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ALTERNATIVES

Rebuttal Testimony of Steven Kerr and David Vidaver

The following rebuttal testimony supplements and clarifies the information in the Final Staff Assessment (FSA) and is in response to the direct testimony offered by Los Cerritos Wetlands Trust (Trust). The Trust's testimony relies on the California Public Utilities Commission (CPUC) Long-term Procurement Planning (LTPP) proceeding, in which the CPUC determines how much new generation from various sources is required for projected regional demand and grid reliability, and should be financed by the state's investor-owned utilities (please see the "Preferred Resources" subsection in the **Alternatives** section of the FSA for additional description of the LTPP proceeding).

While it is easy to get lost in the details of the LTPP process it is important to remember that it has limited relevance to the Commission's siting process. Staff's analysis found that the proposed AEC project would not have any significant environmental effects or significant effects that could not be mitigated. Therefore, the alternatives suggested by the Trust, would not substantially lessen a significant environmental effect of the project.

The Trust's expert, Mr. Bill Powers, submitted the following testimony:

> *The one critique that FSA directs toward DR is it cannot eliminate the need for all natural gas generation such as AEC because some level of reliable energy is necessary and therefore, demand response is not a viable alternative to the generation (p. 6-13). The FSA does not examine how much gas-fired generation is already operational in the LA Basin and whether this operational capacity is sufficient to meet the CAISO's 25 percent local generation requirement under all forecast demand conditions. Absent such an analysis, the FSA establishes no basis for asserting that the gas-fired threshold capacity for the LA Basin that it terms "some level of reliable energy" has not already been met.*
>
> *The FSA alternatives analysis also implies that DR would not be available in sufficient quantity to meet the peak reliability need addressed by the proposed project. In fact, the Public Utilities Commission's (PUC) Track 4 decision scoping memo assumed that approximately 800 MW will be added in the LA Basin by 2018 that has not yet been credited by CAISO as available capacity to meet local LA Basin reliability needs. A simple definitional adjustment may be all that is necessary to convert these "second contingency" DR assets into "first contingency" DR assets that are fully credited as first-tier reliability assets in the LA Basin. The steps necessary to convert these anticipated DR assets in the LA Basin from second contingency to first contingency is not addressed in the FSA alternatives analysis.*

Mr. Powers' testimony raises issues that have been litigated in the CPUC Long-Term Procurement Planning (LTPP) proceeding (R.12-03-014; Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans). In this proceeding, the CPUC authorized Southern California Edison to procure between 1,900 MW and 2,500 MW of new generation capacity in the Los Angeles Basin local reliability area, at least 1,000 MW, but not more than 1,500 MW of which was to be natural gas-fired. This capacity was held to be necessary to meet local reliability needs subsequent to the shutdown of the San Onofre Nuclear Generating Station and the (expected) retirement of once-through cooled generation capacity by December 31, 2020, and authorized in a pair of decisions (D.13-02-015, February 13, 2013; D.14-03-004, March 14, 2014). The following Conclusions of Law from D.14-03-004 illustrate that these issues were considered in the proceeding:

> *45. Consistent with the revised Scoping Memo, the ISO determined that demand response resources which cannot respond in 30 minutes should be considered 'second contingency' resources.*
>
> *46. Consistent with the revised Scoping Memo, 997 MW of 'second contingency' demand response in the ISO modeling was not available to avoid the second contingency, but would be available to respond to the second contingency.*
>
> *47. It is reasonable to expect that, in the future, some amount of what is now considered 'second contingency' demand response resources can be available to mitigate the first contingency, and therefore meet local capacity requirement (LCR) needs.*
>
> *71. A proxy for calculating a minimum LCR need level is to calculate the LCR impact if any two likely potential scenarios (load-shedding, Mesa Loop-In, additional energy efficiency impacts, 'second contingency' demand response, energy storage, 'second contingency' solar PV) should occur.*
>
> *72. Using a methodology of subtracting out any two of several possible resources or assumptions not included in the ISO modeling produces a range of minimum procurement levels which takes into account between 1,322 and 1,797 MW, or between 29% and 39% of 4,600 MW.*

Regarding "a simple definitional adjustment [being] all that is necessary to convert these 'second contingency' DR assets into 'first contingency' DR assets that are fully credited as first-tier reliability assets in the LA Basin," staff asserts that this is a subject appropriately considered by the CPUC, not in the Energy Commission's proceeding ruling on an Application for Certification. The CPUC did, in fact, consider this argument in response to a Petition for Rehearing of D.15-11-041 (the decision approving SCE's recovery of the costs associated with a contract for AEC) filed by EnerNoc in A.14-11-012. It rejected the argument, noting that "[no] persuasive evidence was presented by parties in this proceeding to demonstrate that it was unreasonable for SCE to include a 20-minute demand response condition for demand response resources in this RFO."

Mr. Powers also submitted testimony arguing that existing unused combined-cycle capacity is available to provide reliable energy.

> *The FSA does not consider combining DR with existing, soon-to-be-mothballed regional combined cycle capacity as a single alternative to the proposed project. CAISO is currently advising that the 965 MW La Paloma Generating Station, a combined cycle power plant located in Kern County on the primary north-south transmission trunkline serving the LA Basin, should be mothballed due to lack of demand for the plant's output.*

While the idea of ramping up an underutilized power plant facility, rather than building a new one, makes sense, the La Paloma facility does not reside in the Los Angeles Basin Local Reliability Area, and thus cannot contribute to meeting the area's local capacity requirement, a primary objective of the project. The complexity of the grid and the multiple services provided by different facilities at different locations is one of the reasons for having a separate and detailed LTPP proceeding with the appropriate stakeholders fully engaged reviewing relevant technical information.

