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Petition for Post-Certification Modification
Tanager Battery Energy Storage System Project

Data Response Set 4A

Los Esteros Critical Energy Facility
03-AFC-02C

Submitted to

California Energy Commission

Submitted by

Los Esteros Critical Energy Facility, LLC

July 2026

LOS ESTEROS CRITICAL ENERGY FACILITY (03-AFC-02C)
Petition for Modification- Tanager BESS Project
DATA RESPONSE SET 4A

Los Esteros Critical Energy Facility (LECEF), LLC, on behalf of Tanager Power, LLC, provides the following responses to the California Energy Commission (CEC) Staff's Data Requests Set 4, Data Requests A87 through A110 for the Tanager Battery Energy Storage System (BESS) Project (Project).

The responses are grouped by individual discipline or topic area. Within each discipline area, the responses are presented in the same order as presented in CEC Staff's Data Requests Set 4 and are keyed to the Data Request numbers.

LAND USE

A82. ***Provide a description and a revised plan view or new map on an in-focus aerial photo base showing the setbacks for the BESS site. Please show and label the project site boundary.***

RESPONSE: A response will be provided as part of Data Response Set 4B.

A83. ***Describe the type and height of the security wall or fence that would border the BESS facility, and please add it to the revised plan view or new map. (Also refer to the Visual Resources data request below regarding a perimeter wall.)***

RESPONSE: A response will be provided as part of Data Response Set 4B.

A84. ***Provide a map on an in-focus aerial photo base with existing and proposed site entrance and exit roads and the proposed internal road with these features labeled. Please show and label adjacent roadways that would connect to site entrances and exits. This map content can be added to the map requested above showing the project site boundary, setbacks, and the security wall or fence.***

RESPONSE: A response will be provided as part of Data Response Set 4B.

A85. ***Provide a revised plan view or new map on an in-focus aerial photo base showing the proposed gen-tie line in greater detail, including above-ground segments and the estimated disturbance area for construction. Please include parcel boundaries.***

RESPONSE: A response will be provided as part of Data Response Set 4B.

A86. ***Provide the type and estimated number and heights of transmission poles.***

RESPONSE: A response will be provided as part of Data Response Set 4B.

A87. ***Provide estimated dimensions for project structures in addition to the estimated 25-foot height of the BESS containers, including equipment and proposed security walls or fence*s.**

RESPONSE: See Table A87-1 for estimated dimensions for Project features including the BESS containers, equipment and proposed security walls or fences.

Table A87-1. Estimated Dimensions for Project Features

Project Features	Estimated Dimensions
Control House	40ft L x 15ft W x 10 ft H
Inverters	21ft L x 8ft W x 10ft H
HV Breaker	8ft L x 6ft W x 18ft H
Security wall/fences	6ft H
Main power transformer	30ft L x 13ft W x 26ft H
Aux transformer skids	30ft L x 10ft W x 10 ft H
Battery Containers	20ft L x 8ft W x 10ft H
MV Breaker	6ft L x 6ft W x 11ft H

SOCIOECONOMICS

A88. ***Provide the estimated number of construction workers per month during peak activities and the average number of workers per month needed for project construction.***

RESPONSE: Construction of the Project is expected to occur over approximately 12 months. Workforce requirements will vary by construction phase, with the highest labor demand occurring during site civil work, foundation installation, electrical installation, and equipment placement activities. As described below in Data Response A89, to the extent consistent with applicable laws and Project obligations, construction workers for the Project would be drawn primarily from the existing Bay Area labor market, including Santa Clara County and surrounding counties. The Project is expected to employ an average monthly workforce of approximately 60–80 workers, with peak construction employment of approximately 100–120 workers during the most labor-intensive construction activities. Additional details regarding the estimated monthly workforce are provided below in Data Response A90. Overall, construction of the Project is expected to generate approximately 200–250 construction jobs over the duration of the construction period.

