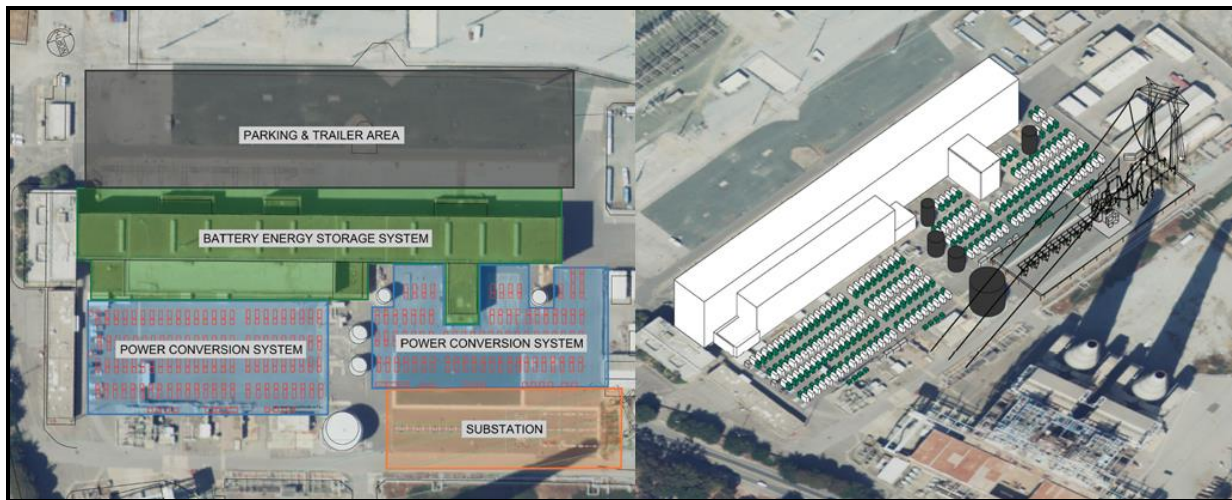
For reference of the entire Initial Study/Mitigated Negative Declaration for the project, please refer to the original document prepared and circulated from January 29, 2019 through February 27, 2019 (SCH No. 2019011067). This document can be found at the Resource Management Agency – Planning, 1441 Schilling 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

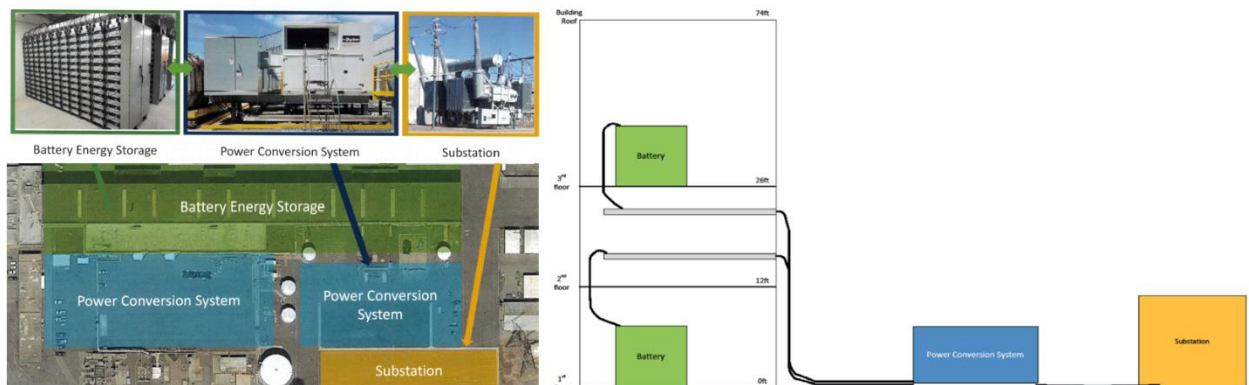
### A. Description of Project:

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).