Whereas the LTPP process is a regional effort which takes into account reliability and power integration over a span of years, the Commission's environmental review of a specific project is focused on the significant impacts, appropriate mitigation and compliance with all laws and regulations of a specific facility. Second guessing the conclusions and findings of the CPUC, after it has gone through the multiyear LTPP process, in staff's environmental analysis of a specific project is not appropriate because each process entails different sets of facts, information, stakeholders and purposes. The siting process is not designed to incorporate regional demand, grid constraints and reliability analysis. The siting process focuses on project specific environmental analysis not regional grid and reliability planning. This would be the equivalent of a developer of an office building including an analysis of regional land use planning for an entire county.

Another complicating factor related to the idea of using La Paloma is that the facility is not even in the same IOU territory since AEC will serve Southern California Edison and La Paloma is in PG&E's territory. Lastly, staff notes that La Paloma did not bid into the LTPP despite its likely availability and need to garner market utility.

Mr. Powers argues that battery storage is a viable alternative to the 400 MW of peaking combustion turbine generators proposed for the AEC project. As an initial matter, a 300-MW battery storage facility is undergoing the permitting process with the city of Long Beach so the battery storage Mr. Powers is seeking is happening.

The viability of integrating battery storage into the grid was considered in the CPUC's LTPP process. In reviewing the document from the CPUC proceeding staff understands both Los Cerritos Wetlands Trust and its expert Mr. Bill Powers were fully engaged in that process and petitioned for a rehearing of the CPUC decision that approved the Alamitos contract but were denied.

The CPUC's decision led to approval of 263 MW of storage in the region, including 100 MW from the AEC project applicant, AES. While in isolation it may be true that battery storage is a viable alternative to some portion of a specific project such as AEC, on a regional basis that may not be the case. The LTPP is the appropriate proceeding to discuss regional energy development and reliability. The outcome of the most recent multiyear LTPP effort resulted in battery storage being included in procurement, but also includes strategic development of natural gas generation such as AEC.

As noted above, Commission staff is not in a position to reopen the LTPP proceeding nor is the siting process the appropriate place to consider regional demand forecasting and grid reliability.

The purpose of alternatives analysis is to identify feasible ways to substantially lessen the significant environmental effects of a project, not to reopen a complex proceeding from another agency. (Cal. Code of Regs., tit. 14, § 15126.6, subd. (b); see also Pub. Resources code, § 21002.1, subds. (a), (b); Cal. Code of Regs., tit. 14, §§ 15002, subd. (a)(3); 15021, subd. (b)). In this case staff has found that the AEC has no unmitigated significant impacts. Based on this, the alternatives staff did assess were reasonable. The CEQA guidelines state that the range of alternatives is governed by a "'rule of reason'" that requires an EIR to contain "only those alternatives necessary to permit a reasoned choice." (§ 15126.6, subd. (f)

BIOLOGICAL RESOURCES

Rebuttal Testimony of Scott D. White and Jennifer Lancaster

REBUTTAL TESTIMONY

Staff provides this rebuttal testimony to supplement and clarify staff's Final Staff Assessment Part 1(FSA).

The applicant filed its opening testimony on the Alamitos Energy Center (AEC) on October 18, 2016. In the testimony, the applicant identified several changes to the proposed biological resources conditions of certification presented in the FSA. The following summarizes the applicant's requested changes and staff's response to each.

The FSA recommends eight conditions of certification to minimize or avoid impacts to biological resources. The applicant indicated in its opening testimony that it agrees with most of the biological resources conditions, but has proposed revisions to Conditions of Certification **BIO-1** and **BIO-8**.

*Applicant's Proposed Revisions to Condition of Certification **BIO-1***

The applicant requested changes to this condition of certification as presented in the Preliminary Staff Assessment in order to streamline the Designated Biologist (DB) approval process. However, staff disagreed with those changes because the DB role is specific to each project and its affected resources, the DB qualifications may change over time, and a proposed DB may have engaged in past job-related conduct that would compromise their ability to perform the DB role on the current project. The applicant proposed further revisions in its testimony to address staff's concerns.

Response: Staff concludes that the applicant's proposed approval window is insufficient for CPM review, even for a candidate who has served as Designated Biologist on a prior project. While staff understands the project owner's stated concern regarding their preferred schedule, there is nothing to suggest that the CPM or staff could not - or would not - provide timely review of the Designated Biologist's qualifications in the regular course of business. Staff is always keenly aware of scheduling issues, and routinely works with project owners to ensure that all of the technical areas of each facility are reviewed in a timely manner. Therefore, a blanket approval process, based solely on prior acceptance within the last 5 years and a ten-day review period, is not appropriate for the AEC. Staff further concludes that restricting the CPM to allow disapproval of a proposed DB only for non-compliance or performance issues documented on previous Energy Commission project work is contrary to the intent of the approval process by disallowing consideration of issues that may have arisen on non-Energy Commission project work. Staff recommends retaining Condition of Certification **BIO-1** as it is presented in the FSA.

Applicant's Proposed Revisions to Condition of Certification BIO-8

Condition of Certification **BIO-8** would require year-round surveys for active burrowing owls, either in burrows or burrow surrogates such as construction debris or drain pipes. The surveys were included in **BIO-8** in response to information provided by the Los Cerritos Wetlands Land Trust in its comments on the PSA (Tidal Influence, TN 212764-

4). The applicant requests removal of the survey requirements and burrow protection measures for burrowing owl, stating that the project is outside of the current breeding range for the burrowing owl. However, the site is within burrowing owls' historic breeding range; burrowing owls continue to use the region for wintering and during migration; and suitable habitat is found on and around the project site. There is a moderate potential for burrowing owls to forage on site, and burrowing owls have been recorded in the nearby Los Cerritos Wetlands. Staff declines to make the requested revisions to the text of Condition of Certification **BIO-8** because this special-status species has a reasonable likelihood of occurrence on site, and therefore minimization and avoidance measures are required.