A89. ***What geographic area(s) would construction workers be drawn from? What would be the estimated percentage of local and non-local construction workforce?***

RESPONSE: Construction workers for the Project would be drawn primarily from the existing Bay Area labor market, including Santa Clara County and surrounding counties. Tanager Power has negotiated and signed a Project Labor Agreement (PLA) with the State Building & Construction Trades Council of California and the Santa Clara & San Benito Counties Building and Construction Trades Council, which numerous local unions are expected to join. The parties to the PLA recognize that the future of the construction industry in the local area, of which the unions are a vital part, depends on

efficient utilization of labor, which includes a local hiring preference among qualified individuals referred by the unions.

Consistent with Project commitments, construction workers will be drawn from the Bay Area unless: (1) doing so would violate applicable federal or state statutes, (2) qualified employees for specific jobs or positions are not available within the local labor market, or (3) there is another reasonable basis to hire an individual from outside the local area, with such basis including the hiring preferences established by the PLA. Because the Bay Area has a large and well-established pool of skilled construction labor, including civil, electrical, equipment installation, and specialty trades required for battery energy storage projects, the majority of the construction workforce is expected to be locally sourced.

Based on current workforce assumptions, it is estimated that approximately 80 to 90 percent of construction workers would be drawn from the Bay Area and surrounding regional labor market, while approximately 10 to 20 percent could consist of specialized personnel, vendor representatives, supervisory staff, or other workers recruited from outside the region to meet specific project needs. As a result, the Project is not expected to induce substantial population growth or create a substantial demand for temporary housing or public services because most workers are anticipated to commute from existing residences within the regional labor market.

A90. ***Staff needs information on the occupational trades required for project construction. Provide a table with the occupational trades and the number of workers needed for each month during construction.***

RESPONSE: Construction of the Project would require a variety of skilled and unskilled trades, including construction management, civil construction, electrical installation, equipment installation, and testing/commissioning personnel. Workforce requirements would vary throughout the approximately 12-month construction period depending on the phase of work underway.

Table A90-1 provides a preliminary estimate of workforce requirements by occupational trade and month of construction. Table A90-2 provides estimated total workers by month. Actual staffing levels may vary based on

final engineering, procurement, contractor means and methods, and construction sequencing.

Table A90-1. Preliminary Estimated Construction Workforce by Occupational Trade and Month

Occupational Trade	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12
Project Management / Supervisory	4	4	4	4	4	4	4	4	4	4	4	4
Laborers	8	12	15	15	12	10	8	6	4	4	2	2
Equipment Operators	4	8	10	10	8	6	4	2	2	1	0	0
Truck Drivers / Material Delivery	2	4	5	5	5	4	4	3	2	1	1	1
Carpenters / Concrete Workers	4	8	12	15	15	10	6	2	1	0	0	0
Ironworkers / Structural Installers	0	2	4	6	8	8	6	4	2	0	0	0
Electricians	2	4	8	12	20	30	40	45	40	25	15	8
High-Voltage / Substation Technicians	0	0	2	4	8	10	12	15	15	10	6	2
Battery Equipment Installation Technicians	0	0	0	4	8	15	20	25	25	15	8	0
Testing / Commissioning Personnel	0	0	0	0	0	0	2	4	8	15	20	12
Safety & Environmental Staff	1	1	2	2	2	2	2	2	2	2	2	2

Table A90-2. Estimated Total Monthly Construction Workforce

Construction Month	Total Workers
Month 1	25
Month 2	43
Month 3	62
Month 4	77
Month 5	90
Month 6	99
Month 7	108
Month 8	112
Month 9	105
Month 10	77
Month 11	58
Month 12	31

Notes:

1. Average workforce: approximately 74 workers/month.
2. Peak workforce: approximately 112 workers/month during major electrical installation, battery equipment installation, and commissioning activities.

