

Exhibit F

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DEPARTMENT OF TRANSPORTATION
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*Making Conservation
a California Way of Life.*

February 12, 2019

Ms. Jacquelyn M. Nickerson
Assistant Planner
County of Monterey Planning
1441 Schilling Place
Salinas, CA 93901



MON-1-96.194
SCH#2019011067

Dear Ms. Nickerson,

**COMMENTS FOR THE MITIGATED NEGATIVE DECLARATION (MND) – DUKE ENERGY
MOSS LANDING LLC, MOSS LANDING, CA**

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Duke Energy project which adds a battery energy storage system to the existing facility. Caltrans offers the following comments in response to the application:

1. Caltrans supports sustainable projects that develop renewable energy initiatives that rely on alternative energy resources like wind and solar. This project aligns with Caltrans Local Development-Intergovernmental Review's (LD-IGR) mission statement to "Provide consistent and continuous services in protecting communities quality of life by balancing people, planet, prosperity and preserving cultural assets and social fabric."
2. Caltrans appreciates the Construction Management Plan initiatives to take traffic impacts off Highway 1 during construction by prohibiting the use of the highway for construction personnel and deliveries. Further, carpooling and off-peak hour work and delivery schedules will help offset the increased traffic in the area due to the project. Caltrans requests that some form of a monitoring plan or report be incorporated for the duration of the project to evaluate the strategy and ensure compliance

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3157 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Chris Bjornstad".

Chris Bjornstad
Transportation Planner
District 5 Development Review



State of California – The Natural Resources Agency
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1234 East Shaw Avenue
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GAVIN NEWSOM, Governor
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February 21, 2019

Jacquelyn M. Nickerson
Monterey County Resource Management Agency
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nickersonj@co.monterey.ca.us



**Subject: Duke Energy Moss Landing (Project),
MITIGATED NEGATIVE DECLARATION (MND)
SCH No.: 2019011067**

Dear Ms. Nickerson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND for the Project from the Monterey County Resource Management Agency for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of our own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in our trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Duke Energy Moss Landing LLC (Vistra Energy Corporation)

Objective: Duke Energy Moss Landing LLC proposes to amend the Moss Landing Power Plant Master Plan (hereafter, Plan). The purpose of the Project is to support renewable energy initiatives established by the State of California, specifically to reduce the loss of energy from alternative energy sources and aid in providing consistent reliable energy. Amendments to the Plan consist of updating the existing and proposed uses and a Combined Development Permit consisting of: (1) Coastal Administrative Permit to change the use within an existing building to allow 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 a substation, replacement of an existing transformer, and installation of new inverters and transformers onsite. The Project has three major components: battery energy storage, power conversion system, and substation.

Battery Energy Storage

The battery energy storage component of the Project includes installation of approximately 200,000 battery modules within an existing three-story 96,411-square-foot building. No ground disturbance is required for this portion of the Project.

Power Conversion System

Because Pacific Gas and Electric's (PG&E) grid operates in alternating current (AC) but battery energy is stored utilizing direct current (DC), a power conversion system is necessary. The power conversion system will be located adjacent to the existing building proposed to serve as the battery energy storage facility. The power conversion system will consist of approximately 200 inverter and transformer groups. These components will be installed atop existing asphalt on foundations or skids and would be

connected both to the batteries via cables and to the substation electrically. No grading would be required for this portion of the Project.

Substation

In order for power to be converted from AC to DC at the power conversion system, voltage from PG&E's transmissions lines would need to be reduced from 500 kilovolts (kV) to 34.5 kV, necessitating a substation where this voltage reduction can occur. The substation will be located in a 46,875-square-foot area southeast of the battery energy storage building. The substation will consist of a 500kV transformer control house, associated breakers, switches, and miscellaneous equipment necessary to connect into the existing 500 kV transmission line. The substation will also include three, 23-foot high, interrupter poles that will serve to connect the substation to the existing power transmission lines. Site improvement in the substation area will require the removal of approximately 770 cubic yards of asphalt and excavation of approximately 3,750 cubic feet of soil. Grading is expected to occur over a 3-day period. The depth of excavation is not expected to exceed 4 feet, however, the 4 to 6 piers required for the foundation would be drilled to a depth of 15 feet.

Equipment used in construction of the Project includes semi-trucks for delivery of batteries, forklifts and cement trucks for construction of the power conversion system, and excavators, graders, tractors, cranes, and cement trucks for construction of the substation.

The construction phase of the Project is anticipated to have a maximum of 420 contractors onsite with a maximum of 924 daily vehicle trips for employees, delivery trucks, and heavy haul trips. Project traffic will be routed eastward along rural Dolan Road. Once completed, operation of the battery storage facility will require no more than 5 onsite employees. During installation and construction phases, hazardous materials such as fuels, lubricants, adhesives, solvents, and paints will be utilized at the Project site. Use of the materials will be temporary and confined to the installation phase of the Project.

Location: The Project is proposed for 11283 Dolan Road, Moss Landing, Monterey County, California; Assessor's Parcel Number 133-181-011-000; 36.8048, -121.7811.