Staff concurs with the following requested revisions to the verification section of **BIO-8**:

Verification: Within ten (10) **business** days of completion of the field work, the project owner shall provide the CPM, CDFW, and USFWS a letter-report describing the findings of the preconstruction nest surveys, including a description and representative photographs of habitat; the time, date, methods, and duration of the surveys; identity and qualifications of the surveyor(s); and a list of species observed. If active nests are detected during the surveys, the reports shall include a map or aerial photo identifying the location of the nest(s) and shall depict the boundaries of the proposed no-disturbance buffer zone around the nest(s). The CPM will consider any timely comments received from CDFW and USFWS in review of the letter-report.

Additionally, the nest monitoring plan shall be submitted to the CPM for review and approval prior to any planned demolition or construction activities in the vicinity of any active nest. No such demolition or construction activities may proceed without CPM approval of the monitoring plan, in consultation with CDFW and USFWS. All impact avoidance and minimization measures related to nesting birds shall be included in the ~~BRMIMP~~ **nest monitoring plan a**nd implemented. Implementation of the measures shall be reported in the monthly compliance reports by the Designated Biologist.

LOS CERRITOS WETLANDS LAND TRUST: REVISED TESTIMONY OF JOE GEEVER, J.D., (AND EXHIBIT LIST) ALAMITOS ENERGY CENTER FINAL STAFF ASSESSMENT (TN: 214162)

The testimony states that because impacts from the Alamitos Generating Station (AGS) demolition have not been identified, implementation of proposed Conditions of Certification **BIO-1** through **BIO-7** would not mitigate cumulative impacts from the proposed AEC. AGS is not part of the proposed AEC, and details of any future demolition of the facility are not currently known. Regardless, because the project site is an existing industrial facility and the baseline environment takes into account the operations of not only the AGS facility but also LADWP's Haynes facility, the proposed Conditions of Certification **BIO-1** through **BIO-7** minimize the proposed AEC's *incremental contribution* to cumulative impacts, even if another project in the cumulative scenario, such as the demolition of the AGS, has its own significant impacts to biological resources, or if the combined impacts of the AEC, AGS, and other projects are cumulatively significant. Therefore, the AEC's contribution to impacts to biological resources is not cumulatively considerable.

In its testimony the Wetlands Trust submitted a video showing the implosion of the South Bay power plant. The video showed dust and debris rising as a result of the implosion. Even assuming that AGS is demolished in the same manner, there would still be no cumulative impact in relation to AEC. As is noted in the **Project Description** section of the FSA, demolition of AGS, if it occurs, would take place during the operations of AEC. The operations of AEC are not expected to release dust and debris and therefore there is nothing to combine with the temporary AGS demolition dust. Given the industrial setting and temporary nature of any demolition of AGS, and lack of corresponding impacts from AEC, staff disagrees with the Wetlands Trust that detailed information on the time and methodology of demolition is necessary to assess cumulative impacts.

The same analysis is also true in regards to the impacts of noise on biological resources from the demolition of AGS. The operational noise of AEC would not cumulatively contribute to the short-term implosion noise of demolition as indicated on the video. This is especially true given the noise mitigation set forth in the **Noise** section of the FSA.

COMPLIANCE CONDITIONS
AND
COMPLIANCE MONITORING PLAN

Rebuttal Testimony of Joseph Douglas and Christine Root

Staff has reviewed the applicant's opening testimony related to the compliance conditions. In developing compliance conditions staff seeks consistency with other similar projects while acknowledging the need for unique conditions in certain circumstances. Keeping this in mind, staff agrees with the suggested changes set forth in the applicant's testimony as follows:

COM-13 Incident-Reporting Requirements. (a) The project owner shall notify the CPM within one hour after it is safe and feasible of any incident at the facility that results in any of the following:

1. ~~an event of any kind occurs that causes an unplanned turn-down of ongoing power delivery to the electrical grid such that the turn-down is of sufficient magnitude that CAISO notification is required;~~ an event of any kind that causes a "Forced Outage" as defined in the CAISO tariff;

COM-14 Non-Operation and Repair/Restoration Plans.

(a) If the facility ceases operation temporarily (excluding planned or unplanned maintenance), for longer than one (1) week (or other CPM-approved date), but less than three months (or other CPM-approved date), the project owner shall provide the CPM with a notice of planned non-operation, which shall be given at least two weeks prior to the scheduled date. Notice of unplanned non-operation shall be provided no later than one week after non-operation begins.

In order to maintain consistency with other projects, staff declines to adopt the applicant's proposed new conditions 14 and 15. Staff already made a number of changes to Conditions 13, 14 and 15 based on comments received on the Preliminary Staff Assessment. Additional changes are not warranted and would result in greater inconsistency with the compliance conditions of other similar projects such as Huntingtin Beach. Staff recommends the compliance conditions, as set forth in the Final Staff Assessment and modified here, be adopted by the Commission.

CULTURAL RESOURCES

Rebuttal Testimony of Gabriel Roark

Staff provides this testimony to supplement and clarify staff's final staff assessment (FSA) of cultural resources and to address differences between the applicant and staff's views regarding Conditions of Certification (Conditions) **CUL-1** and **CUL-6**. The FSA documents the presence of 85 prehistoric archaeological resources surrounding the proposed AEC and demonstrates that excavations into the native soils beneath the project site have potential to damage buried archaeological resources, including Native American human remains (CEC 2016:4.3-49, 4.3-52–4.3-54).