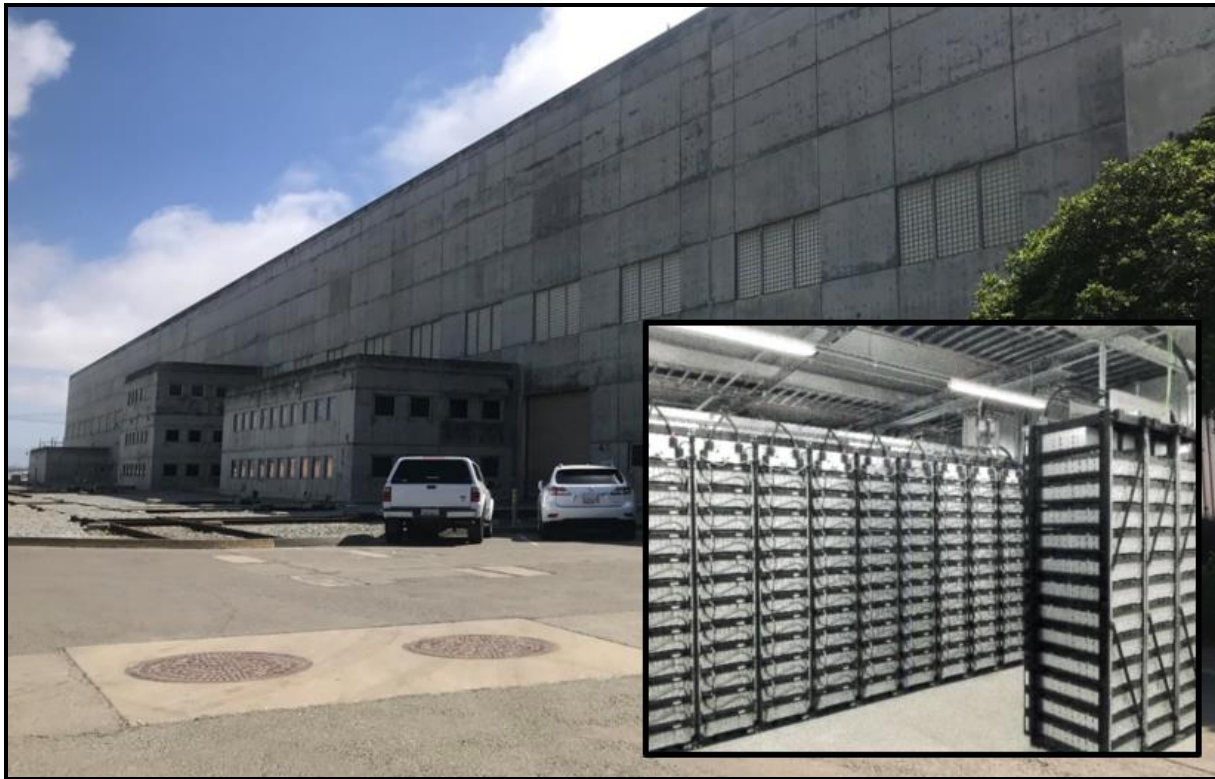
**Figure 1. Partial Site Plan and Proposed Site Improvements**

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.

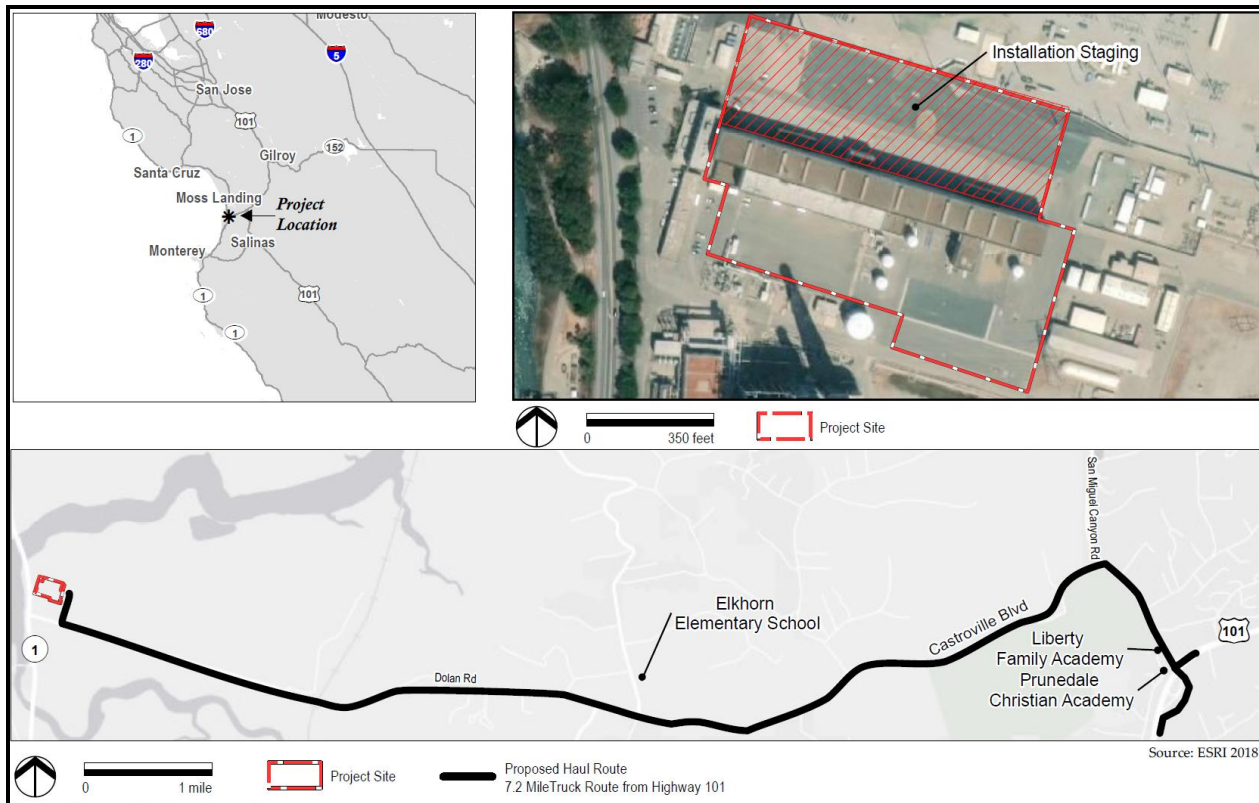
A preliminary Construction Management Plan (CMP) was submitted as part of the project application (Source 1) illustrating logistical planning of site improvements. As outlined in the CMP, the Project is expected to take approximately 14 months from start to finish, 6 of which is anticipated as the peak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