A91. ***Would the project require additional workers for operations? If so, approximately how many workers would be required and where would they be drawn from?***

RESPONSE: The Project would require a limited number of personnel for operations and maintenance activities. The facility would be remotely monitored and controlled, with on-site personnel required only periodically for inspections, routine maintenance, corrective maintenance, vegetation management, equipment testing, and other operational activities. It is anticipated that operation of the Project would require approximately two to five full-time equivalent operations and maintenance personnel, although staffing requirements may vary depending on final operational and maintenance agreements. These positions would primarily consist of operations technicians, electrical maintenance personnel, and supervisory support staff. Consistent with the Project's commitment to utilize the regional labor force where available, operations and maintenance personnel would be drawn primarily from Santa Clara County and the greater San Francisco Bay Area labor market. Specialized technicians or manufacturer representatives may periodically be sourced from outside the region for major maintenance activities, equipment upgrades, or warranty-related work. Because operational staffing requirements are expected to be minimal and largely drawn from the existing regional workforce, the Project would not result in substantial population growth, housing demand, or adverse socioeconomic impacts.

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WATER RESOURCES

A92. ***Quantify the water usage of the project, identify the source and discuss the capacity of that source to provide water for the project for the reasonably foreseeable future during normal and dry years.***

RESPONSE: The Project does not require process water for electricity generation, battery charging, battery discharging, or cooling. Construction water use would be temporary and would primarily consist of dust suppression during grading and construction activities and concrete preparation and curing.

Operational water use would be limited to the fire loop. The existing LECEF fire-loop system will be expanded and shared between the facilities because it has sufficient capacity to account for both the LECEF and the Tanager BESS facilities. (See, Data Response Set 3B, Attachment DR-A75, TN: 270953)

Water Supply Source: Construction water would be trucked in.

Capacity of the Water Source: The CEC previously found that the South Bay Water Recycling (SBWR) system had sufficient capacity to serve the existing LECEF powerplant including average recycled water demand of approximately 1.313 million gallons per day (mgd) and peak demand of approximately 2.95 mgd. The CEC further found that LECEF's peak demand would not adversely affect the quantity of recycled water available to existing or future users of the SBWR system. The anticipated water demand associated with the Project is de minimis compared to the water demand previously approved for LECEF operations because the Project does not require process water or cooling water and does not require a large on-site workforce for routine operations.

Water Availability During Normal and Dry Years: The CEC previously found that recycled water supplied through the SBWR program is derived from municipal wastewater treatment flows and that sufficient recycled water supplies are available to serve facilities at the LECEF site. The recycled water supply is not dependent on groundwater extraction and is less susceptible to drought-related supply reductions than traditional potable water sources because it is generated from ongoing municipal wastewater flows. Given the minimal water requirements of the Project and the previously documented capacity of the SBWR system, adequate water supplies are expected to be available to serve the Project during both normal and dry years throughout the reasonably foreseeable future. The Project would not materially affect recycled water availability for other SBWR customers and would not require the development of new water supply infrastructure.

A93. ***Analyze the effects of the project on water quality standards and discuss compliance with existing COCs and potentially amended COCs to prevent impacts to water resources. Include a discussion on groundwater including the state of the groundwater basin for the area, the depth to water, the chance of encountering groundwater during construction, and mitigation measures to protect groundwater.***

RESPONSE: The Project would be located on previously disturbed LECEF property and would not generate process wastewater during operations. The Project does not require cooling water, wastewater treatment, or operational discharges that could affect surface water or groundwater quality. Potential water-quality impacts would be limited to temporary construction activities, including erosion, sediment transport, and accidental releases of fuels, lubricants, hydraulic fluids, or concrete washout. These potential impacts would be minimized through implementation of a Stormwater Pollution Prevention Plan (SWPPP), construction Best Management Practices (BMPs), spill prevention measures, proper materials handling, and compliance with applicable LECEF Conditions of Certification (COCs) and NPDES requirements. With these measures, impacts to water quality standards would be less than significant.