The FSA contains eight conditions (**CUL-1** through **CUL-8**) that define a time-tested mitigation and monitoring program sufficient to mitigate inadvertent impacts on cultural resources during construction of the proposed Alamitos Energy Center (AEC) (CEC 2016:4.3-63–4.3-80). Staff and the applicant agree on the appropriateness of these conditions except for **CUL-1** and **CUL-6** (see AES 2016:29–34).

Rebuttal Testimony Concerning CUL-1

Staff proposes that the Committee adopt staff's version of **CUL-1** to establish **objective** and **time-tested** criteria for the approval of cultural resources personnel for construction of the AEC[1]. The applicant's opening testimony argues that as written, **CUL-1** may result in delays in the approval of cultural resources personnel or subject otherwise qualified personnel to subjective rejection by Commission staff. The only criteria that **CUL-1** provides for an Energy Commission compliance project manager (CPM) to decline prospective cultural resources personnel are the professional qualifications described in the condition itself. There are no facts to indicate the AEC project needs a special condition in how cultural resource personnel are approved or that as written **CUL-1** will delay project construction. Important features of **CUL-1** include:

- The criteria are **objective**, as they are keyed to *types* and *amounts (time)* of relevant experience.
- Staff's proposed **CUL-1** is **time-tested**: Energy Commission CPMs have used staff's proposed **CUL-1** to apply objective criteria for the approval of Cultural Resources Specialists and other personnel for nearly all Energy Commission-licensed projects.
- In case after case, these CPM-approved personnel have implemented the cultural resource conditions in a manner responsive to both project owner and Energy Commission needs.

[1] Such personnel include Cultural Resource Specialists, Cultural Resource Monitors, and Native American Monitors, whom would be responsible for implementing the cultural resource conditions for the AEC.

Nothing in the applicant's proposed changes to **CUL-1** would improve the objectivity or reliability of the criteria that CPMs have been using to approve qualified cultural resources personnel. The applicant brings forth the idea that somehow the selection or not of a particular cultural resource specialist or monitor impacts the ability for one to earn a living. Staff takes the vetting process seriously and objectively attempts to ensure appropriate specialists and monitors are selected. There is no evidence that the number of positions available in which staff has any selection authority is to such a degree that the entire California market is impacted. To use another condition as an example, the condition requiring monitoring during construction is **CUL-6**, which the applicant disputes. The extent of monitoring would not appear to control the market for monitoring as many other types of projects in the state also use monitoring, such as wind energy facilities, highway construction, and redevelopment of industrial properties. Therefore, staff recommends that the Committee adopt **CUL-1** as presented in the FSA (included in **Appendix CR-1** for your reference).

Rebuttal Testimony Concerning CUL-6

Staff's FSA concludes that buried archaeological resources are likely situated in native sediments that construction-related excavation will encounter, and that the probability of occurrence warrants construction monitoring by qualified cultural resources and Native American personnel (Condition **CUL-6**). The applicant's opening testimony also claims that previous ground disturbance from construction of the Alamitos Generating Station (AGS) and adjacent waterways preclude the existence of buried archaeological resources. The supporting exhibits of the applicant's testimony consist of aerial photographs of the project site. The applicant contends that the project site was not amenable to human habitation in the past due to environmental conditions.

Staff shows that the applicant's aerial photographs do not support its opening testimony concerning the likelihood that archaeological resources are present in the project site.

1. **Most of the applicant's exhibits do not depict the proposed project footprint at all.** Instead, they show construction of portions of the existing generating station that are outside the boundary of the proposed project (see **Cultural Resources Figures 1–10**). As such, the applicant's exhibits are misleading.
2. The half-dozen aerial photographs that *do* depict the proposed project site show that the areas of shallowest ground disturbance occurred in the area now proposed for construction of the AEC (for example, see **Cultural Resources Figures 11–12**).

Staff demonstrates below that archaeological resources are expectable in the project site.

1. Dozens of archaeological resources are documented on the slopes of Alamitos Mesa, leading eastward and approaching the project site. Several of these archaeological resources occur in a <u>buried context</u>, not at all visible on the ground surface. *Several of these resources contain Native American human remains*.
2. On the opposite side of the project site (Landing Hill), a couple dozen archaeological resources are documented. Landing Hill archaeological resources occur both on the ground surface and <u>buried</u> beneath the modern ground

surface. *Numerous Native American human remains are recorded among these resources*.

3. The former plains and marshlands to the south of the project site contain no fewer than eight archaeological resources, two of which were found 6 and 32 feet (respectively) below the modern ground surface. *Native American human remains are documented among these resources*.
4. The absence of archaeological resources on the surface of the project site does not indicate that such resources were not at one time present, or present below ground surface; *the project site was developed and paved over before archaeologists ever examined the property*.
5. Subsurface data collected on the project site indicates that fill material in the proposed construction area is 6–8 feet deep. Below the fill are native soils that include now-buried land surfaces, *a hallmark indicator that buried archaeology is expectable here*.
6. Staff's FSA demonstrates that excavation to build the AEC would intersect native, buried land surfaces and attendant archaeological resources.

The proposed project is located in an area that has been disturbed to no more than 8 feet below ground surface. The project site contains buried landforms similar to adjacent portions of the Alamitos Bay lowlands that do contain archaeological resources. Native American burials are commonplace among archaeological resources in the project vicinity. The responsible means to avoid costly construction delays and needless damage to cultural resources and human remains is for the Committee to adopt staff's **CUL-6**, which contains provisions for construction monitoring by qualified personnel (per **CUL-1**) as well as the conditions and procedures by which the designated Cultural Resource Specialist may recommend reductions in the intensity of construction monitoring. Staff's **CUL-6** is presented in **Appendix CR-1** for the Committee's convenient reference.

