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STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:

Docket No. 12-AFC-02

Application for Certification for the
HUNTINGTON BEACH ENERGY PROJECT

ENERGY COMMISSION STAFF'S RESPONSE AND COMMENTS
TO THE PRESIDING MEMBER'S PROPOSED DECISION

On July 21, 2014, the Committee for the Huntington Beach Energy Project conducted an evidentiary hearing in Huntington Beach, California. The contested subjects that were identified and addressed at the hearing included Air Quality, Biological Resources, Cultural Resources, Visual Resources, and Alternatives. A second day of evidentiary hearings was conducted in Sacramento on August 6, at which time the subjects of Land Use, Hazardous Materials, Water Resources, Soils, Geology, Greenhouse Gasses, and Compliance were addressed.

On September 3, 2014, the committee assigned to hear this matter filed the Presiding Member's Proposed Decision (PMPD). Energy Commission staff has read and considered the PMPD for the Huntington Beach Energy Project. Staff submits the following comments on the PMPD, noting that corrections should be made to the

proposed conditions of certification to conform with the evidentiary record and to the agreements between the parties.

DATED: September 26, 2014

Respectfully submitted,

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STAFF PMPD COMMENTS

PROJECT DESCRIPTION

1. Page 2-1, change as follows:

The existing HBGS has five ~~steam~~-generating units (Units 1, 2, 3, 4, and 5). Units 1 and 2 are currently operational. Unit 5 was retired in 2002. Effective October 31, 2012, Units 3 and 4 ceased commercial operation, and the ~~air-emission~~ **capacity** credits **were** transferred to the Walnut Creek Energy Park, a 500 MW generating facility located in City of Industry, California.

On September 7, 2012, the California Independent System Operator (CAISO) approved a must-run contract on Units 3 and 4, **and they were temporarily returned to service, since Walnut Creek had not begun operating and had not yet used the capacity credits**. On December 7, 2012, the Commission approved an amendment to HBGS' existing license to convert Units 3 and 4 to synchronous condensers to provide voltage support to southern Orange County and San Diego. This voltage support was required because of the unavailability of San Onofre Nuclear Generating Station units 2 and 3 for the summer of 2013 and thereafter. (Ex. 2000, p. 4.13-7)

2. Page 2-2, change as follows:

The HBEP would be a 939 MW (nominal ~~gross~~-output) combined cycle power plant, employing the Mitsubishi Heavy Industries (MHI) 501DA (M501DA) gas turbine.

POWER PLANT EFFICIENCY

1. Page 3.2-1, two changes as follows:

Project fuel efficiency, and therefore its rate of energy consumption, is determined by ~~both~~ the configuration of the power producing system, ~~and~~ the selection of equipment used to generate its power, **and the percent of equivalent full load operation that the equipment achieves.**

In addition, the three-on-one combustion turbine/HRSG configuration allows one combustion ~~gas-turbine~~ to be shut down, while the other two remain operational, **or for two combustion turbines to be shut down while the third remains operational.** thus allowing a more constant ~~greater~~-efficiency while meeting demand. (Ex. 2000, p. 5.3-4.)

2. Pages 3.2-1 and 3.2-4, change as follows:

...HBEP's design would incorporate proprietary rapid start technology, which would

allow the combustion turbine to reach ~~base~~ **full** load more quickly as well as increase the ramping rate for both loading and unloading the power trains while operating in a load following mode of operation.

3. Page 3.2-1, change as follows:

The HBEP would also include evaporative inlet air coolers, single-pressure HRSGs, steam turbine units, and power cycle cooling systems (air-cooled condensers). Staff believes these features provide meaningful efficiency enhancements to HBEP. The three-on-one combustion turbine/HRSG configuration is also highly efficient during unit turndown since one or two gas turbines can be shut down, leaving the ~~other two~~ **remaining turbines either partly or** fully loaded.

4. Page 3.2-8, Findings of Fact, change as follows:

HBEP would consume natural gas at a 7,427 million British thermal units (MMBtu) per hour, low heat value, during ~~base~~ **full** load operation.

HBEP would provide approximately 939 MW of electrical power with two power blocks. Each power block would consist of three Mitsubishi Heavy Industries 501DA gas turbine generators, three heat recovery steam generators with natural-gas-fired duct burning and one condensing steam turbine generator arranged in a three-on-one combined cycle train. Each power block would also have one air-cooled condenser and related ancillary equipment ~~and one single pressure.~~

POWER PLANT RELIABILITY

1. Page 3.3-1, change as follows:

HBEP proposes to use a 939 megawatt (MW) (nominal ~~gross-output~~) combined-cycle power plant.

2. Page 3.3-1 footnote, change as follows:

Capacity factor is a measure of how much electricity a power plant actually produces during the year as compared to the maximum power it could produce at continuous full power operation during the same period of time. For example, a capacity factor of 35 percent means that the plant would operate **at equivalent full load** 3,066 hours in a year (8,760 hours).

TRANSMISSION LINE SAFETY AND NUISANCE

1. Table 1 page 3.5-1.

Remove bullets.

2. Page APP-25, Appendix A, change as follows:

TLSN-1 The project owner shall construct the proposed 230-kV **generator tie transmission-line** according to **all applicable laws, ordinances, regulations, and industry standards, including the National Electric Safety Code (NESC)** the requirements of California Public Utility Commission's ~~GO 95, GO 52, GO 131-D,~~ Title 8, and Group 2, High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and Southern California Edison's **EMF Design reduction Guidelines for Electrical Facilities**.

3. Page APP-25, Appendix A, change as follows:

TLSN-2 The project owner shall ~~a qualified individual to measure the strengths of the electric and magnetic fields from the line at the points of maximum intensity at the edge of the right-of-way as reflected in the estimates provided by the applicant. The measurements shall be made before and after energization according to the of standard procedures~~ measure the maximum strengths of the line electric and magnetic fields at the edge of the right-of-way to validate the estimates the applicant has provided for these fields. These measurements shall be made (a) according to the standard procedures of the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) and, (b) before and after energization. The measurements shall be completed no later than six months after the start of operations.

VERIFICATION: The project owner shall file copies of the pre-and post-energization measurements with the CPM within 60 days after completion of the measurements. **The** CPM shall determine the need for further mitigation from these field measurements ~~that staff would assess the need for further mitigation.~~

GREENHOUSE GAS EMISSIONS

1. Page 4.1-4, change as follows:

California statutory law requires the state's utilities to provide at least 20 percent of their electricity supplies from renewable sources by the year **2013 and 33 percent by 2020**. (Pub. Util. Code, § 399.11 et seq.) ~~Recent gubernatorial Executive Orders increase the requirement to 33 percent and ARB adopted regulations to achieve the goal. [Governor's Exec. Orders~~

Nos. S 21-09 (Sept. 15, 2009), S 14-08 (Nov. 17, 2008).] On April 12, 2011, Governor Edmund G. Brown, Jr. signed SBX1 2, which establishes the 33 percent requirement as state law.

2. Page 4.1-5

The paragraph at the bottom of the page is a duplicate of the paragraph immediately above and can be removed.

3. Page 4.1-9, change as follows:

Greenhouse Gas Table 3 shows estimated actual annual emissions including all operations. All emissions are converted to CO₂-equivalent and totaled. **The emissions reported here are CO₂ only in order to compare with SB 1368 Emission Performance Standard (EPS).** Electricity generation GHG emissions are generally dominated by CO₂ emissions from the carbon based fuels; other sources of GHG are typically ~~small~~ **negligible compared to CO₂** and also are more likely to be easily controlled or reused/recycled, ~~but are nevertheless documented here as some of these compounds have very high relative global warming potentials.~~ **Therefore, these other GHGs are not included here.**

AIR QUALITY

1. Page 4.2-1, change as follows:

Our evaluation encompasses the significance criteria and method of analysis used by Staff. In Staff's view, all project emissions of nonattainment criteria pollutants and their precursors (NOX, VOC, PM10, PM2.5, and SOX, ~~and NH3~~) are considered significant...

2. Page 4.2-4, change as follows:

The SCAQMD's permit conditions for the project are specified in the FDOC and incorporated into this Decision as Conditions of Certification **AQ-1** through **AQ-41AQ-43**...

3. Page 4.2-11, change as follows:

Air Quality Table 7 summarizes the results of the modeling analysis for construction activities. The total impact is the sum of the existing background condition plus the maximum impact predicted by the modeling analysis for project activity. The values in bold in the Total ~~Impact~~ and Background columns...

4. Page 4.2-13, change as follows:

The evidence shows that the street sweeper program is an effective way to further mitigate the PM impacts during the extended construction period. To implement this measure, we will require the applicant to develop and provide a street sweeping mitigation plan **or an equivalent alternative PM10 and PM2.5 mitigation plan** prior to initiating construction that details the sweeping program and provide the records of the operation of the sweeping program in Monthly Compliance Reports.

5. Page 4.2-22, change as follows:

6. The SCAQMD has issued a Final Determination of Compliance (FDOC) finding that HBEP would comply with all applicable district rules and regulations for project operation. The district's revised FDOC conditions are included herein as conditions of certification **AQ-1 through AQ-41AQ-43.**

8. Implementation of the conditions of certification listed below **in Appendix A** would ensure that the HBEP will not result in any significant direct, indirect, or cumulative adverse impacts to air quality.

~~9. The record contains an adequate analysis of the project's potential contributions to cumulative air quality impacts.~~

~~10. Implementation of the conditions of certification listed below would ensure that the HBEP will not result in any significant direct, indirect, or cumulative adverse impacts to air quality.~~

6. Page 4.2-21, addition to Air Quality **FINDINGS OF FACT**, additional text:

5a. The project's NOx and VOC emissions would contribute to existing violations of state and federal ozone ambient air quality standards. The RECLAIM Trading Credits (RTCs) and volatile organic compound (VOC) offsets from the district's internal bank would mitigate the ozone impact to a less than significant level.

7. Page 4.2-22, changes to Air Quality **CONCLUSIONS OF LAW**, change as follows:

1. Implementation of the mitigation measures described in the record and contained in the following conditions of certification **listed in Appendix A** are sufficient to ensure that HBEP will conform with all applicable laws, ordinances, regulations, and standards relating to air quality as set forth herein.