The Project is located within the Santa Clara Valley Groundwater Basin (Basin). Groundwater quality in this portion of the Basin has historically been affected by seawater intrusion, elevated salinity, and other regional groundwater quality concerns. A preliminary geotechnical investigation encountered groundwater between approximately 5 and 9.6 feet below ground surface (bgs) and recommends assuming groundwater at 5 feet bgs for design purposes. The Project would not extract groundwater, discharge wastewater to groundwater, or otherwise interfere with groundwater basin management objectives. The battery storage units will be supported on helical piles that extend through the upper undocumented fill and soft clay layers and embed into the underlying stiffer/denser soils. Preliminary geotechnical recommendations indicate pile embedment depths of approximately 15 to 20 feet. Helical/screw piles are an appropriate foundation system for the site and can be installed in shallow groundwater conditions. The foundations will be designed consistent with geotechnical recommendations and with consideration of soil and groundwater conditions. Therefore, compliance with existing LECEF Soil and Water COCs, together with project-specific construction BMPs and stormwater controls, would prevent adverse impacts to groundwater and surface water resources. No updates to current LECEF Soil and Water COCs, except as described in Appendix A to the Petition, are needed.

A94. ***Analyze the projects impacts to the drainage pattern of the project area.***

RESPONSE: LECEF captures all runoff from its facility within its facility and directs this water to basins for use or discharge through an existing drainage system. The

Project would similarly capture all on-site runoff in basin(s) and discharge the water, as needed, through existing LECEF features. Because the Project will maintain the existing drainage patterns associated with LECEF, no new or different impacts from those previously analyzed in the LECEF Final Decision are expected to occur.

A95. ***Analyze the effect of the project on surface water runoff. This would include a quantitative analysis on any changes from pervious to impervious surfaces and how the effects of any changes would be mitigated, whether runoff is increased or decreased.***

RESPONSE: Although the Project would increase impervious surface area through the installation of battery containers, foundations, access roads, and associated infrastructure, stormwater runoff would continue to be managed through the existing LECEF drainage facilities. Runoff would be conveyed to the existing stormwater swale located along the east side of the LECEF property, where it would be retained for reuse, consistent with current site operations. A preliminary hydrology study was conducted assuming the site would be 90% impervious and it was concluded that runoff volume from the Project to LECEF would increase from 0.1 to 1.0 acre feet for a 1-inch rainfall event (other rainfall events were also included). Per the study, the existing LECEF stormwater system could accommodate the increase in runoff from the Project's impermeable surfaces for all rainfall events studied. Detailed design hydrological calculations, confirming the study results above, will be conducted prior to construction, based on final Project design. Therefore, the Project would have de minimis effect on the current LECEF surface water runoff.

A96. ***Analyze the effect of the project on the existing storm water systems.***

RESPONSE: The Project will utilize the existing LECEF stormwater management system and is not expected to adversely affect the capacity or operation of that system. Although the Project would increase impervious surface area through the installation of battery containers, foundations, access roads, and associated infrastructure, stormwater runoff would continue to be managed through the existing LECEF drainage facilities. Runoff would be conveyed to the existing stormwater swale located along the east side of the LECEF property, where it would be retained for reuse, consistent with current site operations. The LECEF stormwater system also retains the capability to discharge stormwater to Coyote Creek during extreme storm events through their coverage under the Industrial General Permit. Therefore, there will be no substantive effect from the Project because it will use the existing LECEF system.

A97. ***Analyze the risk of release of pollutants due to flood or other inundation hazards.***

RESPONSE: The potential for a release of pollutants due to flood or other inundation hazards from the Project is considered low. The Project Site is located outside the FEMA-mapped 100-year floodplain and benefits from existing levee protection and site drainage infrastructure. The Project hydrology study concluded that the proposed stormwater detention basin, together with the existing LECEF stormwater management system, is capable of managing project runoff under the analyzed storm conditions. Battery containers will be installed on raised foundations and will be monitored continuously through a Battery Management System designed to identify abnormal conditions and initiate protective actions as needed. Although the battery containers are anticipated to have an IP55 rating or higher and are not intended for prolonged flood inundation, a flood-related release would require an extreme and unlikely sequence of events involving significant site flooding and water intrusion into battery equipment. Given the site's low flood susceptibility, proposed stormwater controls, raised equipment design, hazardous materials management practices, control systems, including the Battery Management System, and emergency response procedures, the likelihood of a flood-related pollutant release is low and potential impacts to public health, safety, and the environment would not be significant.