REFERENCES CITED

AES 2016—AES Alamitos Energy, with CH2M. *Alamitos Energy Center (13-AFC-01), Applicant's Opening Testimony*. October 18. Long Beach, CA, and Sacramento, CA. Submitted to California Energy Commission, Sacramento. TN 214099.

CEC 2016—California Energy Commission. *Final Staff Assessment, Part 1 for Alamitos Energy Center (AEC)*. September. Sacramento, CA. CEC-700-2016-004-FSA-PT1. TN 213768.

APPENDIX CR-1: STAFF-PROPOSED CONDITIONS CUL-1 AND CUL-6

CUL-1 APPOINTMENT AND QUALIFICATIONS OF CULTURAL RESOURCES SPECIALIST (CRS)

A. CULTURAL RESOURCE SPECIALIST

1. Appointment and Qualifications

The project owner shall assign a Cultural Resources Specialist (CRS) to the project. The project owner may elect to assign one or more alternate CRSs as well. The project owner shall submit the resumes of the proposed CRS and Alternative CRS(s), 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 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.

The project owner may replace the CRS by submitting the required resume, references and contact information of the proposed 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 pre-construction cultural resource activities, 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 are 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.

B. CULTURAL RESOURCES MONITORS

1. Appointment and Qualifications

The CRS 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:

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* (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. The project owner may name and hire any specialist prior to certification. All specialists are under the supervision of the CRS.

1. The project owner shall submit the prospective CRS's and any Alternate CRS's qualifications at least 75 days prior to the start of ground disturbance associated with site mobilization and construction (as defined in the Compliance Conditions section).

2. The project owner may replace a CRS by submitting the required resume, references and contact information to the CPM at least 10 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

CUL-6 UNDISCOVERED CULTURAL RESOURCES

The project owner shall ensure that a CRS, alternate CRS, or CRMs shall be on site for any ground disturbance that extends into sediments or soils below the artificial fill, which varies from 6 to 9 feet in depth across the AEC project site.

Ground disturbance that occurs in the following areas shall be subject to this condition.

- Combustion turbine generator/heat recovery steam generator foundation slabs (Blocks 1, 3, and 4).
- Generator step-up transformer foundation pads (Blocks 1, 3, and 4).
- Overhead transmission line pole foundations.
- Steam turbine generator foundations.
- Fuel gas compressor/conditioning structure.
- Fire water piping and hydrants surrounding Power Block 4.
- Relocated gas metering station.
- Process/sanitary wastewater pipeline.

Prior to the start of ground disturbance, the project owner shall notify the CPM and all interested Native Americans of the date on which ground disturbance will ensue. The project owner is not required to monitor construction of other project components (that is, those not listed immediately above) unless the CRS or CPM determine that observable conditions in the field warrant monitoring. Where excavation equipment is actively removing dirt and hauling the excavated material farther than 50 feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than 50 feet from the location of active excavation, one monitor shall observe both the location of active excavation and inspect the dumped material.

In the event that the CRS believes that the required number of monitors is not appropriate in certain locations, a letter or email detailing the justification for changing the number of monitors shall be provided to the CPM for review and approval prior to any change in the number of monitors.

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. 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.

The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered. On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the Conditions and/or applicable LORS. The daily monitoring logs shall at a minimum include the following information.

- First and last name of the CRM and any accompanying NAM.
- Time in and out.
- Weather. Specify if weather conditions led to work stoppages.
- Work location (project component). Provide specifics—.e.g., power block, landscaping.
- Proximity to site location. Specify if work conducted within 1000 feet of a known cultural resource.
- Work type (machine).
- Work crew (company, operator, and foreman).
- Depth of excavation.
- Description of work.
- Stratigraphy.
- Artifacts, listed with the following identifying features:
- Field artifact #: When recording artifacts in the daily monitoring logs, the CRS shall institute a field numbering system to reduce the likelihood of repeat artifact numbers. A typical numbering system could include a project abbreviation, monitor's initials, and a set of numbers given to that monitor: e.g., AEC-MB-123.
- Description.
- Measurements.
- Universal Transverse Mercator (UTM) coordinates.
- Whether artifacts are likely to be isolates or components of larger resources.
- Assessment of significance of any finds.
- Actions taken.
- Plan for the next work day.
- A cover sheet shall be submitted with each day's monitoring logs, and shall at a minimum include the following:

- Count and list of first and last names of all CRMs and of all NAMs for that day.
- General description (in paragraph form) of that day's overall monitoring efforts, including monitor names and locations.
- Any reasons for halting work that day.
- Count and list of all artifacts found that day: include artifact #, location (i.e., grading in Unit X), measurements, UTMs, and very brief description (i.e., historic can, granitic biface, quartzite flake).
- Whether any artifacts were found out of context (i.e., in fill, caisson drilling, flood debris, spoils pile).

Copies of the daily monitoring logs and cover sheets shall be provided by email from the CRS to the CPM, as follows:

- Each day's monitoring logs and cover sheet shall be merged into one PDF document
- The PDF title and headings, and emails shall clearly indicate the date of the applicable monitoring logs.
- PDFs for any revised or resubmitted versions shall use the word "revised" in the title.

Daily and/or weekly maps shall be submitted along with the monitoring logs as follows:

- The CRS shall provide daily and/or weekly maps of artifacts at the request of the CPM. A map shall also be provided if artifact locations show complexity, high density, or other unique considerations.
- Maps shall include labeled artifacts, project boundaries, previously recorded sites and isolates, aerial imagery background, and appropriate scales.

From the daily monitoring logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.

- The Cultural Resources section of the MCR shall be prepared in coordination with the CRS, and shall include a monthly summary report of cultural resources-related monitoring. The summary shall:
- List the number of CRMs and NAMs on a daily basis, as well as provide monthly monitoring-day totals.
- Give an overview of cultural resource monitoring work for that month, and discuss any issues that arose.
- Describe fulfillment of requirements of each cultural mitigation measure.