Timeframe: The three components of the Project are expected to occur as follows:

- Battery Energy Storage: October 2019 to June 2020;
- Power Conversion System: January 2020 to July 2020;
- Substation: September 2019 to July 2020.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Monterey County Resource Management Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Based on information contained within the Project's MND, aerial imagery, and occurrence records, there is potential for special-status species, including CESA-listed species, to be encountered at the Project site. As currently drafted, the MND does not contain any mitigation measures to reduce impacts to biological resources and characterizes the Project as having no impact on biological resources. However, given the Project's proximity to suitable habitat and the increased traffic that will be generated by the Project, CDFW is concerned about the potential for the Project to result in significant impacts to special-status species including, but not limited to the State and federally threatened California tiger salamander (*Ambystoma californiense*), the State fully protected and State and federally endangered Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), and the State fully protected peregrine falcon (*Falco peregrinus anatum*).

I. Environmental Setting and Related Impact

Would the Project 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 CDFW or United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California tiger salamander (CTS)

Issue: CTS are known to occur in the vicinity of the Project area (CDFW 2019). Review of aerial imagery indicates the presence of several seasonally flooded wetland features within $\frac{3}{4}$ -mile of the Project site which have the potential to support breeding CTS. The presence of these features increases the potential for CTS to be encountered at the Project site.

Specific impact: Without appropriate avoidance and minimization measures for CTS, potential significant impacts associated with the Project's construction include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health, and direct mortality of individuals.

Evidence impact would be significant: Up to 75% of historic CTS habitat has been lost to development (Shaffer et al. 2013). Loss, degradation, and fragmentation of habitat are the primary threats to CTS. Contaminants and vehicle strikes are also sources of mortality for the species (CDFW 2015, USFWS 2017). The Project area is within the range of CTS and is surrounded by suitable habitat (i.e., aquatic breeding habitat, grasslands interspersed with burrows). CTS have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from seasonally flooded wetlands (Searcy and Shaffer 2011). CTS have been documented to occur within approximately 1 mile of the Project site. In addition, Project activities are currently scheduled to occur during the months of peak breeding dispersal (October through March) for CTS (CDFW 2015, CDFW 2019). Given the presence of suitable habitat surrounding the Project area and the timing of Project activities, there is a high potential for CTS to be encountered at the Project site and for Project activities to significantly impact local populations of CTS through vehicle strikes, exposure to hazardous materials, and other threats or forms of mortality.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact)

To evaluate potential impacts to CTS associated with the Project, CDFW recommends conducting the following evaluation of the Project area and including the following mitigation measures as conditions of Project approval.

Recommended Mitigation Measure 1: Focused CTS Surveys

Given that CTS are known to occur within 1 mile of the Project site and that the Duke Energy property contains seasonally flooded ponds, CDFW recommends that a qualified biologist evaluate potential Project-related impacts to CTS prior to ground-disturbing activities using the USFWS's "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (2003). CDFW advises that the survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

Recommended Mitigation Measure 2: CTS Avoidance

CDFW advises avoidance for CTS include a minimum 50-foot no disturbance buffer delineated around all small mammal burrows and occupied breeding pools within and/or adjacent to the Project construction footprint. CDFW also recommends avoiding any impacts that could alter the hydrology or result in sedimentation of breeding pools. If avoidance is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take.

Recommended Mitigation Measure 3: CTS Take Authorization

If through surveys CTS are encountered in the Project area and take cannot be avoided, take authorization would be warranted prior to initiating ground-disturbing activities. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code Section 2081(b).

Alternatively, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project area and obtain an ITP from CDFW.

COMMENT 2: Santa Cruz Long-Toed Salamander (SCLTS)

Issue: SCLTS have been documented to occur within the vicinity of the Project area (USFWS 2009, CDFW 2019). Suitable SCLTS terrestrial habitat includes areas of coastal scrub, willow scrub, and live-oak woodland that contain requisite habitat elements, such as small mammal burrows. Suitable aquatic breeding habitat includes seasonal or semi-permanent ponds (Laabs 2003). SCLTS have been documented to migrate up to $\frac{3}{4}$ -miles between breeding and upland refugia sites (Ruth 1994 in Laabs 2003). Review of aerial imagery indicates the presence of several seasonally flooded wetland features within $\frac{3}{4}$ -mile of the Project area which have the potential to support breeding SCLTS. Presence of these features within the vicinity of the Project increases the potential for SCLTS to be encountered at the Project site.

Specific impact: Without appropriate avoidance and minimization measures for SCLTS, potentially significant impacts associated with Project activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduced health and vigor, and direct mortality.