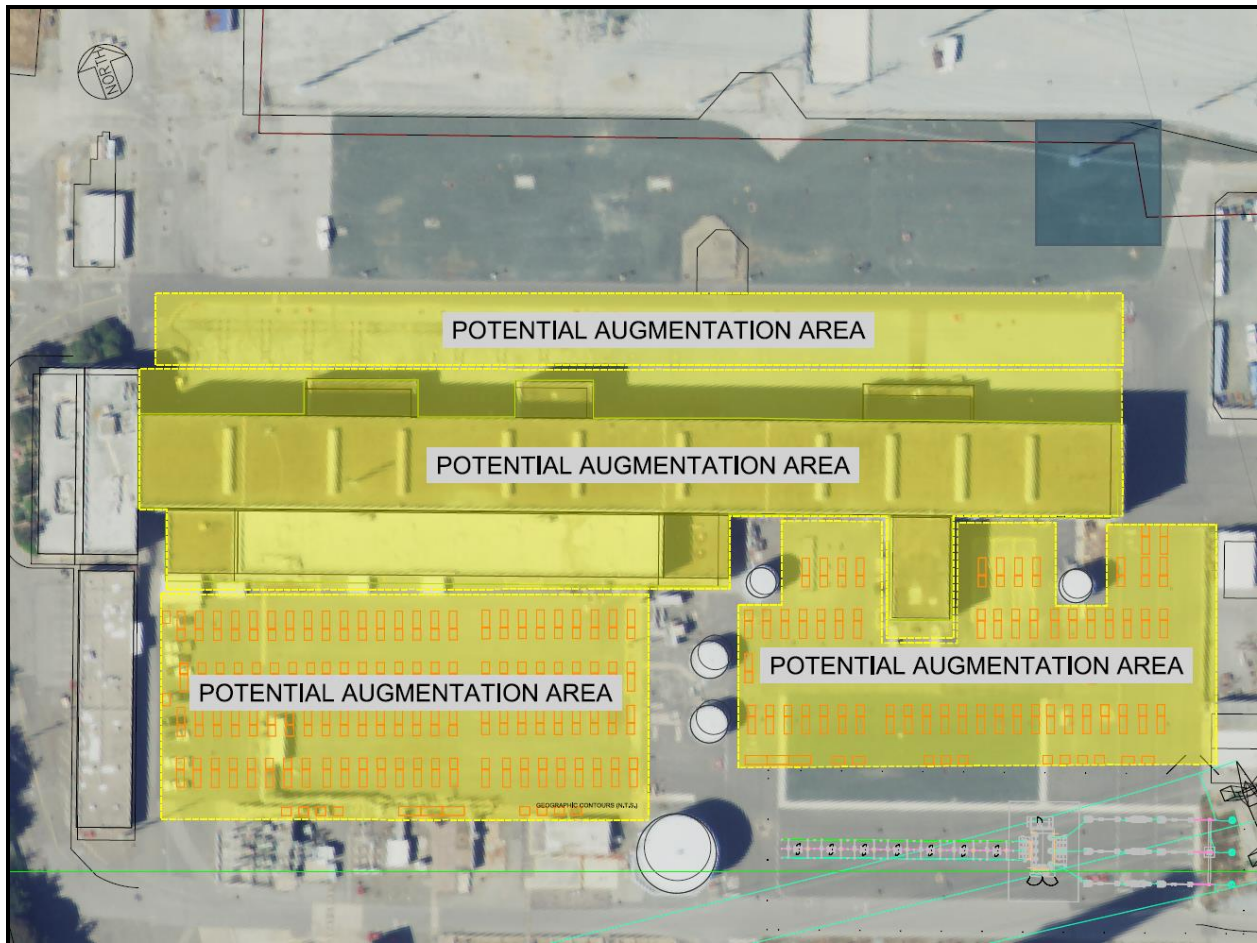


**Figure 7. Proposed Haul Route – Construction Management Plan**

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.