A98. ***Analyze the impacts of the project on any water quality or groundwater management plans.***

RESPONSE: The Project will not withdraw groundwater, does not discharge wastewater, and will be built within an existing industrial site. No new or different impacts from those previously analyzed in the LECEF Final Decision are expected to occur. Therefore, there are no potential impacts to analyze.

A99. ***Analyze the impacts to any wastewater treatment providers.***

RESPONSE: Wastewater treatment providers are not required for the Project, as it will not generate wastewater. Therefore, there are no potential impacts to analyze.

A100. ***Discuss LORS compliance and applicability and any changes from the original permit and environmental analysis.***

RESPONSE: The Project does not raise any water resources LORS compliance issues. No new or different impacts from those previously analyzed in the LECEF Final Decision related to water resources are expected to occur. No changes to the existing LECEF Soil and Water COCs, except as described in Appendix A to the Petition, are required.

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SOLID WASTE

A101. ***Identify and quantify the solid waste and identify the facilities that would accept the waste generated by the project.***

RESPONSE: Construction of the Project is expected to generate approximately 200 to 400 tons of nonhazardous solid waste, consisting primarily of cardboard and plastic packaging, wood pallets, scrap metal, excess construction materials, limited concrete debris, cleared ground cover, and general municipal solid waste generated by construction personnel. Operational waste would be minimal and limited to routine maintenance-related materials, packaging, replaced electrical components, and municipal refuse. Consistent with the existing LECEF Waste Management Plan, recyclable materials would be segregated and recycled to the maximum extent practicable. Recyclable construction debris, including cardboard, wood, plastics, and metals, would be accepted at facilities such as Zanker Resource Recovery Facility (San Jose) and Newby Island Resource Recovery Park (Milpitas). Nonrecyclable municipal solid waste would be disposed of at permitted regional facilities such as Guadalupe Landfill. Scrap metals would be delivered to licensed metal recycling facilities.

Any spent battery modules, electronic waste, or hazardous waste generated during operation, maintenance, battery replacement, or decommissioning would be managed by licensed haulers. Such wastes would be transported to authorized battery recycling, universal waste, or hazardous waste management facilities. Existing regional waste management infrastructure has sufficient capacity to accommodate Project-generated waste streams.

A102. ***Analyze the project in the context of applicable state and local LORS for waste disposal and recycling.***

RESPONSE: The Project would comply with all applicable federal, state, and local laws, ordinances, regulations, and standards (LORS) governing solid waste, recycling, and hazardous waste management. As described in the Petition to Amend, the Project would continue to operate under the existing LECEF Waste Management Plan, and the proposed modifications would not alter the approved waste management approach for the site. The Project would be consistent with California waste diversion and recycling requirements by segregating and recycling construction materials to the maximum extent practicable and by managing any hazardous or universal wastes, including battery-related materials, in accordance with applicable state regulations. Waste generated by the Project would be handled through existing permitted recycling and disposal facilities with adequate capacity to accommodate Project-generated waste streams. As a result, the Project would not conflict with applicable state or local waste disposal and recycling requirements and

would not result in a significant impact on regional waste management infrastructure

VISUAL RESOURCES:

A103. ***Confirmation of whether the City of San José or the County of Santa Clara Fire Marshal (or their designee) would require a noncombustible separation barrier (wall) six to eight feet or more in height for fire-area containment along the project site perimeter, based on their review of the project's battery energy storage system configuration and site-specific conditions. Describe the construction materials of the proposed wall (e.g., concrete) and the surface treatment of its exterior side in public view.***

RESPONSE: As described in Data Response Set 1A, the Project team has engaged in multiple video and phone conversations with the San Jose Fire Department (SJFD) and continues to coordinate with the SJFD and Fire Marshal.