PUBLIC HEALTH

1. **Page 4.3-8**, change as follows:

Fugitive Dust

Fugitive dust is defined as dust particles that are introduced into the air through certain activities such as soil cultivation, vehicles operating on open fields, or dirt roadways. Fugitive dust emissions during construction/demolition of the proposed project could occur from:

2. **Page 4.3-9**, change as follows:

However, since the risk value is higher than the public notification levels set forth by SCAQMD (i.e. ≥ 10 in one million), we will require the applicant to follow SCAQMD's notification procedures as set forth in condition of certification ~~AQ-SC5 (Diesel-Fueled Engine Control)~~ in the ~~AIR QUALITY~~ section. (Ex. 2000, p. 4.7-17.) **Public Health Table 1, Rule 212 (c)(3)(Ex. 2000, p. 4.7-3.)**

3. **Pages 4.3-14 to 4.3-16**, change as follows:

Change "~~construction~~" to "**construction/demolition**"

4. **Page APP-34, Appendix A, Air Quality Conditions of Certification**, change as follows:

AQ-SC6 Construction Particulate Matter Mitigation Plan

~~During the construction phase of this project, the project owner shall conduct a local street sweeping program to provide at least 8.26 lbs/day PM10 and 0.79 lbs/day PM2.5 of emissions reductions. The project owner shall provide, for approval, a Construction Particulate Matter Mitigation Plan (CPMMP) that details the steps to be taken and the reporting requirements necessary to ensure the implementation of the local street sweeping program provide the equivalent of at least 8.26 lbs/day PM10 and 0.79 lbs/day PM2.5 of emissions reductions during the construction phase of the project. Construction emission reduction measures can include: localized street sweepers or programs; local ban of leaf blowing or blowers; sodding of local parks or playfields; fireplace or woodstove replacements; offsets or emission reduction credits; or other measures that can provide local emission reductions coincident with construction emissions.~~

5. **Page APP-51, Appendix A, Air Quality Conditions of Certification**, change as follows:

Verification: The project owner shall make the site available for inspection of records by representatives of the District, ARB, and the Energy Commission.

WORKER SAFETY AND FIRE PROTECTION

1. Page APP-62, Appendix A, minor edit:

WORKER SAFETY-5 AUTOMATIC EXTERNAL DEFIBRILLATOR

The project owner shall ensure that a portable automatic external defibrillator (AED) is located and properly maintained and functioning on site during all demolition, construction, and operations. The project owner shall prepare and implement a training program on ~~for all on~~ the use of the AED. The training program shall be submitted to the CPM for review and approval. During construction and commissioning, the following persons shall be trained in its use and shall be on site whenever the workers that they supervise are on site: the Construction Project Manager or delegate, the Construction Safety Supervisor or delegate, and all shift foremen. During operations, all power plant employees shall be trained in its use.

HAZARDOUS MATERIALS

1. Page APP-64, Appendix A, recommended edit to conform to evidentiary record:

HAZ-1 The project owner shall not use any hazardous materials not listed in Appendix B, below, or in greater quantities or strengths than those identified by chemical name in Appendix B, below, unless approved in advance by the Compliance Project Manager (CPM).

VERIFICATION: The project owner shall provide to the CPM, in the Annual Compliance Report, a list of hazardous materials, strengths and quantities contained at the facility.

2. Page APP-65, Appendix A, recommended edit to conform to evidentiary record:

HAZ-6 Prior to initial delivery, ~~the~~ project owner shall direct all vendors delivering bulk quantities (>800 gallons per delivery) of any hazardous material (e.g., aqueous ammonia, initial deliveries of lubricating or insulating oils) to the site to use only the route approved by the CPM (I-405 to Beach Boulevard (State Highway 39), south onto Pacific Coast Highway (State Highway 1), and left onto Newland Street, then right into the HBEP site). The project owner shall obtain approval of the CPM if an alternate route is desired.

At least sixty (60) days prior to receipt of bulk quantities (>800 gallons per delivery) of hazardous material (e.g., aqueous ammonia, lubricating or insulating oils) ~~any hazardous materials on site,~~ the project owner shall submit

copies a copy of the ~~required transportation route limitation~~ letter containing the route restriction directions that were provided to the hazardous materials vendor ~~direction~~ to the CPM for review and approval.

3. Page APP-68, Appendix A, addition of VERIFICATION language to HAZ-8:

VERIFICATION: At least thirty (30) days prior to the initial receipt of hazardous materials on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

4. Page APP-68, Appendix A, deletion of unnecessary last paragraph in VERIFICATION:

VERIFICATION: At least 30 days before any fuel gas pipe cleaning activities begin, the project owner shall submit a copy of the Fuel Gas Pipe Cleaning Work Plan (as described in NFPA 56, section 4.3.1) which shall indicate the method of cleaning to be used, what gas will be used, the source of pressurization, and whether a mechanical PIG will be used, to the CBO for information and to the CPM for review and approval.

~~At least thirty (30) days prior to the initial receipt of hazardous materials on site, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a statement that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.~~

WASTE MANAGEMENT

1. Page 4.6-1, first paragraph, recommended change in the introduction:

The Huntington Beach Energy Project (HBEP) will generate non-hazardous and hazardous wastes during **demolition**, construction, and operation. This section reviews the project's waste management plans for reducing the risks and environmental impacts associated with handling, storage, and disposal of project-related non-hazardous and hazardous wastes. It further examines whether project wastes can be managed in compliance with all applicable laws, ordinances, regulations and standards. ~~Finally, we~~ **We** consider whether the disposal or diversion of project wastes would result in significant adverse impacts to existing waste

disposal or diversion facilities. **Finally, we discuss the project's current site conditions related to historical contamination due to past site activities.**

2. Page 4.6-11, second paragraph. recommended clarifications:

The HBEP would produce hazardous waste during demolition and construction. It is anticipated that 1,205 tons of hazardous waste would be generated during demolition. The waste generated would include: asbestos waste, electrical equipment, used oils, universal wastes and lead-acid storage batteries (Ex. 1001, p. 5.14-13). Demolition of Units 1, 2 and 5 would generate 700 tons of asbestos that would be disposed of in a permitted facility. (Ex. 1017.) The South Coast Air Quality Management District (SCAQMD) Rule 1403 requires the owner or operator of a demolition or renovation to submit an Asbestos Demolition or Renovation Operation Plan at least 10 working days before any asbestos stripping or removal work begins. **WASTE-2** requires that the project owner submit the SCAQMD Asbestos Notification Form for notification prior to removal and disposal of asbestos. This program ensures there would be no release of asbestos that could impact public health and safety. The generation of hazardous wastes anticipated during construction includes empty hazardous material containers, solvents, waste paint, oil absorbents, used oil, oily rags, batteries, and cleaning wastes. The amount of waste generated would be minor if handled in the manner identified in the AFC. (Ex. 1001, § 5.14.1.2.2.)

3. WASTE MANAGEMENT CONDITIONS OF CERTIFICATION

WASTE-1 and **WASTE-2** have been presented in the PMPD to reflect the conditions originally proposed by staff in the PSA. Staff revised these conditions in the FSA to reflect changes agreed to with the applicant. Staff believes **WASTE-1** should remain as changed in the FSA because the newer version is more simplified, and the condition reflects the current regulatory process that the previous owner of the power plant site must comply with. Southern California Edison must work with the Department of Toxic Substance Control (DTSC) for the characterization and remediation of contaminated areas due to historical operation of the Huntington Beach Generating Station. The condition allows for concurrent review of documents with DTSC, and the Huntington Beach Fire Department. The change in **WASTE-2** reflects that the South Coast Air Quality Management District's (SCAQMD) Asbestos Notification Form is not a permit but a notification. The Asbestos Notification Form will be submitted to both the CPM and to the SCAQMD.

4. Pages APP-73, 74, Appendix A, recommended changes:

WASTE-1 The project owner shall ensure that the HBEP project site is properly characterized and remediated as necessary pursuant to the corrective action plans reviewed by DTSC, the Huntington Beach Fire Department and/or the Orange County Health Care Agency, ~~and approved by the Energy Commission CPM.~~ In no event shall project construction commence in areas requiring characterization and remediation until the CPM

determines, with confirmation from the appropriate regulatory agency, that all necessary remediation has been accomplished.

~~All soils at the site shall conform to city of Huntington Beach's Specification # 431-92 Soil Clean-Up Standards. Soil testing for the contaminants identified in City Specification 431-92 and for Methane Gas, in accordance with City Specification 429, shall be completed as follows:~~

~~Soil Sampling Work Plan: A qualified environmental consultant shall prepare and submit a soil sampling work plan (for contaminants identified in City Specification 431-92 and for methane gas) to the CPM and the Huntington Beach Fire Department HBFD for review and timely comment. Once the HBFD reviews and the CPM approves the work plan, the sampling may commence.~~

~~Note: Soil shall not be exported to other city of Huntington Beach locations without first being demonstrated to comply with City Specification 431-92 Soil Clean Up Standards. Also, any soil proposed for import to the site shall first be demonstrated to comply with City Specification 431-92.~~

~~Soil Sampling Lab Results: Conduct the soil sampling in accordance with the HBFD approved work plan. After the sampling is conducted, the lab results (along with the Environmental Consultants summary report) for methane and 431-92 testing shall be submitted to the CPM and HBFD for review.~~

~~Remediation Action Plan: If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach City Specification #431-92, Soil Cleanup Standard. All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards prior to the issuance of a grading or building permit.~~

Prior to and during grading and construction, discovery of additional soil contamination **not previously identified or already included in corrective action plans, work plans or closure plans** or underground pipelines, etc., must be reported to the CPM, and the **DTSC**, **and** HBFD immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards.