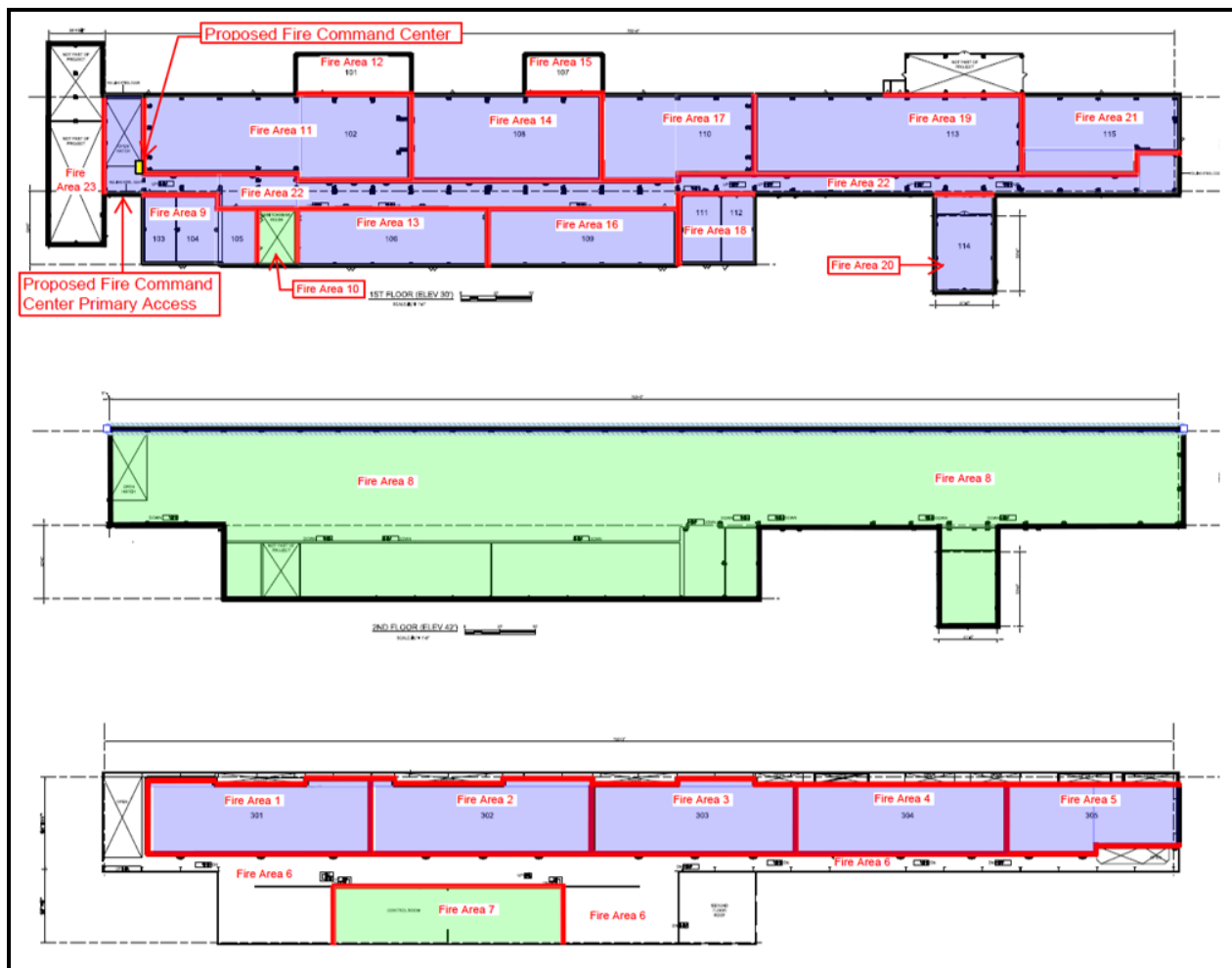


**Figure 8. Augmentation Site Plan**

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**.