As part of these conversations, SJFD has recommended review of California Fire Code section 1207.4.9, which provides for safeguards against unauthorized entry but is not prescriptive as to types of barriers or fire ratings. Specifically, Section 1207.4.9 provides that BESS "shall be secured against unauthorized entry and safeguarded in an approved manner" and that "[s]ecurity barriers, fences, landscaping and other enclosures shall not inhibit the required air flow to or exhaust from the electrochemical ESS and its components." The Project design includes a six-foot noncombustible perimeter security barrier. The proposed barrier would consist of a concrete masonry unit (CMU) wall along the southern Project boundary and a non-scalable aluminum or similar fencing system along the remaining Project perimeter. The exterior face of the southern CMU wall visible to the public would receive an architectural surface treatment, if needed, (such as a textured finish, coating, or paint) to provide an aesthetically compatible appearance consistent with surrounding land uses and applicable design requirements.

Based on a preliminary review, the Project understands that the SJFD does not object to the proposed perimeter security barrier and will also conduct an official review following approval of the Petition and during the detailed design process. If the Fire Marshal determines that a taller or additional noncombustible fire separation barrier is required, or if additional measures are required, including the use of other materials, such requirements will be incorporated during the detailed design process for the Project.

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GEOLOGIC HAZARDS AND RESOURCES

A104. ***As required in the California Building Code (CBC) Section 1803, complete a preliminary site-specific geotechnical investigation to evaluate, and recommend mitigation for, site-specific geologic conditions and hazards.***

RESPONSE: The Project area was previously evaluated for geologic hazards and geologic resources during the Application for Certification (AFC) proceedings for both LECEF Phase I and Phase II. The LECEF Phase II proceedings culminated in the CEC's Final Commission Decision (CEC-800-2005-004-CMF) issued in October 2006.

The Final Decision presented the available data and addressed potential impacts from geologic hazards, and on geological and paleontological resources. The decision established Conditions of Certification PAL-1 through PAL-6 to avoid, minimize, and mitigate potential impacts related to geologic and paleontological resources. A preliminary site-specific geotechnical investigation was also completed in 2025 (Calpine Tanager Energy Storage Project Preliminary Geotechnical Engineering Report, August 29, 2025). The investigation provided additional data on subsurface conditions, evaluation of geologic hazards, and preliminary engineering recommendations to address the site conditions and hazards, consistent with applicable building code requirements.

The activities proposed under the amendment are supported by the previous analyses and an updated geotechnical investigation, both of which remain valid and applicable to the proposed Project. In addition, the Conditions of Certification for Facility Design include the following:

- GEN-5 requires that a soils/geotechnical professional review the engineering geology reports, prepare a geotechnical/foundation investigation report, and monitor earthwork during construction.
- CIVIL-1 requires that a geotechnical/foundation investigation report for the project be submitted.
- CIVIL-2 requires that earthwork be stopped to address unforeseen conditions as identified by a geotechnical professional.

Accordingly, as described in Appendix A to the Petition, no additional geologic analysis or mitigation measures are warranted beyond the existing Conditions of Certification (PAL-1 through PAL-6, GEN-5, CIVIL-1 and CIVIL-2) and the recommendations contained in the 2025 geotechnical report. Compliance with Section 1803 of the California Building Code (CBC, 2025, or its successor in effect at the time construction of the project commences) will also require preparation of and compliance with recommendations in a final geotechnical and geohazard report.