~~Outside City Consultants: The HBFD review of this project and subsequent plans will require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party.~~

The project owner shall furnish a final copy of Items a. through e. to the Energy Commission CPM, DTSC, the Huntington Beach Fire Department and/or the Orange County Health Care Agency. An initial draft of the remedial documents shall be provided to the Energy Commission CPM, DTSC and the Huntington Beach Fire Department for review and timely comments. The final document shall be approved by the CPM. The final copy of the remedial plan shall reflect recommendations of the CPM, DTSC, and the Huntington Beach

Fire Department, the project owner shall provide to the CPM for review and approval written notice from the appropriate regulatory agency that the HBEP site has been investigated and remediated as necessary in accordance with the corrective action plan.

VERIFICATION: At least 30-45 days prior to remediation implementation the project owner shall submit the Soil Sampling Work Plan to the CPM for approval. Within 30 days of implementing the Soil Sampling Work Plan, the project owner shall submit copies of **remediation documentation such as, but not limited to, soil sample lab results, work plans, and agreements regarding the corrective action plan requirements and activities at the project site.** with the summary report for review. At least 90 days prior to implementation the project owner shall submit the Remediation Action Plan to the CPM for review and approval. If additional soil contamination is encountered prior to or during grading the project owner will shall revise the approved work plan and submit it for CPM approval within 30 days after contamination is identified.

Pertinent correspondence such as, but not limited to, soil sample results, work plans, agreements, and authorizations involving DTSC, the Huntington Beach Fire Department, and/or (if applicable) the Orange County Health Care Agency regarding the corrective action plan requirements and activities at the project site will be provided to the CPM within 10 days of receipt.

At least 15 days prior to the start of site mobilization, the project owner shall provide to the CPM written notice from the appropriate regulatory agency that the HBEP site has been investigated and remediated as necessary in accordance with the corrective action plan.

If soil contamination not previously identified or already included in corrective action plans, work plans or closure plans is encountered prior to or during grading the project, the owner shall notify the CPM and DTSC, and shall revise the approved work plan and submit it for concurrent CPM, Huntington Beach Fire Department and DTSC review within 30 days after contamination is identified.

5. Pages APP-74, 75, Appendix A, recommended changes:

WASTE-2 Prior to demolition of existing structures associated with Units 1, 2, and 5, the project owner shall complete and submit a copy of a SCAQMD Asbestos Demolition Notification Form to the CPM and the SCAQMD, for approval. After receiving approval, **Once submitted**, the project owner shall remove all Asbestos Containing Material (ACM) from the site prior to demolition.

VERIFICATION: No less than sixty (60) days prior to commencement of structure demolition, the project owner shall provide the Asbestos Demolition Notification Form **and any update notifications** to the CPM and to the SCAQMD for review and approval. The project owner shall inform the CPM via the monthly compliance report, of the data when all ACM is removed from the site.

BIOLOGICAL RESOURCES

1. Page APP-7, Appendix A, deletion of third paragraph from Verification in BIO-5 as unnecessary:

~~Training acknowledgement forms signed during construction shall be kept on file by the project owner for at least six months after the start of commercial operation.~~

2. Page APP-10, Appendix A, re-title of COC for BIO-7:

BIO-7 ~~DUTIES OF DESIGNATED BIOLOGIST~~ GENERAL IMPACT AVOIDANCE AND MINIMIZATION MEASURES

3. Pages APP-12 – APP-13, Appendix A, format correction in BIO-7:

12. The project owner shall implement the following measures during construction and operation to prevent the spread and propagation of nonnative, invasive weeds:

- a.** ~~13.~~ Limit the size of any vegetation and/or ground disturbance to the minimum area needed for safe completion of project activities, and limit ingress and egress to defined routes;
- b.** ~~14.~~ Use only weed-free straw, hay bales, and seed for erosion control and sediment barrier installations. Invasive non-native species shall not be used in landscaping plans and erosion control. Monitor and rapidly implement control measures to ensure early detection and eradication of weed invasions.

4. Page APP-14, Appendix A, re-title of COC for BIO-8:

BIO-8 ~~Pre-Construction Nest Surveys~~ PRE-CONSTRUCTION NEST SURVEYS AND IMPACT MINIMIZATION MEASURES FOR BREEDING BIRDS

5. Page APP-18, Appendix A, correction to BIO-8, subparagraph 6:

- 6. ~~The Designated~~ **A qualified** ~~B~~biologist shall conduct a habitat assessment for light-footed clapper rail ~~shall be conducted~~ in Magnolia and Upper Magnolia Marshes during the breeding season (March 1 to

August 1) immediately preceding the commencement of construction and demolition activities. If suitable breeding habitat for the light-footed clapper rail is identified, focused surveys will be conducted prior to any construction or demolition activities. Surveys are not required if no suitable habitat is present. If clapper rails are detected during the breeding season, the CPM, CDFW, and USFWS will be notified and the project owner will consult with the USFWS for incidental take authorization, if required.

SOIL AND WATER RESOURCES

1. Water Supply Assessment

A Water Supply Assessments (WSA) is not required or needed for the proposed HBEP. Staff provides a redline strike out to the WSA section of the PMPD below.

The evidence demonstrates that “[t]he reduction in water use would be about 175 acre feet per year (AFY), which would result in additional supplies for other beneficial uses.” (Ex. 2000) The PMPD acknowledges this, stating that “[t]he proposed project would result in a net reduction of 175 AFY.” The PMPD continues “[b]ased on water volumes from 2004 through 2011, the existing Huntington Beach Generating Station (HBGS) has historically used approximately 290 AFY (FSA, 4.9-14).” The baseline use of 290 AFY is adequately supported by power plant usage data. Relative to the baseline, the project would be an injector of water. That is, they should be considered no differently than a “project” that is adding 175 AFY to the water supply system.”

The HBGS historical water use is assumed as an ongoing use in the Huntington Beach 2010 Urban Water Management Plan (UWMP). In the UWMP Table 6.1-1, the HBGS is lumped with Central Park and Meadowlark Park, with a projected (years 2005 through 2035) water use between 466 and 584 AFY. This shows that relative to the City’s planned water needs, the proposed HBEP would result in a reduction. The HBEP would result in a substantial new water supply, not an increased use.

It is not clear how the future demand factors used in the PMPD are derived or apply to this case. The PMPD used 169 gallons per day, which is for “low to very low income” dwelling unit (gpd/DU). There is no explanation within the PMPD, however, why this figure was chosen for the “500 unit project” water demand. The “Water Demand Projections” table in Appendix E contains a range of water use rates from 130 to 212 gpd/DU. These numbers are based on the assumption that average water use is about 70 gpd/person, and 1.8 to 3.0 persons per dwelling unit. Actual use numbers would be a more appropriate baseline, but these are not available in the UWMP report.

The city-reported baseline per person use, required by Section 10608.20 of Senate Bill No. 7 (SB7x7), is reported on Table 1 of Appendix E. The baseline average for AFY 1996-2005 is 159.3 gpd/person. The assumed dwelling units for the UWMP were about 2.3 (high-density,

multi-family dwelling) or 3.0 (low-density, single-family detached dwelling) people per household. This would equate to 366 or 478 gpd/DU, respectively, or 0.4 or 0.5 AFY/DU, respectively. Per 500 units, this would be 200 to 250 AFY. Staff's analysis (Ex.2000) used the California Department of Water Resources guidance document for SB 610, which suggests 0.3 to 0.5 AFY/DU, or 150 to 250 AFY as reasonable assumptions for dwelling unit usage. This assumption is reasonable based on the city's data.

Lastly, regarding the conclusion in the PMPD that the basin is "not in overdraft," staff is concerned that the UWMP (on page 2-8) states that the "[t]he Basin is considered in an overdraft condition by OCWD." Staff notes that if HBEP increased demand on the local water system with the Orange County basin in overdraft, staff would have recommended a water supply offset. However, HBEP is a decrease in demand. HBEP, as a negative demand, does not trigger a WSA and does not trigger the need to determine overdraft.

2. Pages 5.2-18 through 5.2-20, recommended changes:

Water Supply Assessment

In 2001, the California Legislature enacted SB 610 (codified as Water Code sections 10910 et seq.) that requires lead agencies under CEQA to obtain a "water supply assessment" (WSA) from the local public water supplier. **The evidence shows that, between 2004 and 2011, the existing HBGS used 290 AFY of potable water while only operating at 15 percent of its maximum capacity. HBEP would thus use significantly less water than HBGS while generating more energy. As such, HBEP would create a net beneficial impact on local water supplies. (08/06/14 RT 29:16 – 30:20; Ex. 2000, pp. 4.9-13 – 4.9-14.)** The WSA is required whenever the lead agency will approve a "project", as defined by the statutory scheme:

"Project" is defined in SB 610 as:

- (1) A proposed residential development of more than 500 dwelling units.
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- (4) A proposed hotel or motel, or both, having more than 500 rooms.
- (5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.
(Water Code §10912, subd. (a).)

SB 610 would thus apply to the HBEP if the plant would house more than 1,000 persons, occupy more than 40 acres of land, or have more than 650,000 square feet of floor area. (Cal. Water Code §10912, subd. (a)(5).) If the HBEP does not meet that definition, we must still consider whether the project would demand an amount of water equivalent to that required by a 500-dwelling-unit project. (Cal. Water Code §10912, subd. (a)(7).)

The HBEP will have 33 employees during operation, requiring 1.2 AFY of water. (Ex. 2000, 4.9-13—4.9-14.) The facility will occupy approximately 28.6 acres of land. (Ex. 2000, p. 4.5-3.) Finally, the facility is anticipated to have approximately 18,200 square feet of floor area. (Ex. 2000, p. 4.8-24.) As a consequence, we find that HBEP would not require the preparation of a WSA under Section 10912, subdivision (a)(5), because it will not house more than 1,000 people, will not occupy more than 40 acres, and will not have more than 650,000 square feet of floor area.

We must next determine whether the project will use as much water as a 500-dwelling-unit project. The city of Huntington Beach has prepared an Urban Water Management Plan (UWMP). The UWMP, updated every five years, looks at present water usage and predicts future demands on the water system to ensure that water will be available to serve the needs of customers during normal, single dry or multiple dry years. (Ex. 1101, p. 1.1.) The 2010 Huntington Beach UWMP recognizes that residential dwelling units have a demand factor of 169 gallons per day. (Ex. 1101, p. 5-9.) Using the demand factor from the local water supplier and multiplying by 500, the HBEP would have to require 84,500 gpd, or 95 AFY, in order to trigger the need for a WSA under subdivision (a)(7) of section 10912. Demand from the project is 134 AFY, thus meeting the threshold requirement for a WSA under subsection (a)(7).