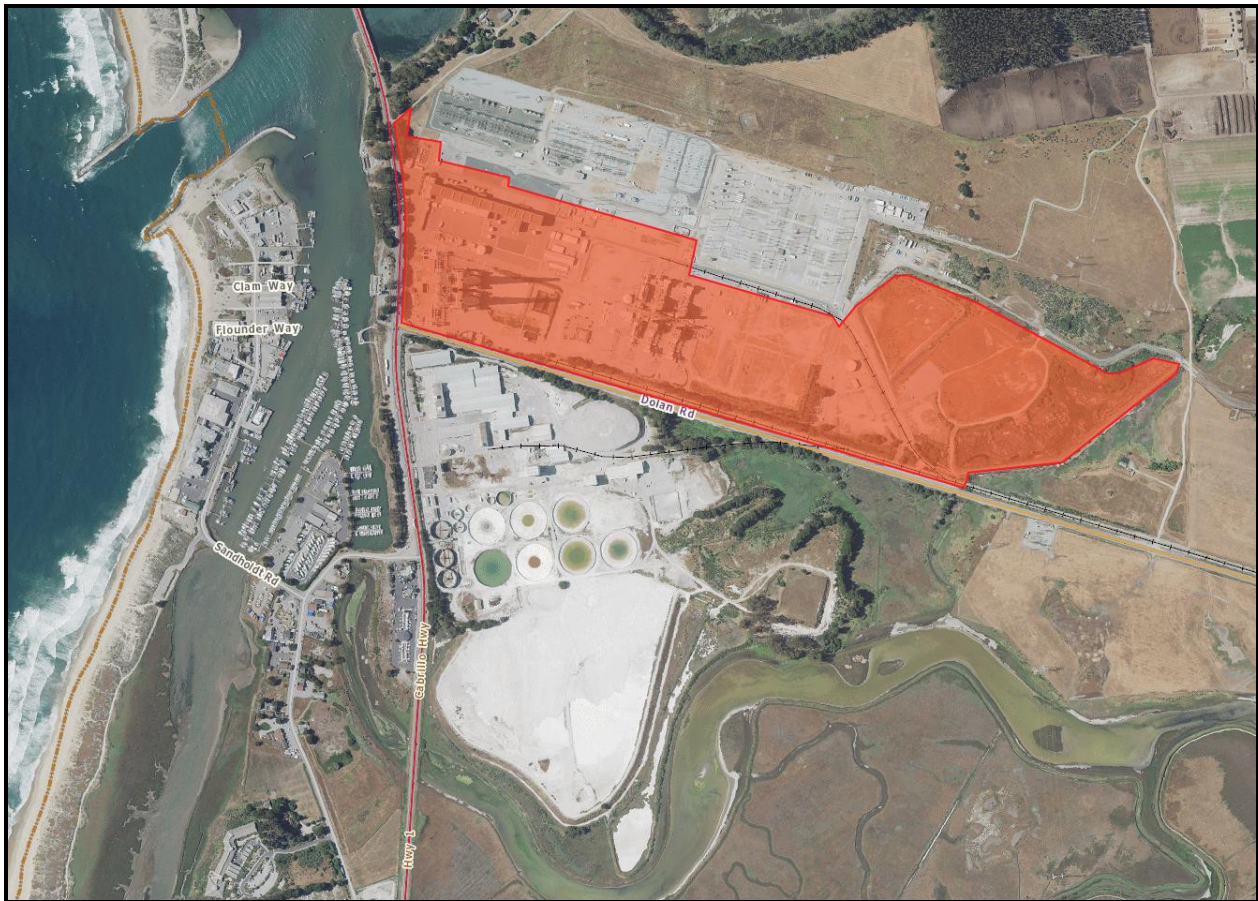


**Figure 9. Building Fire Protection Plan**



## 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.

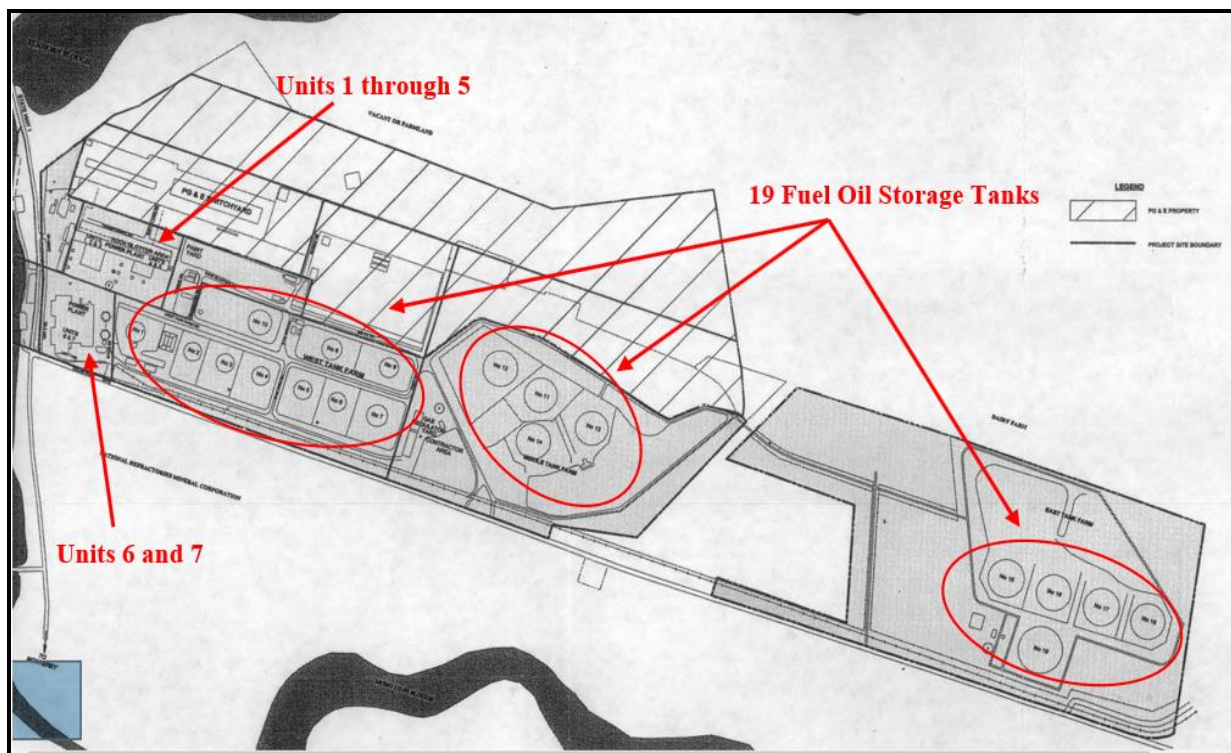


**Figure 10. Vicinity Map**

### Property Background

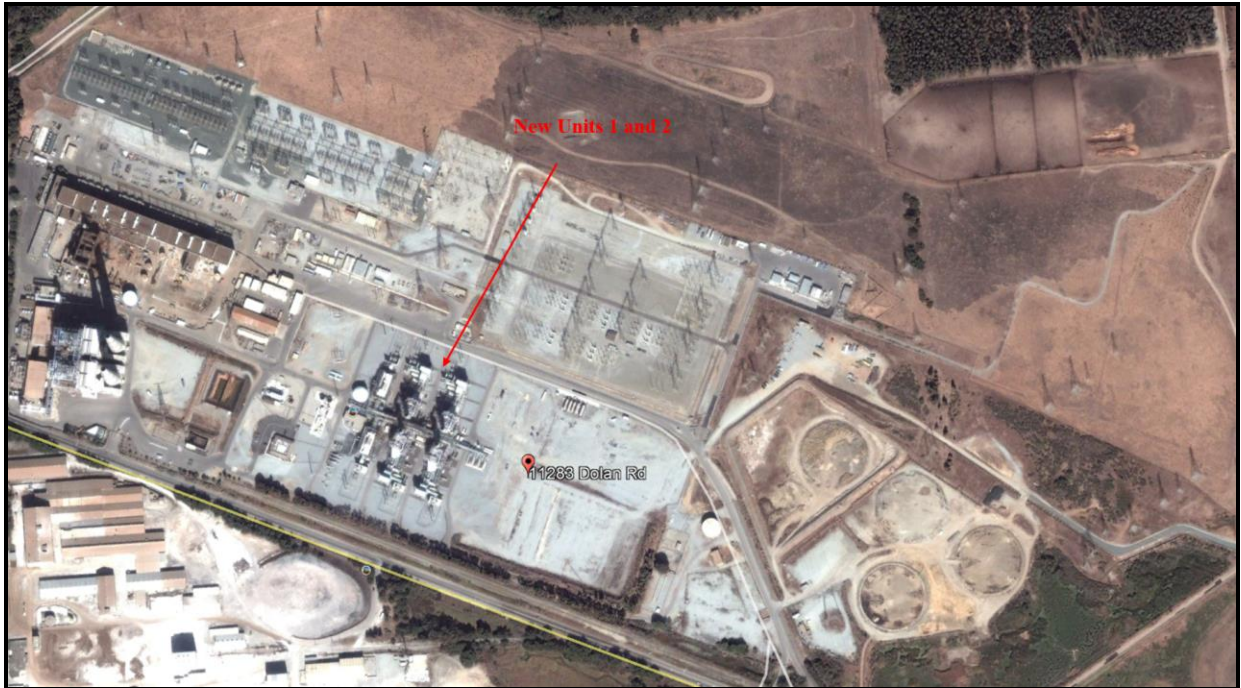
The Moss Landing Power Plant (MLPP) was originally constructed in 1949. In 1950, the MLPP began operating and generating electricity with Units 1, 2, and 3 being in commercial service. In 1952, Units 4 and 5 were occupied to expand the current power production of the MLPP. In 1968, Units 6 and 7 were 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.