- Summarize the confidential appendix to the MCR, without disclosing any specific confidential details.
- Include the artifact concordance table (as discussed under the next bullet point), but with removal of UTMs.
- Each MCR, prepared under supervision of the CRS, shall be accompanied by a confidential appendix that contains completed DPR 523A forms for all artifacts recorded or collected in that month. For any artifact without a corresponding DPR form, the CRS shall specify why the DPR form is not applicable or pending (i.e. as part of a larger site update).
- A concordance table that matches field artifact numbers with the artifact numbers used in the DPR forms shall be included. The sortable table shall contain each artifact's date of collection and UTM numbers, and note if an artifact has been deaccessioned or otherwise does not have a corresponding DPR form. Any post-field log recordation changes to artifact numbers shall also be noted.
- DPR forms shall be submitted as one combined PDF.
- The PDF shall organize DPR forms by site and/or artifact number.
- The PDF shall include an index and bookmarks.
- If artifacts from a given site location (in close proximity of each other or an existing site) are collected month after month, and if agreed upon with the CPM, a final updated DPR for the site may be submitted at the completion of monitoring. The monthly concordance table shall note that the DPR form for the included artifacts is pending.

The CRS or alternate CRS shall report daily to the CPM on the status of the project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.

In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or email detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.

The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff.

Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions.

Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM.

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.

1. At least 30 days prior to the start of ground disturbance, the CPM will notify all Native Americans with whom the Energy Commission communicated during the project review of the date on which the project's ground disturbance will begin.

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.

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.

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.

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.

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.

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.

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.

Final updated DPRs with sites (where artifacts are collected month after month) can be submitted at the completion of monitoring, as agreed upon with the CPM.

At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or email (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level.

At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or email (or some other form

of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting.

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.

CULTURAL RESOURCES FIGURES

CULTURAL RESOURCES - FIGURE CR-7

Alamitos Energy Center -Aerial Photograph of AGS Units 1-2; Not AEC Footprint

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: Applicant's Appendix C, Figure 3-1

CULTURAL RESOURCES - FIGURE CR-8

Alamitos Energy Center -Aerial Photograph of AGS Units 1-2; Not AEC Footprint

CALIFORNIA ENERGY COMMISSION - SITING, TRANSMISSION AND ENVIRONMENTAL PROTECTION DIVISION

SOURCE: Applicant's Appendix C, Figure 3-2

NOISE AND VIBRATION

Testimony of Joseph Hughes and Shahab Khoshmashrab

Staff provides this rebuttal testimony to supplement and clarify staff's Final Staff Assessment Part 1(FSA). Staff has reviewed the testimony of the Wetlands Trust (Trust) related to cumulative impacts of the potential future demolition of the AGS facility with the operations of the AEC facility. Staff submits the following response:

Comment: *The assumptions, and consequently the conclusion, are unsupported in the record. In fact, there is nothing in the record that suggests how the Applicant will decontaminate and demolish the AGS.*

Response: From page 4.6-8 of the FSA, and Section 5.7.4.2 of the Supplemental AFC – "Demolition activities use equipment similar to that used for construction activities so the noise impacts are expected to be similar between construction and demolition." Table 5.7-5 of the Supplemental AFC describes the types of equipment used during demolition (i.e., dump truck, back hoe, etc.) and the expected sound levels at 50 feet (i.e., 91 dBA). This description is consistent with dismantling and removing equipment rather than imploding structures. This discussion was provided for demolition of Unit 7. We assumed similar approaches and methodologies would be used for demolition of Units 1-6 as part of the cumulative impact assessment (also discussed below).

Comment: *Construction and demolition noise would occur over 56 months in proximity to the Los Cerritos wetlands complex. However, there is no timeline for demolition activities presented or analyzed - neither when the demolition would begin or how long it might take.*

Response: The intervener is confusing demolition of Unit 7 and construction of AEC with the demolition of existing Units 1-6. Page 4.6-8 of the FSA states, "the combined demolition of existing unit 7 and construction of the AEC project is expected to be typical of similar projects in terms of equipment used and types of activities and would last approximately 56 months (AEC 2015f, AFC § 5.7.4.2).

Comment: *The loudest noise generated by the proposed project during construction and demolition would be from pile driving; this is also the noise most likely to cause startling effects to birds. Unsilenced pile driving would be approximately 76 dBA at the northeast corner of the Los Cerritos Wetlands (about 1,200 feet from nearest pile driving and based on 104 dBA at 50 feet)… Again, there is no evidence that demolition noise would be similar to pile driving noise. Nor is there any evidence that the mitigation measures for pile driving are effective at dampening demolition noise.*

Response: This statement says that during demolition of Unit 7 and construction of the AEC, the loudest noise would occur from pile driving. This statement is not comparing pile driving noise to noise generated from demolition of Units 1-6, nor is it saying that pile driving would be used to dampen demolition noise from demolition of Units 1-6.

When evaluating cumulative noise impacts from demolition of Units 1-6, we assumed that similar approaches and methodologies would be used as those for demolishing Unit

7. That is, the noise from demolition would be consistent with the noise from construction, as explained above and on page 4.6-8 of the FSA, and Section 5.7.4.2 of the Supplemental AFC.

In its testimony the Wetlands submitted a video showing the implosion of the South Bay power plant. Even assuming that AGS is demolished in the same manner, there would still be no cumulative impact in relation to AEC. As is noted in the i**Project Description**, demolition of AGS, if it occurs, would take place during the operations of AEC. The noise impacts from the operations of AEC are minimal and mitigated are not expected to combine with the temporary AGS demolition noise. Given the baseline industrial setting and temporary nature of any demolition of AGS, and lack of corresponding impacts from AEC, staff disagrees with the Wetlands that detailed information on the time and methodology of demolition is necessary to assess cumulative impacts.