Under the Warren-Alquist Act, the Energy Commission has plenary authority over power plant certification and stands in the stead of other regulatory agencies in providing all necessary permits and analyses. (Pub. Res. Code § 25500.) We thus prepare our own WSA for the HBEP.

A WSA must identify existing water supply entitlement, water rights, or water service contracts for the water to be used by a proposed project; it must also include a description of the quantities of water received in prior years. (Water Code §10910, subdiv. (d).) When the water demand for a project was included in the UWMP, the WSA may use the information from an UWMP. (Water Code §10910, subdiv. (c)(2).)

If the proposed project will utilize groundwater, the WSA must include a review of the UWMP and a description of the groundwater basin or basins and whether there has been adjudication of those groundwater rights. (Water Code §10910, subdiv. (f).) If the groundwater basin has not been adjudicated, the WSA must address whether the basin is overdrafted or will become overdrafted if present conditions continue. (Water Code §10910, subdiv. (f)(2).)

As previously stated, the city of Huntington Beach, the HBEP public water supplier, has a current UWMP. That document includes all of the information necessary to prepare a

~~WSA. Water sources and supplies are detailed. (Ex. 1110, pp. 2-1—2-14.) Water for HBEP would come from both surface water and groundwater supplies and is included in the water demands of the UWMP. (Exs. 1001, App. 5.15A; 1110, §4.) The city of Huntington Beach obtains groundwater from a basin that, while not adjudicated, is managed by a regional body, OCWD. (Ex. 1110, p. 4-1; 4-16—4-18.) The city’s UWMP predicts that water demand will remain relatively constant for the next 25 years due to minimal growth within the city. (Ex. 1110, p. 4-25.) Thus, we can conclude that the basin will not be overdrafted if present conditions continue.~~

~~Given the information in the UWMP, along with the analysis above regarding the source and uses of water by HBEP, We find that there is sufficient water to serve the project and that the impacts of obtaining the water from the sources have been adequately analyzed.~~

CULTURAL RESOURCES

1. Pages 5.3-4–5.3-5, additional language to complete the discussion of previous cultural resource studies in the vicinity of the project site:

Archival research included records searches at the South Central Coastal Information Center (**SCCIC**) of the California Historical Resources Information System (CHRIS). The CHRIS files revealed that 36 previous cultural resource analyses have been conducted in the records search area; of these, twelve cultural resource studies have previously been conducted within or adjacent to the PAA. (Ex. 2000, p. 4.3-33.) **Two additional cultural resources studies of the project site were completed but not filed at the SCCIC. The first study was a survey of 12 acres of the HBEP project site. The second study was the final cultural resources report for archaeological monitoring of the Huntington Beach Retool Project, which involved five days of monitoring, all within fill dirt. (Ex. 2000, p. 4.3-35.)**

2. Page 5.3-5, correct plurality to conform with evidentiary record, and insert missing reference:

Applicant’s archaeologists conducted pedestrian surveys of the proposed project site, offsite construction laydown area, and on- and offsite construction parking areas. Due to previous ground disturbance from activity in the area, the archaeologists believes that any remaining cultural resources have already been destroyed. (**Ex. 1001, p. 5.3-23**; Ex. 2000, p. 4.3-45.)

3. Page 5.3-5, change heading to clarify that multiple tribal organizations were contacted:

~~California Native American Heritage Commission~~ **Native American Consultation**

4. Page 5.3-9, correction to citation:

(Ex. 2000, p.4.3-~~53~~)

5. Page APP-102, Appendix A, delete language not supported by the record. **CUL-1** identifies clear, reasonable, and commonly accepted professional qualifications for the CRS (PMPD, APP-102); the applicant’s witness agreed publicly that these professional qualifications are appropriate (07/21/14 RT 227:25–228:5). The following should therefore be deleted:

~~In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM that the proposed CRS or alternate has the appropriate training and background to effectively implement the conditions of certification.~~

6. Pages APP-104, 106, Appendix A, Native American Monitors, CUL-1 AND CUL-6:

The PMPD’s proposed **CUL-1** and **CUL-6** would make construction monitoring by a Native American observer contingent upon an archaeological discovery first being made during construction (PMPD, pp. APP-104, APP-114). The intent of Native American input concerning construction monitoring was for a Native American monitor to be present from the inception of construction, rather than from the point of discovery. Gabrielino Tongva concerns are the prevention and minimization of damage to material representations of their culture. (Ex. 2000, p. 4.3-39; PMPD, pp. 5.3-5–5.3-6.) Prevention and minimization of impacts on Gabrielino Tongva cultural resources are more likely outcomes with early involvement of Native American monitors, rather than contacting tribes after a discovery has already occurred (should one or more occur). The expressed Native American interests are served well—in a manner commensurate with the potential for impacts on material elements of Gabrielino Tongva culture—by requiring the presence of a Native American Monitor during all excavation into the non-fill sediments below the project components as set forth in **CUL-6** (Ex. 2003, pp. 52–53; PMPD, pp. APP-112–APP-113).

7. Page 5.3-8, Area of Excavation:

The PMPD’s proposed **CUL-6** assumes a disturbance area of 60 feet by 55 feet (3,300 square feet). (PMPD, p. 5.3-8). However, the evidentiary record shows that the areal extent of excavation into native sediments is nearly eight times larger than that, for a total of 25,830 square feet. This fact is demonstrated by comparing the excavation dimensions contained in Exhibit 2000, p. 4.3-31 (Cultural Resources Table 2) with the project components that the PMPD cites as having undiscovered archaeological potential:

Block 1 STG foundation

- 60 feet x 55 feet or **3,300 square feet**

Block 1, two generator step-up transformers west of gas compression building

- 33 feet by 46 feet or **1,518 square feet**
- Block 1 gas compression building foundation
 - 144 feet by 75 feet or **10,800 square feet**
- Relocated gas metering station
 - 82 feet by 108 feet or **8,856 square feet**
- Ammonia tank spill containment basin
 - 18 feet by 38 feet or **684 square feet**
- Ammonia tank refilling station
 - 12 feet by 56 feet or **672 square feet**
- Perimeter grounding cable
 - Area unknown until later design phase; not included in total areal disturbance below Grounding rods
 - Area unknown; not included in total areal disturbance below

Thus, the total Area of Ground Disturbance into Native Sediments is **25,830** square feet.

Were the area of sensitivity restricted to a 60-foot-by-55-foot area as assumed in the PMPD, staff could regard such a proposal to monitor a sample of the removal of native soils as appropriate. However, given that the scale of excavation into native sediments is nearly eight times greater, and the proposed excavation areas are distributed across the project site, staff recommends that the Committee adopt staff's original proposed **CUL-6** (Ex. 2003, pp. 52–57).

Barring adoption of staff's proposed **CUL-6**, staff would propose that professional archaeologists define the sampling methods and size in the Cultural Resources Mitigation and Monitoring Plan (CRMMP), employing a sampling fraction not to exceed one-third or 33 percent of the volume of native sediment slated for removal. In this way, the most advantageous manner of sampling the excavation areas (whether by horizontal passes, vertical prospection, hand or machine-excavation, etc.) could be selected on the basis of more complete project design information, maximizing the archaeologists' and Committee's confidence in the sample's representativeness and the appropriateness of monitoring efforts from that point forward. Should the Committee find this approach to **CUL-6** commensurate with the character of archaeological impacts, staff would propose the following modifications to **CUL-3** and **CUL-6** as set forth in items 8, 9, and 10 below.

8. Page APP-108, Appendix A, proposed language per item 7 above:

CUL-3 CULTURAL RESOURCES MITIGATION AND MONITORING PLAN (CRMMP)

2. A proposed general research design that includes a discussion of archaeological research questions and testable hypotheses specifically applicable to the project area, and a discussion of artifact collection, retention/disposal, and curation policies as related to the research questions formulated in the research design. The research design shall

specify that the preferred treatment strategy for any buried archaeological deposits is avoidance. **The CRMMP shall define the sampling strategy for monitoring during construction ground disturbance. The sample size shall not exceed one-third or 33 percent of the volume of proposed construction excavation.** A specific mitigation plan shall be prepared for any unavoidable impacts to any CRHR-eligible (as determined by the CPM) resources. A prescriptive treatment plan may be included in the CRMMP for limited data types.

9. Page APP-113, Appendix A, proposed language per item 7 above:

CUL-6 UNDISCOVERED CULTURAL RESOURCES

The project owner shall ensure that a CRS, alternate CRS, or CRMs shall be on site for any Cultural Resources Ground Disturbance that extends into ~~the initial one-third of~~ **sampling areas defined in the CRMMP (see CUL-3)** ~~any previously undisturbed area (that is, into native soils, as described in this Decision).~~ If any resources are found, a CRS, alternate CRS, or CRMs shall remain on site during any remaining Cultural Resources Ground Disturbances into previously undisturbed areas. If no resources are found, a CRS, alternate CRS, or CRMs shall only be available for consultation.

10. Page APP-114–115, Appendix A, proposed language per item 7 above:

CUL-6 UNDISCOVERED CULTURAL RESOURCES

The project owner shall obtain the services of one or more NAMs to monitor construction-related ground disturbance in **the sampling areas identified in the CRMMP (see CUL-3)** ~~where Native American artifacts have been discovered.~~ Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the NAHC. Preference in selecting an NAM shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified NAM are unsuccessful, the project owner shall immediately inform the CPM. The CPM will either identify potential monitors or will allow construction-related ground disturbance to proceed without an NAM.

11. Pages APP-102 through 105, Appendix A, proposed changes to CUL-1:

1. Appointment and Qualifications

The project owner shall assign at least one Cultural Resources Specialist (CRS) to the project. The project owner shall submit the resume of the proposed CRS, with at least three references and contact information, to the Energy Commission Compliance Project Manager (CPM) for review and approval.