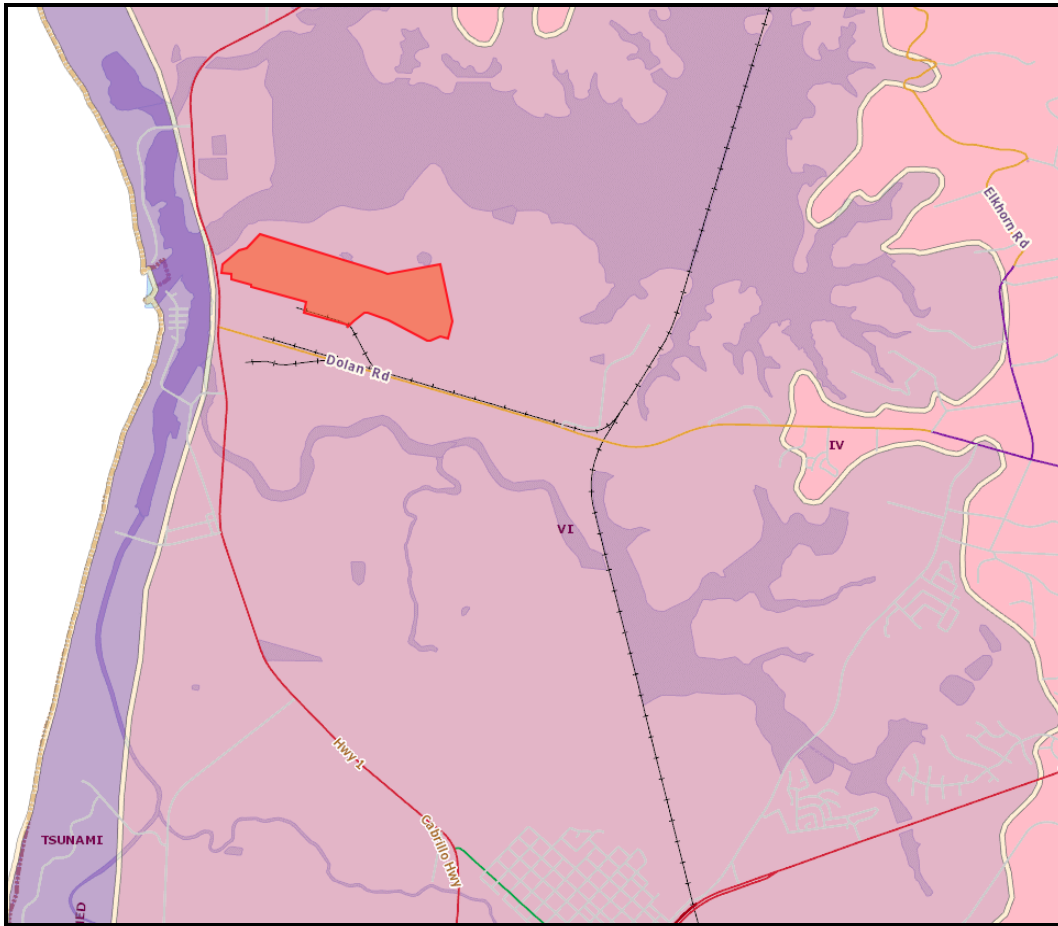


**Figure 13. Existing site conditions and surrounding areas**

#### 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).





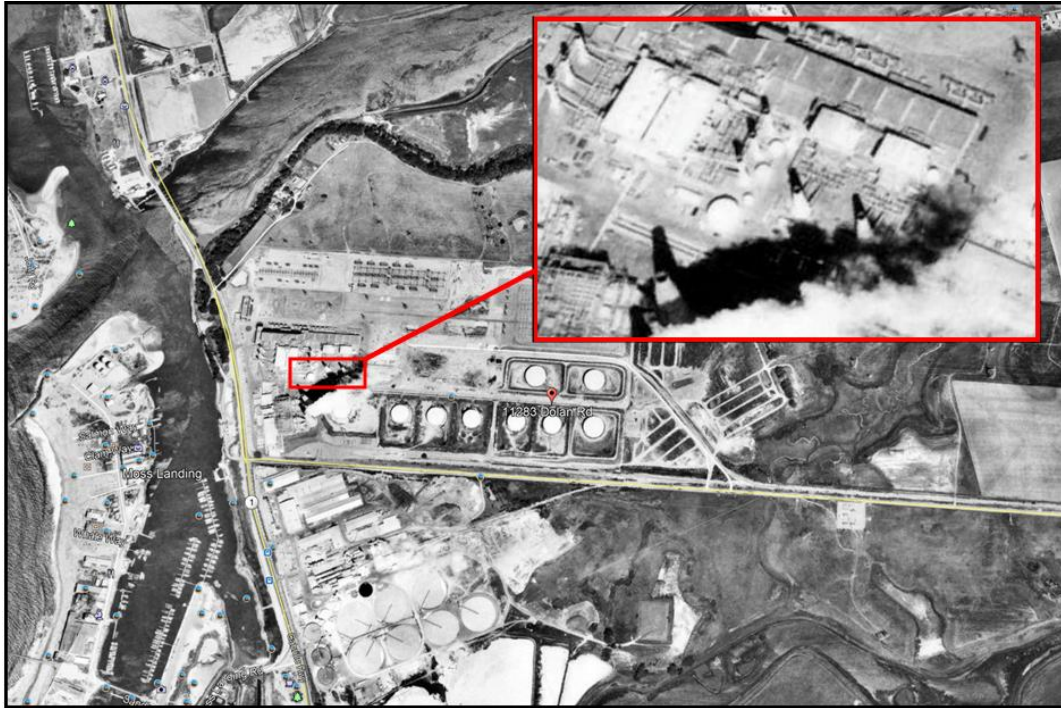
**Figure 14. Seismic zone**

#### 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 (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.**

---

<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

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.

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

**EVIDENCE:**

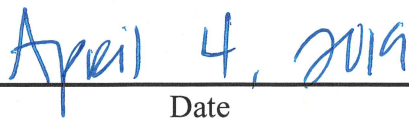
**B. DETERMINATION**

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



- 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 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/CLTS 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		