Even if there is some minimal contribution of operational noise of AEC with demolition of AGS, the contribution would not be cumulatively considerable in relation to the short term implosion noise of demolition as indicated on the video.

SOIL AND WATER RESOURCES

Rebuttal Testimony of Abdel-Karim Abulaban, P.E.

This rebuttal testimony supplements and clarifies the information in the Final Staff Assessment Part 1 for the Alamitos Energy Center project. Staff has reviewed the opening testimony filed by the parties. Staff concurs with the applicant's opening testimony and agrees with the proposed changes to condition of certification **Soil & Water-4**. The proposed changes add clarity to the condition and adequately ensure compliance with NPDES permit requirements consistent with the analysis found in the **Soil and Water Resources** section of the Final Staff Assessment Part 1. The proposed changes are set forth below. Staff also offers additional testimony on cumulative impacts in relation to the demolition of AGS.

PROPOSED CONDITIONS OF CERTIFICATION

NPDES INDUSTRIAL PERMIT REQUIREMENTS

SOIL&WATER-4: Prior to ~~site mobilization,~~ **the start of commercial operations,** the project owner shall ~~obtain a~~ **provide evidence of obtaining certification (Notice of Intent) under the statewide** National Pollutant Discharge Elimination System permit for ~~industrial waste and~~ stormwater discharge**s associated with industrial activities** ~~to the San Gabriel River~~. ~~The project owner shall discharge to the same outfall currently utilized by the Alamitos Generating Station under the requirements of Order No. R4-2000-0082, NPDES No. CA0001139.~~ **The project owner also shall provide evidence that the city of Long Beach has issued a sewer connection permit for industrial waste discharges.** The project owner shall provide a copy of all permit documentation sent to the Los Angeles **RWQCB,** ~~or~~ State Water Board**, or city of Long Beach** to the CPM and notify the CPM in writing of any reported non-compliance.

Verification: Prior to ~~site mobilization,~~ **the start of commercial operations,** the project owner shall submit to the CPM documentation that all necessary NPDES permits were obtained from the Los Angeles **RWQCB** or State Water Board. Thirty days prior to ~~project commissioning~~ **the start of commercial operations**, the project owner shall submit to the CPM a copy of the ~~Industrial SWPPP~~ **city of Long Beach sewer connection permit for industrial waste discharge**. ~~The project owner shall submit to the CPM all copies of any relevant correspondence between the project owner and the Board regarding NPDES permits in the annual compliance report.~~

Staff has reviewed the testimony of the Wetlands Trust (Trust) related to cumulative impacts of the potential future demolition of the AGS facility combined with the operations of the AEC facility. The Trust argues that the conditions of certification, including **Soil & Water 1,** would not be adequate to address the impacts from demolition of AGS.

These mitigation measures are apparently meant to control contaminants and sediment deposition from stormwater runoff. However, as seen from video of power plant demolition elsewhere, sediment and hazardous materials can be air-borne during demolition and very likely come to rest in the nearby wetlands and adjoining river. Further, it is possible that PCB and other hazardous materials left on-site can leach out of existing structures and contaminate runoff, and it is unclear that the mitigation measures will actually capture and dispose of those toxic materials.

The mitigation measures proposed by staff are not directed at AGS but are intended to address impacts from the construction and operation of the AEC facility. Even if the video submitted by the Trust accurately reflected how demolition of AGS would occur, the operation of AEC would not contribute to the temporary dust and debris that may enter nearby waters. Thus there is no combined effect from both the proposed project and demolition of AGS.

The AEC project's use of dry cooling and other water efficiency measures as described in the **Project Description** section would ensure the project's waste water disposal would not result in a significant adverse cumulative impact to water quality by reducing waste water volume and pollutant loads. In addition, because the existing AGS will eventually shut down, it can be expected that the cumulative local waste water volume and pollutant loads will be decreasing even with the addition of the AEC.

Even if there was some combination of an effect, the incremental effects from AEC would not be cumulatively considerable with any demolition of AGS because facility waste water would be sent to the city treatment plant and not released into the local water ways, thus reducing the current introduction of pollution from the current baseline of the existing AGS facility. In addition, demolition is temporary and not an ongoing source of impacts.

TRAFFIC AND TRANSPORTATION

Rebuttal Testimony of Lisa Worrall

Staff Rebuttal Testimony to AES Opening Testimony (TN 214099)

This rebuttal testimony supplements and clarifies the information in the Final Staff Assessment Part 1 (FSA). Staff has reviewed the opening testimony filed by the parties and agrees to the following changes related to **TRANS-3**.

In the applicant's opening testimony, additional clarification language was proposed for Condition of Certification**TRANS-3**. Energy Commission staff reviewed the proposed revised condition and found the revised condition confusing. Consistent with the analysis in the FSA, staff proposes further clarifying revisions to the condition. None of the changes proposed by staff in this rebuttal testimony would change staff's conclusions of project impact in the area of traffic and transportation.

During the workshop for the Preliminary Staff Assessment, the applicant discussed concerns with the wording in **TRANS-3**. While the parties agreed to the intent of the condition, specific language was not drafted during the workshop. Changes were made to the condition and presented in the Final Staff Assessment. None of the changes in the text of **TRANS-3** changed staff's conclusions of project impact in the area of traffic and transportation.

The applicant's opening testimony and staff's rebuttal testimony document the efforts of both parties to capture the agreed intent of the condition. It is staff's intent with this condition to ensure that damage resulting from the project's heavy haul construction trips and other deliveries of construction materials and equipment on the roads used to access the project site is documented and repaired. Staff does not intend to require video and repair of roadways used by the project's construction workforce.