The CRS and alternate CRS(s) shall ~~include~~ have training and background that conform to the U.S. Secretary of the Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the CRS and alternate CRS(s) shall have the following qualifications:

1. A background in anthropology, archaeology, history, architectural history, or a related field;
2. At least 10 years of archaeological or historical experience (as appropriate for the project site), with resources mitigation and fieldwork;
3. At least one year of field experience in California; and
4. At least three years of experience in a decision-making capacity on cultural resources projects in California and the appropriate training and experience to knowledgably make recommendations regarding the significance of cultural resources.

~~In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the CPM that the proposed CRS or alternate has the appropriate training and background to effectively implement the conditions of certification.~~

The project owner may replace the CRS by submitting the required resume, references and contact information of the proposed ~~alternate~~ **replacement CRS** to the CPM.

2. Duties of Cultural Resources Specialist

The CRS shall manage all cultural resource monitoring, mitigation, curation, and reporting activities, and any post-certification cultural resource activities (as defined above), unless management of these is otherwise provided for in accordance with the cultural resource conditions of certification (conditions). The CRS shall serve as the primary point of contact on all cultural resource matters for the Energy Commission. The CRS may elect to obtain the services of Cultural Resource Monitors (CRMs), Native American Monitors (NAMs), and other technical specialists, if needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner.

After all ground disturbances is completed and the CRS has fulfilled all responsibilities specified in these cultural resources conditions, the project owner may discharge the CRS, after receiving approval from the CPM.

The Conditions of Certification described in this subsection of the FSA **PMPD** shall continue to apply during operation of the proposed power plant.

A. CULTURAL RESOURCES MONITORS

1. Appointment and Qualifications

The project owner may assign Cultural Resources Monitors (CRMs). CRMs shall have the following qualifications:

1. B.S. or B.A. degree in anthropology, archaeology, historical archaeology, or a related field; and one year of archaeological field experience in California; or
2. A.S. or A.A. degree in anthropology, archaeology, historical archaeology, or a related field, and four years of archaeological field experience in California; or
3. Enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology, or a related field, and two years of archaeological field experience in California.

C. NATIVE AMERICAN MONITORS

1. Appointment and Qualifications

~~If required pursuant to Condition of Certification CUL-6,~~ The project owner shall obtain the services of qualified Native American Monitors (NAMs). Preference in selecting NAMs shall be given to Native Americans with:

1. traditional ties to the area to be monitored, and
2. the highest qualifications as described by the Native American Heritage Commission (NAHC) document entitled: *Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites* (NAHC 2005).

D. CULTURAL RESOURCES TECHNICAL SPECIALISTS

The resume(s) of any additional technical specialist(s), e.g., geoarchaeologist, historical archaeologist, historian, architectural historian, and/or physical anthropologist, shall be submitted to the CPM for approval. The resume of each proposed specialist shall demonstrate that their training and background meet the U.S. Secretary of Interior's Professional Qualifications Standards for their specialty (if appropriate), as published in Title 36, Code of Federal Regulations, part 61, and show the completion of appropriate graduate-level coursework. The resumes of specialists shall include the names and telephone numbers of contacts familiar with the work of these persons on projects referenced in the resumes and demonstrate to the satisfaction of the CPM that these persons have the appropriate training and experience to undertake the required research. With CPM approval, the project owner may name and hire any specialist prior to certification. All specialists are under the supervision of the CRS.

VERIFICATION: The project owner shall submit the specified information at least 75 days prior to the start of (1) ground disturbance (as defined in the Compliance Conditions section); (2) post-certification cultural resources activities (including, but not limited to, “survey₂”, “in-field data recording,” “surface collection,” “testing,” “data recovery₂” or “geoarchaeology”); or (3) site preparation or subsurface soil work during pre-construction activities or site mobilization¹, the project owner shall obtain the services of a Cultural Resources Specialist (CRS) and one or more alternate CRS.

The project owner may replace a CRS by submitting the required resume, references and contact information to the CPM at least ten working days prior to the termination or release of the then-current CRS. In an emergency, the project owner shall immediately notify the CPM to discuss the qualifications and approval of a short-term replacement while a permanent CRS is proposed to the CPM for consideration.

At least 20 days prior to Cultural Resources Ground Disturbances, the CRS shall provide proof of qualifications for any anticipated CRMs and additional specialists for the project to the CPM.

If efforts to obtain the services of a qualified NAM are unsuccessful, the project owner shall inform the CPM of this situation in writing at least 30 days prior to the beginning of post-certification cultural resources field work or construction-related ground disturbance.

At least 5 days prior to additional CRMs or NAMs beginning on-site duties during the project, the CRS shall review the qualifications of the proposed CRMs or NAMs and send approval letters to the CPM, identifying the monitors and attesting to their qualifications.

At least 10 days prior to any technical specialists beginning tasks, the resume(s) of the specialists shall be provided to the CPM for review and approval.

At least 10 days prior to the start of construction-related ground disturbance, the project owner shall confirm in writing to the CPM that the approved CRS will be available for onsite work and is prepared to implement the cultural resources conditions.

No Cultural Resources Ground Disturbances shall occur prior to CPM approval of the CRS and alternates, unless such activities are specifically approved by the CPM.

12. Page APP-106, Appendix A, addition of the word “VERIFICATION” after the third paragraph:

The project owner shall provide the documents described in the first paragraph of this condition to new CRSs in the event that the approved CRS is terminated or resigns.

¹ For purposes of the Conditions of Certification for Cultural Resources, we will refer to these activities as “Cultural Resources Ground Disturbances”.

VERIFICATION:

1. At least 40 days prior to the start of ground disturbance,...

13. Page APP-109, Appendix A, addition of the word “VERIFICATION” and re-numbering:

11. A description of the contents, format, and review and approval process of the final Cultural Resources Report (CRR), which shall be prepared according to *Archaeological Resource Management Report* (ARMR) guidelines.

VERIFICATION:

112. Upon approval of the CRS proposed by the project owner, the CPM will provide to the project owner an electronic copy of the draft model CRMMP for the CRS.

213. At least 30 days prior to the start of Cultural Resources Ground Disturbances, the project owner shall submit the CRMMP to the CPM for review and approval.

314. At least 30 days prior to the start of Cultural Resources Ground Disturbances, in a letter to the CPM, the project owner shall agree to pay curation fees for any materials generated or collected as a result of the archaeological investigations (survey, testing, and data recovery).

415. Within 90 days after completion of Cultural Resources Ground Disturbances (including landscaping), if cultural materials requiring curation were generated or collected, the project owner shall provide to the CPM a copy of an agreement with, or other written commitment from a curation facility that meets the standards stated in SHRC (1993), to accept the cultural materials from this project.

14. Pages APP-111 and 112, Appendix A, re-location of the word “VERIFICATION” and re-numbering:

VERIFICATION: The training shall include:

1. A discussion of applicable laws and penalties under law;
2. Samples or visuals of artifacts that might be found in the project vicinity;
3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed;

4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits;
5. Instruction that the CRS, alternate CRS, and CRMs have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS;
6. Instruction that employees, if the CRS, alternate CRS, or CRMs are not present, are to halt work on their own in the vicinity of a potential cultural resources discovery, and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS;
7. An informational brochure that identifies reporting procedures in the event of a discovery;
8. An acknowledgement form signed by each worker indicating that they have received the training; and
9. A sticker that shall be placed on hard hats indicating that environmental training has been completed.
10. No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the CPM.

VERIFICATION:

1. ~~11.~~ At least 30 days prior to the beginning of ground disturbance, the CRS shall provide the cultural resources WEAP training program draft text and/or training video, including Native American participation, and graphics and the informational brochure to the CPM for review and approval.

2. ~~12.~~ At least 15 days prior to the beginning of ground disturbance, the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP-trained worker to sign.

3. ~~13.~~ Monthly, until ground disturbance is completed, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of workers who have completed the training in the prior month and a running total of all persons who have completed training to date.

15. Page APP-112-113, Appendix A, proposed edits to CUL-6:

The project owner shall ensure that a CRS, alternate CRS, or CRMs shall be on site for any Cultural Resources Ground Disturbance that extends into ~~the initial one-third of~~ any previously undisturbed area (that is, into native soils, as described in this Decision). ~~If any resources are found, a CRS, alternate CRS, or CRMs shall remain on site during any remaining Cultural Resources Ground Disturbances into previously undisturbed areas. If no resources are found, a CRS, alternate CRS, or CRMs shall only be available for consultation.~~

Only Cultural Resources Ground Disturbances that occur in the following areas shall be subject to this Condition of Certification:

- Block 1 STG foundation
- Block 1, two generator step-up transformers west of gas compression building
- Block 1 gas compression building foundation
- Relocated gas metering station
- Ammonia tank spill containment basin
- Ammonia tank refilling station
- Perimeter grounding cable
- Grounding rods
- ~~○ No monitoring shall be required for the following project components:~~
- ~~○ Block 2 CCGT/HRSG foundation slab~~
- ~~○ Block 2, two easternmost transformer foundations~~
- ~~○ Block 2 STG foundation~~
- ~~○ Block 2 ACC pile caps²~~

16. Page APP-114, Appendix A, proposed edits to CUL-6, last paragraph:

The project owner shall obtain the services of one or more NAMs to monitor construction-related ground disturbance in areas slated for excavation into non-fill (native) sediments, as described in the previous bulleted list ~~where Native American artifacts have been discovered~~. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the NAHC. Preference in selecting an NAM shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified NAM are unsuccessful, the project owner shall immediately inform the CPM.

² Removes duplicate list of areas that do not warrant archaeological or Native American monitoring.

17. Page APP-117 - 118, Appendix A, addition of the word “VERIFICATION,” re-numbering, and edits:

The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.