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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 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 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.

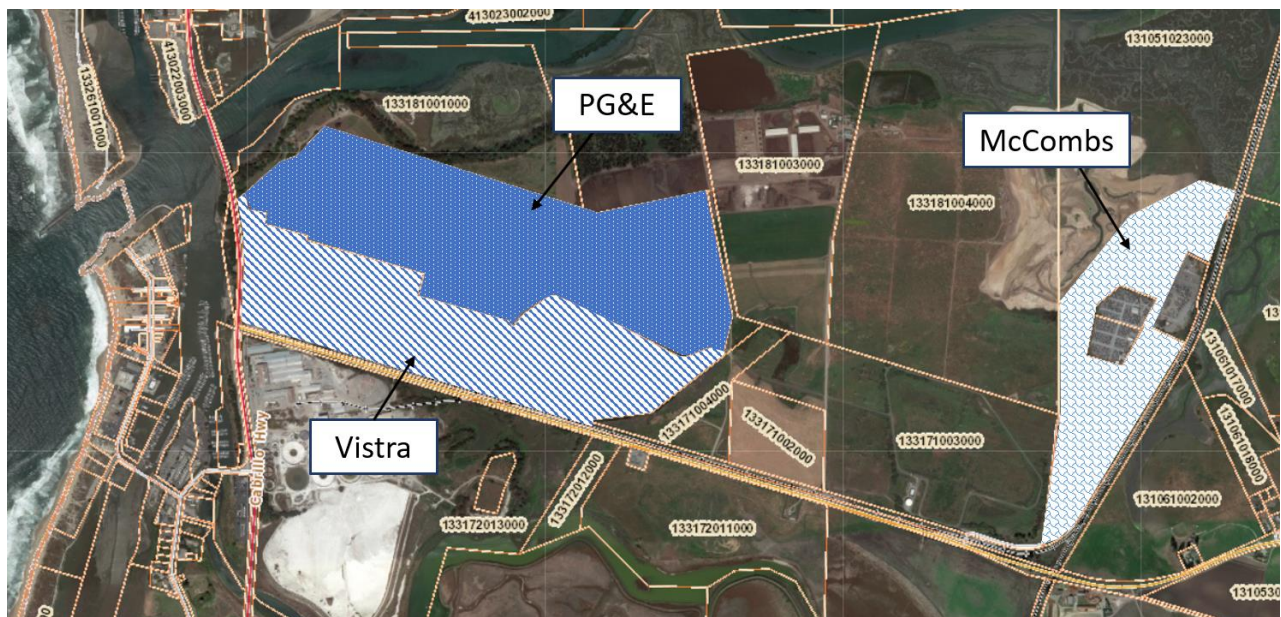
Based on the existing conditions of the site, the Project would have no impacts to agriculture and forest resources (see Section VI.2). The Project would have potential impacts to cultural

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.



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.

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**

Vistra					
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 scared 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.ca.gov/faces/billNavClient.xhtml?bill\\_id=200920100AB2514](https://leginfo.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