Evidence impact is potentially significant: SCLTS is a narrowly distributed endemic species occurring in relatively few areas along the Central Coast in southern Santa Cruz County and northern Monterey County. Its distribution has contracted because of habitat loss and is currently limited to coastal central California in 24 breeding populations (USFWS 2009). Destruction, fragmentation, and degradation of habitat remain the primary threat for SCLTS. In addition, vehicle strikes and exposure to chemical contaminants are another frequent cause of mortality (USFWS 2009) for the species. SCLTS have been documented to occur in the vicinity of the Project area, Project activities are currently scheduled to occur during the months of peak breeding dispersal (rainy season) for SCLTS (Zeiner et al. 1990). Given the presence of suitable habitat surrounding the Project area and the timing of Project activities, there is a high potential for SCLTS to be encountered at the Project site and for Project activities to significantly impact local populations of

SCLTS through vehicle strikes, exposure to hazardous materials, and other threats or forms of mortality.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to SCLTS associated with Project development, CDFW recommends conducting the following evaluation of the Project area and including the following measures as conditions of approval for the Project.

Recommended Mitigation Measure 4: SCLTS Surveys

Given that SCLTS are known to occur within the vicinity of the Project site and that the Duke Energy property contains seasonally flooded ponds CDFW recommends that a qualified biologist evaluate potential Project-related impacts to SCLTS prior to ground-disturbing activities using the USFWS's "Guidance on Site Assessment and Field Surveys to Detect Presence or Report a Negative Finding of the Santa Cruz Long-toed Salamander" (2012). CDFW advises that the survey include a 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support SCLTS.

Recommended Mitigation Measure 5: SCLTS Take Avoidance

SCLTS detection during surveys warrants consultation with CDFW to discuss how to implement Project activities and avoid take.

COMMENT 3: Peregrine Falcon (PEFA)

Issue: PEFA have been documented to occur at the Project site (CDFW 2019). The CEQA document does not adequately analyze Project impacts on peregrine falcon.

Specific impact: Without appropriate survey methods, PEFA nesting within the Project area can remain undetected. As a result, potential significant impacts associated with Project activities include nest abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact is potentially significant: Threats to the PEFA include human disturbance, collisions with man-made structures including energy infrastructure, and habitat degradation from development (Comrack and Logsdon 2008).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to PEFA associated with Project development, CDFW

recommends conducting the following evaluation of the Project area and including the following measures as conditions of approval for the Project.

Recommended Mitigation Measure 6: Focused PEFA Surveys

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting PEFA prior to Project initiation and that these surveys extend to a ½-mile radius surrounding the Project area. If Project activities take place during the normal bird breeding season (February 1 through September 15), CDFW recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Recommended Mitigation Measure 7: PEFA Avoidance

If an active PEFA nest is found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Recommended Mitigation Measure 8: PEFA Take Authorization

If PEFA are detected and the ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted to determine if the Project can avoid take

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be emailed to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

If the Project will impact fish and/or wildlife, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is

Jacquelyn M. Nickerson
Duke Energy Moss Landing
February 21, 2019
Page 9

required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist the Monterey County Resource Management Agency in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Renée Robison, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 274, or by email at Renee.Robison@wildlife.ca.gov.

Sincerely,



 Julie A. Vance
Regional Manager

cc: Leilani Takano
United States Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, California 93003

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

California Department of Fish and Wildlife:
Jeff Cann, jeff.cann@wildlife.ca.gov

REFERENCES

- California Department of Fish and Wildlife (CDFW), 2015. California Tiger Salamander Technical Review – Habitat, Impacts and Conservation. California Department of Fish and Wildlife, October 2015.
- CDFW, 2019. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed February 21, 2019.
- Comrack, L. A., and R. J. Logsdon. 2008. Status review of the American peregrine falcon (*Falco peregrinus anatum*) in California. California Department of Fish and Game, Wildlife Branch, Nongame Wildlife Program Report 2008-06, Sacramento, CA, USA.
- Laabs, D. 2003. Surveys for the Santa Cruz long-toed salamander at McClusky Slough and Zmudowski State Beach, Monterey County, California. Prepared by Biosearch Wildlife Surveys. Submitted to United States Fish and Wildlife Service. April 29, 2003.
- Ruth, S. B. 1994. Willow Canyon Santa Cruz long-toed salamander study during the 1991/1992 migration. Marina, California. Unpublished report.
- Searcy, C. A., and H. B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? *In* Research and Recovery in Vernal Pool Landscapes, D. G. Alexander and R. A. Schlising, Eds. California State University, Chico, California.
- Searcy, C. A., E. Gabbai-Saldate, H. B. Shaffer. 2013. Microhabitat use and migration distance of an endangered grassland amphibian. *Biological Conservation* 158: 80-87.
- U. S. Fish and Wildlife Service (USFWS), 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander, October 2003.
- USFWS, 2009. Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), 5-Year Review: Summary and Evaluation. May 2009.
- USFWS, 2012. Guidance on Site Assessment and Field Surveys to Detect Presence or Report a Negative Finding of the Santa Cruz Long-toed Salamander, December 2012.

Jacquelyn M. Nickerson
Duke Energy Moss Landing
February 21, 2019
Page 11

USFWS, 2017. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U. S. Fish and Wildlife Service, Region 8, Sacramento, California. June 2017.

Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds, 1988–1990. Long-toed salamander *In* Life history accounts for species in the California Wildlife Habitat Relationships (CWHR) System. California's Wildlife. Vol I-III. California Department of Fish and Game, Sacramento, California.