VERIFICATION:

1. At least 30 days prior to the start of ground disturbance, the project owner will notify all Native Americans with whom Energy Commission staff communicated during the project review of the date on which the project’s ground disturbance will begin.
2. At least 30 days prior to the start of ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log and information to be included in the cover sheet for the daily monitoring logs
3. While monitoring is on-going, the project owner shall submit each day’s monitoring logs and cover sheet merged into one PDF document by email within 24 hours.
4. The CRS and/or project owner shall notify the CPM of any incidents of non-compliance with the Conditions and/or applicable LORS by telephone or email within 24 hours
5. The CRS shall provide daily maps of artifacts along with the daily monitoring logs if more than 10 artifacts are found per day, or as requested by the CPM.
6. The CRS shall provide weekly maps of artifacts if there more than 50 artifacts are found per week, or as requested by the CPM. The map shall be submitted within two business days after the end of each week.
7. **Within 15 days of receiving from a local Native American group a request that a NAM be employed, the project owner shall submit a copy of the request and a copy of a response letter to the group notifying them that a NAM has been employed and identifying the NAM.** ~~If resources are discovered as outlined in this Condition of Certification, the project owner shall notify all local Native American groups of the discovery of the resource within 48 hours of its discovery. If resources are discovered as outlined in this Condition of Certification, the project owner shall appoint one or more NAMs. Within 15 days of receiving from a local Native American group a request that a NAM be employed, the project owner shall submit a~~

~~copy of the request and a copy of a response letter to the CPM. The project owner shall include a copy of this Condition of Certification in any response letter.~~

8. While monitoring is on-going, the project owner shall submit monthly MCRs and accompanying weekly summary reports. The project owner shall attach any new DPR 523A forms, under confidential cover, completed for finds treated prescriptively, as specified in the CRMMP.

18. Page APP-120 and 121, Appendix A, addition of the word “VERIFICATION” and re-numbering:

5. Ground disturbance may resume only with the approval of the CPM.

VERIFICATION:

- ~~61.~~ At least 30 days prior to the start of ground disturbance, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, and CRMs have the authority to halt ground disturbance in the vicinity of a cultural resources discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday.
- ~~72.~~ Unless the discovery can be treated prescriptively, as specified in the CRMMP, completed DPR 523 forms for resources newly discovered during ground disturbance shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of data recordation/recovery, whichever the CRS decides is more appropriate for the subject cultural resource.
- ~~83.~~ Within 48 hours of the discovery of a resource of interest to Native Americans, the project owner shall ensure that the CRS notifies all Native American groups that expressed a desire to be notified in the event of such a discovery, and the CRS must inform the CPM when the notifications are complete.
- ~~94.~~ No later than 30 days following the discovery of any Native American cultural materials, the project owner shall submit to the CPM copies of the information transmittal letters sent to the chairpersons of the Native American tribes or groups who requested the information. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification, consultation, and reports and records.

105. Within 15 days of receiving them, the project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information.

19. Page APP- 122, Appendix A, Addition of the word "VERIFICATION"

VERIFICATION:

1. As soon as the project owner knows that a non-commercial borrow site and/or disposal site will be used, he/she shall notify the CRS and CPM and provide documentation of previous archaeological survey, if any, dating within the past five years, for CPM approval.
2. In the absence of documentation of a recent archaeological survey, at least 30 days prior to any soil borrow or disposal activities on the non-commercial borrow and/or disposal sites, the CRS shall survey the site(s) for archaeological resources. The CRS shall notify the project owner and the CPM of the results of the cultural resources survey, with recommendations, if any, for further action.

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

On Pg. 5.4-21 the PMPD states:

"We have modified Condition of Certification **GEO-1**, to include a requirement that the project owner conduct a geotechnical investigation to quantify dewatering volumes and any effects of that dewatering. With this modification, along with similar modifications to Condition of Certification **GEN-2**, **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-4**, and **BIO-7**, we have provided additional feasible mitigation measures to avoid potential adverse dewatering impacts to adjacent habitat areas."

Staff does not believe the revision to **GEO-1** is necessary. Staff specifically added **SOIL&WATER-3** to address the CCC comments regarding potential impacts from dewatering. **SOIL&WATER-3** includes more specificity about what should be included in a study and when it should be submitted consistent with project development. In addition, it is not clear to staff what changes were made to **GEN-2**, **SOIL&WATER-1**, **SOIL&WATER-3**, **SOIL&WATER-4** to address the CCC concerns. It also appears item 7 of **GEN-4** has been revised to include the results of the dewatering study from **GEO-1**.

1. Page APP-4, Appendix A, delete reference to dewatering in GEN-4:

7. Be responsible for ensuring all measures for potential impacts from dewatering are appropriately implemented in accordance with **SOIL & WATER-3** and **BIO-7**. ~~Include the results of any dewatering mitigation measures identified during the scope of the study conducted pursuant to **GEO-1**.~~

2. Page 5.4-1, editorial correction:

The project site is located ~~near the~~ **adjacent to the** Pacific Ocean on a coastal plain near the boundary of the **Los Angeles basin's** Southwest Block and Central **structural** Blocks, ~~near~~ **which are separated by** the Newport-Inglewood fault zone.

3. Page 5.4-22, Findings of Fact, editorial correction for consistency:

The project site is located ~~near the~~ **adjacent to the** Pacific Ocean on a coastal plain near the boundary of the **Los Angeles basin's** Southwest Block and Central **structural** Blocks, ~~near~~ **which are separated by** the Newport-Inglewood fault zone.

LAND USE

1. Page APP-134, Appendix A, editorial change and change to the verification requested by applicant in its comments on the PSA and agreed to by staff:

LAND-1 The project owner shall comply with Appendix B(g)(3)(c) of the Siting Regulations (Title 20, California Code of Regulations) by ensuring that the HBEP site, excluding linear and temporary lay down or staging area, ~~as shown in Figure/Table/Whatnot,~~ will be located on a single legal parcel.

VERIFICATION: ~~At least 30 days p~~**P**rior to construction of the first power block, the project owner shall submit evidence to the compliance project manager (CPM), indicating approval of a Lot Line Adjustment by the city of Huntington Beach, establishing a single parcel for the 28.6 acre HBEP site. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment by the city.

TRAFFIC AND TRANSPORTATION

1. Page APP-135, Appendix A, additional text for clarification:

TRANS-1 The project owner shall apply to each jurisdiction along the route of travel from the Port of Long Beach to the AGS and/or project site **for all necessary transportation permits** and shall comply with all conditions imposed by the California Department of Transportation (Caltrans) and other relevant jurisdictions, including, but not limited to, Orange County, Los Angeles County, and the cities of Huntington Beach, Long Beach, and Seal Beach, on vehicle sizes and weights, driver licensing, and truck routes.

2. Page APP-138, Appendix A, delete the bullet before “Lighting shall...”

3. Page APP-139, Appendix A, the last three bulleted items should be indented under the bullet item that begins “Request that Southern California TRACON...”

- Request that Southern California TRACON submit aerodrome remarks describing the location of the HBEP plant and advising against direct overflight below 1,740 feet AGL to the:
 - FAA AeroNav Services, formerly the FAA National Aeronautical Charting Office (Airport/Facility Directory)
 - Jeppesen Sanderson Inc. (JeppGuide Airport Directory, Western Region)
 - Airguide Publications (Flight Guide, Western States)

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Page 6.3-1, In the Introduction, staff recommends the deletion of “medical” services in the second to last sentence of the first paragraph. While medical services were analyzed as a part of the Worker Safety and Fire Protection section of the PMPD, it was not discussed as a part of the evidentiary record under Socioeconomics.

NOISE

1. Page APP-144, Appendix A, please correct the typo in the condition:

NOISE-4When the project first achieves a sustained output of 85 percent or greater of its rated capacity, the project owner shall conduct a 25-hour community noise survey at monitoring locations M2, M3 and M4, or at a closer location acceptable to the CPM and include L_{eq} **L₅₀** and L_{90} readings. This survey shall also include measurement of one-third octave band sound pressure levels to ensure that no new pure-tone noise components have been caused by the project.....

2. Pages APP-146, Appendix A, Please delete the last paragraph in the VERIFICATION. This paragraph is not necessary since another notification will be sent out as required by NOISE-1:

~~At least 15 days prior to working outside of the above hours, the project owner shall submit a statement to the CPM, specifying the time of night and the number of nights for which activities will occur, the approximate distance of activities to residential receptors, and the expected sound levels at these receptors, stating that the activities will be performed in a manner to ensure excessive noise is prohibited as much as practicable. At the same time, the project owner shall notify the residents within one mile of this work. In this notification, the project owner shall state that it will perform this activity in a manner to ensure excessive noise is prohibited as much as practicable. The project owner shall submit a copy of this notification to the CPM prior to the start of pile driving.~~

VISUAL RESOURCES

1. Pages 6.5-22 through 6.5-30, APP-149 through 165, deletion of reference to California Coastal Commission as a reviewing agency:

Consistent with Staff's position as set forth at the PMPD Conference, staff agrees that all reference to the California Coastal Commission as an agency required to "review and comment" can be removed due to the fact that visual resources were not addressed in any of the written comments provided by the Coastal Commission.

2. Page 6.5-1, editorial change:

The area surrounding the HBEP is characterized by broad sandy beaches, low bluffs and mesas, and lowland areas. The project site ~~and~~ is entirely within the Coastal Zone.

3. Page 6.5-2, text additions and corrections in the 2nd and 3rd paragraphs:

The HBEP would be built on the existing HBGS site which is landscaped with trees and shrubs that have grown tall enough to visually screen the lowest portions of some of the power plant structures for views along Newland Street, the PCH, and Huntington State Beach. An 8-foot masonry wall fronted by street trees was installed along the site border on Newland Street, as depicted on the landscape plan **that was previously approved for the 2000 Huntington Beach Retool Project (00-AFC-13)**. The main entrance to the HBGS site on Newland Street is landscaped with shrubs and flowers and small lawn areas. (Ex. 2000, p. 4.12-4.)

The ~~proposed project would use the~~ existing lighting of the HBGS structures includes, including exterior lighting on the stack platforms, scaffolding on the power block exteriors, and exterior staircases. The tops of the existing exhaust stacks are lit with red aircraft safety warning beacons. (Ex. 2000, p. 4.12-5.)