The following is from the applicant's opening brief (TN 214099, pg. 72-73).

TRANS-3 Restoration of All Public Roads, Easements, and Rights-of-Way
The project owner shall restore all public roads, easements, rights-of-way, and any other transportation infrastructure damaged due to project-related construction deliveries. Restoration shall be completed in a timely manner to the infrastructure's original condition. Restoration of significant damage which could cause hazards (such as potholes, deterioration of pavement edges, or damaged signage) shall take place immediately after the damage has occurred.

Prior to the start of site mobilization, the project owner shall notify the relevant agencies, including the city of Long Beach, Los Angeles County, and Caltrans, of the proposed schedule for project construction. The purpose of this notification is to request that these agencies consider postponement of any planned public right-of-way repairs or improvement activities in areas affected by project construction until construction is completed, and to coordinate any concurrent construction-related activities that cannot be postponed.

Verification: Prior to the start of site mobilization, the project owner shall video~~tape~~ all public roads, easements, right-of-way segment(s), and intersections along the route construction equipment and material delivery vehicles would take**, to and from the freeway and the project site (on surface streets only), and along the heavy haul routes** ~~in the vicinity of the project site~~. The project owner shall provide the video~~tapes~~ to the CPM.

The following is staff's proposed changes to **TRANS-3** (based on staff's FSA) to further clarify the condition. Staff also included the second paragraph of the verification which was not included in the applicant's opening testimony. Text to be removed is ~~struck through~~ and new text is shown as **bold** and underlined.

TRANS-3 Restoration of ~~All~~ Public Roads, Easements, and Rights-of-Way

The project owner shall restore ~~all~~ **the** public roads, easements, rights-of-way, and any other transportation infrastructure damaged due to project-related construction deliveries **and heavy haul trucks**. Restoration shall be completed in a timely manner to the infrastructure's original condition. Restoration of significant damage which could cause hazards (such as potholes, deterioration of pavement edges, or damaged signage) shall take place immediately after the damage has occurred.

Prior to the start of site mobilization, the project owner shall notify the relevant agencies, including the city of Long Beach, Los Angeles County, and Caltrans, of the proposed schedule for project construction. The purpose of this notification is to request that these agencies consider postponement of any planned public right-of-way repairs or improvement activities in areas affected by project construction until construction is completed, and to coordinate any concurrent construction-related activities that cannot be postponed.

Verification: Prior to the start of site mobilization, the project owner shall video~~tape all~~ **the** public roads, easements, right-of-way segment(s), and intersections **identified in the Traffic Control Plan as** ~~along~~ the route **used for** construction equipment**,** ~~and~~ material**, and heavy haul** delivery vehicles ~~would take in the vicinity of~~ **to** the project site. The project owner shall provide the video~~tapes~~ to the CPM **prior to the start of site mobilization**.

If damage to any **of the identified** public road**s**, easement**s**, or right**s**-of-way occurs during construction, the project owner shall notify the CPM and the affected agency/agencies to identify the sections to be repaired. At that time, the project owner and CPM shall establish a schedule for completion and approval of the repairs. Following completion of any repairs, the project owner shall provide the CPM with letters signed by the affected agency/agencies stating their satisfaction with the repairs.

Staff's Rebuttal Testimony to Los Cerritos Wetlands Land Trust's Opening Revised Testimony - Joe Geever, J.D (TN 214162)

Intervenor Los Cerritos Wetlands Land Trust's opening revised testimony states that it is not clear in staff's assessment that traffic and other associated adverse impacts from the demolition project will be similar to those of constructing the AEC. The revised testimony also stated that the impacts of the Alamitos Generating Station (AGS) Battery Energy Storage System project and the demolition of AGS units 1-6 have not been analyzed as cumulative. Staff disagrees with this assertion but offers this clarification with respect to traffic and transportation impacts. Nothing in staff's rebuttal testimony would change staff's conclusions or recommended conditions of certification in the area of traffic and transportation.

Staff's traffic analysis did not state that traffic impacts from the demolition project will be similar to those of constructing the AEC. Staff concluded that "[w]ith this [proposed] condition of certification [**TRANS-2**] the incremental cumulative construction impacts of the AEC would be reduced to a less than cumulatively considerable level" (FSA Part 1, TN 214089, pg. 4.10-31).

Staff considered how the AEC's traffic impacts would contribute to the cumulative impact from the demolition of AGS units 1-6 and the AGS Battery Energy Storage System project, including the other projects listed in **Traffic and Transportation Table 11**, as the cumulative projects for the technical area of Traffic and Transportation (FSA Part 1, TN 214089, pg. 4.10-25 to 4.10-31). The AEC's incremental traffic contribution to the cumulative setting would be reduced to a less than cumulatively considerable level with the inclusion of **TRANS-2.** Even if the other cumulative projects resulted in significant impacts, the AEC's contribution to impacts to traffic and transportation would not be cumulatively considerable. This is especially so given the AEC project site is an existing industrial facility and the baseline environment takes into account the traffic in the area from the operations of not only the AGS facility but also LADWP's Haynes facility and other nearby industrial facilities.

In its testimony, the Wetlands Trust assumes demolition of AGS would result in a significant level of traffic. Even assuming that is true, as is noted in the **Project Description** section of the FSA, demolition of AGS, if it occurs, is not expected to take place during AEC construction. The operations of AEC are not expected to contribute cumulatively considerable levels of traffic based on the number of facility staff and daily deliveries. Therefore there is minimal AEC-related traffic to combine with the temporary AGS demolition-related-traffic. Given the industrial setting and temporary nature of any demolition of AGS and lack of corresponding traffic impacts from AEC, staff disagrees with the Wetlands Trust that detailed information on the time and methodology of demolition is necessary to assess cumulative impacts.