4. Page 6.5-4, correction:

(Guidelines, tit. 14, §I **Appendix G**)

5. Page 6.5-4, staff recommends the following text changes and corrections to **Visual Resources Table 2**, “Applicable Laws, Ordinances, Regulations, and Standards (LORS)”:

**Visual Resources Table 2
Applicable Laws, Ordinances, Regulations, and Standards (LORS)**

Applicable LORS	Description
State	
California Coastal Act, Public Resources Code section 30000, et seq. <u>Sections 30001.5 and 30251</u>	The Coastal Act includes policies addressing many environmental and land use management issues and defines the Coastal Zone boundary where those policies apply. Requires that development within the Coastal Zone be visually compatible with the character of the area and, where feasible, restore and enhance visual quality in visually degraded areas. <u>The City of Huntington Beach implements the Coastal Act through its Local Coastal Program (LCP), which includes (but is not limited to) the Coastal Element of the City’s General Plan (see below).</u>
Local	

**Visual Resources Table 2
Applicable Laws, Ordinances, Regulations, and Standards (LORS)**

Applicable LORS	Description
<p>City of Huntington Beach General Plan, <u>applicable elements:</u></p> <p><u>Coastal Element (adopted by the City 1999, certified by the Coastal Commission 2001 and reflecting amendments through 2011)</u></p> <p><u>Land Use Element (adopted by the City 1996 and reflecting amendments through 2013)</u></p> <p><u>Urban Design Element (adopted by the City 1996)</u></p> <p><u>Circulation Element (adopted by the City 2013)</u></p> <p><u>Utilities Element (adopted by the City 1996 and reflecting amendments through 2010)</u></p> <p><u>Environmental Resources / Conservation Element (adopted by the City 1996 and reflecting amendments through 2004)</u></p>	<p>The General Plan for the city of Huntington Beach, adopted May 13, 1996, provides the framework for management and utilization of the city’s physical, economic and human resources. The General Plan establishes the location, types, intensity and distribution of land uses throughout the city, including areas within the coastal zone. The General Plan is organized into the following Chapters: Community Development; Infrastructure and Community Services; and Natural Resources; and Hazards. In addition, the city has adopted a Coastal Element that serves as the city’s Local Coastal Program, and was certified by the California Coastal Commission in March 1985. <u>Applicable goals, objectives, and policies from the City’s General Plan include those pertaining to visual and aesthetic resources in general, development in areas designated as Public, and development in the Coastal Zone. The City of Huntington Beach prepared the Coastal Element of its General Plan to guide development for its portion of the Coastal Zone. Visual Resources Table 3 summarizes applicable LORS from the General Plan.</u></p>
<p>Huntington Beach Zoning and Subdivision Code, Huntington Beach Municipal Code, Titles 20–25</p>	<p>The Zoning Ordinance establishes specific zone districts and land use regulations for properties within the city. The Zoning and Subdivision Code also serve as the Local Coastal Plan Implementation Plan. <u>The purpose of the City’s Zoning and Subdivision Ordinance (HBZSO) is to implement the policies of the General Plan. Titles 20–25 constitute the LCP Implementation Plan, which implements the policies of the City’s certified Land Use Plan (Coastal Element) and the public access and recreation policies of the Coastal Act (HBZSO § 201.06). Titles 21, 22, 23, and 24 contain development and design standards that are applicable to preserving and enhancing public visual resources. Visual Resources Table 3 summarizes applicable sections of the HBZSO.</u></p>

6. Page 6.5-7, addition of clarifying text:

To address the potential impact caused by the presence of unsightly construction during the 90 month construction timeframe, we adopt Condition of Certification **VIS-3**, which provides for screening of ~~construction staging sites~~ **the project site and two of the open lots that would be used for construction worker parking**, and protection of existing landscaping plantings that would not be removed during construction and demolition. With the imposition and implementation of Condition of Certification **VIS-3**, we find the potentially significant impact of construction-related **work and** equipment and the loss of existing landscaping to be mitigated to a level of “less than significant”. ”

7. Page 6.5-9, text corrections:

Visual Resources Figure #. ~~(VR Figure 4a, existing view).~~ **4a** shows the existing view at KOP 1 from Huntington State Beach, across the PCH from the project site. (Ex. 2000, p. 4.12-8.) The evidence establishes that more than 16 million people visit the beach each year. These viewers include beachgoers, motorists on PCH, and people walking, bicycling, and jogging on the trail that parallels the southbound lanes of the PCH. (Ex. 2000, pp. 4.12-8 – 4.12-10.)

8. Page 6.5-10, addition of clarifying language, and elimination of discussion regarding “Residual Impact After Mitigation.”:

Mitigation:

Because the impact to KOP 1 is considered less than significant, no mitigation is required. Nonetheless, Condition of Certification **VIS-1** requires the applicant to prepare and implement a Visual Screening and Enhancement Plan for Project Structures that is consistent with the architectural treatments and modifications recommended in the City’s adopted Resolution No. 2014-18. **Visual Resources Figure 4c** shows the proposed architectural enhancements at KOP 1. The visual enhancements from the implementation of Conditions of Certification **VIS-1** and VIS-2 provide further reduction of any perceived visual changes between the HBGS and the proposed HBEP. (Ex. 2000, pp. 4.12-20 – 4.12-21.)

Residual Impact After Mitigation:

~~With implementation of these measures overall project visual change within this portion of the viewshed could be reduced to a low level, a less than significant level of impact, in the long term.³~~

9. Page 6.5-13, elimination of discussion regarding “Residual Impact Significance After Mitigation.” :

Mitigation:

While the impact to visual resources at KOP 3 is considered less than significant, Condition of Certification **VIS-1** includes paint treatment that could further reduce the visual contrast with the environment compared to views of the HBEP with no visual enhancements. (Ex. 2000, p. 4.12-22.)

Residual Impact Significance After Mitigation:

³ Under CEQA if there is no significant adverse impact, no mitigation is required.

With implementation of these measures overall project visual change within this portion of the viewshed could be reduced to a low level, a less than significant level of impact, in the long term.⁴

10. Page 6.5-30, change to Finding of Fact to conform to the evidentiary record. On Page 6.5-5 of the PMPD, the Committee notes that “No particular view in the project vicinity has a level of scenic appeal that could distinguish it as a scenic vista; therefore, no further analysis of the project relating to this criterion is necessary.” Finding of Fact #4 is in conflict with this statement.

4. The proposed project site’s ~~viewshed is within several scenic vistas and~~ **is in an area that includes** scenic resources **in a developed coastal setting.**

10. Page APP-149, Appendix A, recommended change to 2nd paragraph of **VIS-1**:

The submitted Plan will include evidence of review by a **California**-licensed structural or civil engineer and an assessment of the feasibility and structural integrity of the architectural and decorative screening elements contained in the Plan. ~~The licensed engineer’s report and other comments shall be attached to the Plan.~~ **The California-licensed engineer shall review and sign the Plan.** Any design changes recommended by the **California**-licensed structural or civil engineer to ensure the structural soundness and safety of the project and the architectural design elements shall be incorporated in the Plan *before* its submittal to the CPM.

11. Page APP-151, Appendix A, VIS-1, recommended deleting text to avoid repetitive content:

~~The project owner shall meet these plan review and approval requirements:~~

- ~~• The submitted Visual Screening and Enhancement Plan for Project Structures shall include evidence of review by a qualified structural or civil engineer and an assessment of the feasibility and structural integrity of the architectural and decorative screening elements contained in the plan. The qualified engineer’s report and other comments shall be attached to the plan.~~
- ~~• The Visual Screening and Enhancement Plan for Project Structures shall be submitted to the CPM for review and approval, and to the City of Huntington Beach Planning and Building Department and the Executive Director of the Coastal Commission for timely review and comment. City staff requests seven~~

⁴ See Footnote 3 above.

~~sets of plans. Any comments on the plan from the City and the Coastal Commission shall be provided to the CPM. The project owner shall not submit instructions for architectural screens and other structures and colors and finishes to manufacturers or vendors of project structures, or perform final field treatment on any structures, until written approval of the final plan is received from the CPM. Modifications to the Visual Screening and Enhancement Plan for Project Structures are prohibited without the CPM's approval.~~

12. Page APP-152, Appendix A, VIS-1, recommended text changes to third full paragraph:

The project owner shall provide the CPM with copies of the transmittal letters ~~submitted to the City and the Coastal Commission~~ requesting ~~those agencies' respective timely~~ the City's reviews of the Plan, the Supplement, and any revisions. Review comments from the City ~~and/or the Coastal Commission~~ must be submitted to the project owner within 30 calendar days of receiving any of the stated plans. In the absence of comments within that timeframe, the CPM ~~shall~~ may deem the Plan, the Supplement, and any revisions acceptable to the City ~~and/or the Coastal Commission~~. The project owner shall provide ~~those agencies' the~~ the City's comments on the stated plans ~~shall be provided~~ to the CPM within 3 business days of receipt.

13. Page APP-154, Appendix A, VIS-2, recommended text changes to the third paragraph:

The Perimeter Screening and On-site Landscape and Irrigation Plan shall include construction of an 8-foot-tall decorative masonry wall to extend along the site boundary adjacent to the Huntington Beach Wetlands & Wildlife Care Center and parking lot and along Magnolia Marsh (i.e., the southwest-west and southeast-east boundaries). All existing exterior site perimeter chain-link fencing (i.e., the perimeter border of the AES generating station property) shall be replaced with an 8-foot-tall decorative masonry wall.

14. Page APP-155, Appendix A, VIS-2, recommended text changes:

- Provide a plan view of the project site that clearly shows the planting plan for the site and the existing and new ~~solid~~ 8-foot-tall decorative masonry walls along the site perimeter. Details on the materials and design of the masonry wall shall be included in the plan.

15. Page APP-156, Appendix A, VIS-2, recommended change to timing of submittal of plan to the CPM from 90 to 60 days:

At least ~~90~~ 60 calendar days before site mobilization, the project owner shall submit the Perimeter Screening and On-site Landscape and Irrigation Plan to the CPM for review and approval.

16. Page APP-156, Appendix A, VIS-2, recommended text change to third full paragraph:

The project owner shall provide the CPM with copies of the transmittal letters ~~submitted to the City and the Coastal Commission requesting those agencies'~~ **the City's** respective reviews of the Plan and any revisions. Review comments from the City ~~and/or the Coastal Commission~~ must be submitted to the project owner within 30 calendar days of receiving any of the stated plans. In the absence of comments within that time, the CPM may deem the Plan and any revisions acceptable to the City ~~and/or the Coastal Commission~~. **The project owner shall provide the City's** ~~Those agencies'~~ comments on the stated plans ~~shall be provided to~~ the CPM within 3 business days of receipt.

17. Page APP-158, Appendix A, VIS-3, recommended changes:

Condition of Certification **VIS-2** includes construction of an 8-foot-tall decorative masonry wall to extend along the site boundary adjacent to the Huntington Beach Wetlands & Wildlife Care Center and the wetland. Upon ~~completing installation~~ **commencement of construction** of the masonry wall, the CPM shall allow the project owner to remove all construction screening fencing from those portions of the site boundary.

Screening fencing shall be installed to visually screen the open lots that will be used for parking on Newland Street across from the project site and along the Pacific Coast Highway (PCH) at Beach Boulevard. The screening fencing for the parking lots shall be ~~no less than a~~ **maximum of** 6 feet tall and shall meet the City of Huntington Beach corner lot visibility requirements specified in Title 23, Chapter 230, "Site Standards," of the Huntington Beach Municipal Code (i.e., 25-foot by 25-foot corner visibility triangle).

The Construction Screening, Landscape Protection, and Site Restoration Plan shall provide **color** images showing options for site perimeter screening materials; ~~examples shall include fencing materials in unobtrusive shades of green or brown as well as printed decorative designs. Possible options include knitted polyethylene material, bottom-locking fence slats with chain-link fencing, pre-printed mesh fabric, or printable mesh vinyl.~~ All site perimeter screening fencing and construction exclusion fencing shall be well maintained and repaired or replaced as necessary for the duration of project demolition, construction, and commissioning.

18. Page APP-159, Appendix A, VIS-3, recommended text deletions starting at the first full paragraph:

~~The Construction Screening, Landscape Protection, and Site Restoration Plan shall be submitted to the CPM for review and approval, and to the City of Huntington Beach Planning and Building Department and the Executive Director of the Coastal Commission for timely review and comment. City staff requests seven sets of plans. Any comments on the plan from~~

~~the City and the Coastal Commission shall be provided to the CPM. The project owner shall not purchase or order any materials for site perimeter screening fencing until written approval of the final Construction Screening, Landscape Protection, and Site Restoration Plan is received from the CPM. Modifications to the Construction Screening, Landscape Protection, and Site Restoration Plan are prohibited shall not occur without the CPM's approval.~~

VERIFICATION: At least 60 calendar days before the start of site mobilization, the project owner shall submit a Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM for review and approval. Simultaneously with the submission of a Construction Screening, Landscape Protection, and Site Restoration the Plan to the CPM, the project owner shall submit seven copies of a Construction Screening, Landscape Protection, and Site Restoration the Plan to the City of Huntington Beach Planning and Building Department for-review for review and comment.

If the CPM determines that the Construction Screening, Landscape Protection, and Site Restoration Plan requires revision, the project owner shall provide an updated version with the specified revision(s) for review and approval by the CPM. Simultaneously with the submission of a the Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM, ~~a copy shall be send to the Executive Director of the California Coastal Commission and~~ **the project owner shall submit** seven copies shall be submitted to the city **City** of Huntington Beach Planning and Building Department for review and comment.

The project owner shall provide the CPM with a copy of the transmittal letter requesting the City's review of the Construction Screening, Landscape Protection, and Site Restoration Plan and any revisions. The City shall be allowed 30 days to provide comments on the Plan after receipt from the project owner. ~~Review comments from the City must be submitted within 30 calendar days of receiving the Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM and the project owner. Plan and any revisions. In the absence of comments within that timeframe, the CPM shall deem the Construction Screening, Landscape Protection, and Site Restoration Plan to the CPM Plan and any revisions as acceptable to the City, and the Coastal Commission. The project owner shall provide comments received from the City and/or the Coastal Commission to the CPM within 3 business days of receipt.~~

19. Page APP-160, Appendix A, VIS-3, recommended change to 3rd paragraph:

Within 10 calendar days of receipt of confirmation from the project owner that **construction of** the permanent 8-foot-tall masonry wall ~~has been completed~~ **is ready to begin**, the CPM shall notify the project owner that construction screening fencing can be removed from the portions of the site boundaries where the masonry wall ~~is~~ **will be** erected.

20. Page APP-162, Appendix A, VIS-5, recommended minor edit:

- A Lighting Management Plan shall be prepared that integrates efficient technologies and designs into lighting systems. The plan shall include evidence of that a certified lighting professional participated in plan preparation.

21. Page APP-163, Appendix A, VIS-5, recommended deletion of text to avoid repetitive content:

~~The project owner shall meet these plan submittal and review requirements:~~

- ~~• The project owner shall submit the comprehensive Lighting Management Plan to the CPM for review and approval. Simultaneously with the submission of the Lighting Management Plan to the CPM, the project owner shall submit one copy to the Executive Director of the Coastal Commission and seven copies to the City of Huntington Beach Planning and Building Department for review and comment. The project owner shall provide any comments on the plan received from the City and/or the Coastal Commission to the CPM.~~
- ~~• The project owner shall not purchase or order any lighting fixtures or apparatus until written approval of the final plan is received from the CPM. Modifications to the Lighting Management Plan are prohibited without the CPM's approval. Installation of lighting must be completed by the start of commercial operation of Power Block 1.~~

22. Page APP-163, Appendix A, VIS-5, recommended change to timing of submittal of plan to the CPM from 90 to 60 days

VERIFICATION: At least ~~90~~60 calendar days before ordering any permanent lighting equipment for Power Block 1 and related facilities and structures, the project owner shall submit a comprehensive Lighting Management Plan to the CPM for review and approval. Simultaneously with the submission of the Lighting Management Plan to the CPM, the project owner shall submit ~~one copy to the Executive Director of the Coastal Commission and~~ seven copies to the City of Huntington Beach Planning and Building Department for review and comment. The project owner shall provide any comments on the plan received from the City ~~and/or the Coastal Commission~~ to the CPM.

If the CPM determines that the Plan requires revision, the project owner shall provide a an updated version with the specified revision(s) for review and approval by the CPM. ~~A copy of the revised Lighting Management Plan shall be provided to the Executive Director of the Coastal Commission and~~ **The project owner shall submit** seven copies **of the revised Plan** ~~shall be provided~~ to the City of Huntington Beach Planning and Building Department for review and comment.

The project owner shall provide the CPM with copies of the transmittal letters requesting **the City's** reviews of the Lighting Management Plan and any plan revisions. Review comments from the City ~~and the Coastal Commission~~ must be submitted to the project owner within 30 calendar days of receiving the Plan and any revisions. In the absence of comments within that timeframe, the CPM shall deem the Lighting Management Plan and any revisions **as** acceptable to the City . The project owner shall provide any comments received from the City ~~and/or the Coastal Commission~~ to the CPM within 3 business days of receipt.

23. Page APP-164, Appendix A, VIS-6, recommended deletion of text to avoid repetitive content:

~~The plan review and letter report shall be submitted to the Compliance Project Manager (CPM) for review and approval and the City of Huntington Beach Planning and Building Department for timely review and comment. Any comments on the letter report from the City shall be provided to the CPM.~~

24. Page APP-164, 165, Appendix A, VIS-6, recommended text corrections:

The project owner shall not purchase or order any permanent lighting for Power Block 2 or new buildings (including administrative or maintenance buildings or warehouses) until written approval of the ~~final plan~~ **Plan review and letter report** is received from the CPM. Modifications to the Lighting Management Plan are prohibited without the CPM's approval. Installation of lighting must be completed by the start of commercial operation of Power Block 2.

25. Page 165, Appendix A, VIS-6, recommended changes:

VERIFICATION: At least 60 calendar days before ordering any permanent lighting for Power Block 2 and other buildings and structures, the project owner shall submit a comprehensive Lighting Management Plan **the Plan review and letter report** to the CPM for review and approval. Simultaneously with the submission of the ~~Lighting Management Plan~~ **review and letter report** to the CPM, the project owner shall submit ~~one copy to the Executive Director of the Coastal Commission~~ and seven copies to the City of Huntington Beach Planning and Building Department for review and comment.

The project owner shall provide the CPM with a copy of the transmittal letter requesting the City's review of the Plan review and letter report. The City shall be allowed 30 days to provide comments on the Plan review and letter report after receipt from the project owner. In the absence of comments within that timeframe, the CPM shall deem the Plan review and letter report as acceptable to the City. ~~The project owner shall provide any comments on the plan received from the City shall be provided to the CPM within 3 business days of receipt.~~

If the CPM determines that the Plan requires revision, the project owner shall provide a an updated version with the specified revision(s) for review and approval by the CPM. A copy of the revised Lighting Management Plan shall be provided to the Executive Director of the Coastal Commission and seven copies shall be provided to the City of Huntington Beach Planning and Building Department for review and comment.

The project owner shall provide the CPM with copies of the transmittal letters requesting reviews of the Lighting Management Plan and any plan revisions. Review comments from the City and the Coastal Commission must be submitted to the project owner within 30 calendar days of receiving the Plan and any revisions. In the absence of comments within that timeframe, the CPM shall deem the Lighting Management Plan and any revisions acceptable to the City and to the Coastal Commission. The project owner shall provide any comments received from the City and/or the Coastal Commission to the CPM within 3 business days of receipt.

Prior to the start of commercial operation of Power Block 2, the project owner shall notify the CPM in writing that installation of permanent lighting has been completed and that the lighting is ready for inspection. If the CPM notifies the project owner that modifications to the lighting system are required, within 30 days of receiving that notification, the project owner shall implement all specified changes and notify the CPM that the modified lighting system(s) is ready for inspection. The project owner shall obtain written confirmation from the CPM that the project complies with the Lighting Management Plan, **including any required revisions to the Plan following completion of the Plan review and letter report.**