A105. ***Add a discussion of existing conditions and the regulatory setting related to geologic resources and hazards to the amendment.***

RESPONSE: A discussion of the existing geologic conditions, geologic hazards, and applicable regulatory setting was provided during the LECEF Phase I and Phase II Application for Certification (AFC) proceedings. These resources were further evaluated in the Calpine Tanager Energy Storage Project Preliminary Geotechnical Engineering Report (August 29, 2025), which provides updated site-specific geotechnical information for the proposed amendment. Based on a review of the previous analyses and the activities proposed under the amendment, existing conditions and the regulatory setting (other than updates to the current CBC) related to geologic resources and hazards have not changed.

A106. ***Evaluate potential impacts related to geologic resources and hazards that may occur during project grading, construction, and operation according to the CEQA Guidelines Checklist found in the California Code of Regulations, Title 14, Division 6, Chapter 3, Appendix G, VII. Geology* and Soils.**

RESPONSE: As previously discussed, potential impacts related to geologic resources and hazards associated with Project grading, construction, and operation were evaluated during the Application for Certification (AFC) proceeding for LECEF Phase I and Phase II. These issues were also evaluated in the Calpine Tanager Energy Storage Project Preliminary Geotechnical Engineering Report (August 29, 2025). Based on reviews of the previous analyses, the updated geotechnical investigation, and the activities proposed under the amendment, a Principal Geotechnical Engineer has determined that the previous impact analysis remains valid and applicable to the proposed Project. Accordingly, no additional geologic analysis or mitigation measures are warranted beyond the existing Conditions of Certification (PAL-1 through PAL-6, GEN-5, CIVIL-1 and CIVIL-2) and the recommendations contained in the 2025 geotechnical report.

A107. ***Evaluate if the mitigation proposed in the preliminary site-specific geotechnical investigation along with conformance with other applicable LORS would mitigate potential impacts related to project construction and operation and geologic hazards to less than significant.***

RESPONSE: A Principal Geotechnical Engineer has reviewed Conditions of Certification PAL-1 through PAL-6 and concluded that, in combination with GEN-5, CIVIL-1 and CIVIL-2, these COCs remain applicable to paleontological and geologic hazards for the proposed activities. Implementation of existing COCs along with implementation of the recommendations contained in the 2025 geotechnical report will continue to avoid or reduce potential impacts to geologic hazards to a less-than-significant level.

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PALEONTOLOGICAL RESOURCES

A108. ***Use Society of Vertebrate Paleontology guidelines to evaluate the paleontological potential of geologic units that occur at the surface or may be encountered in the subsurface.***

RESPONSE: The Project area was previously evaluated for paleontological resources in accordance with the Society of Vertebrate Paleontology (SVP) guidelines as part of the original LECEF Phase I and Phase II Application for Certification proceedings. The LECEF Phase II Final Commission Decision established Conditions of Certification PAL-1 through PAL-6 to avoid and mitigate potential impacts to paleontological resources. Based upon a senior paleontologist's review of the previous analysis and the proposed activities, these Conditions of Certification remain applicable to the current Project and sufficient to mitigate any potential issues. In addition, the site has been previously disturbed and the Project does not propose a significant amount of grading, further reducing the potential for impacts to paleontological resources.

A109. ***Evaluate potential impacts on paleontological resources from ground disturbing activities associated with grading, construction, and operation. Follow the CEQA Guidelines Checklist found in the California Code of Regulations, Title 14, Division 6, Chapter 3, Appendix G, VII. Geology and Soils.***

RESPONSE: Potential impacts to paleontological resources resulting from ground-disturbing activities associated with grading, construction, and operation were evaluated during the LECEF Phase I and Phase II Application for Certification proceedings. The analysis was conducted consistent with the applicable CEQA Guidelines, including the California Code of Regulations, Title 14, Division 6, Chapter 3, Appendix G (Geology and Soils). Conditions of Certification PAL-1 through PAL-6 remain applicable to the Project and will continue to mitigate potential impacts to paleontological resources.

A110. ***Evaluate if the existing COCs PAL-1 through PAL-6 would mitigate potential impacts on paleontological resources to less than significant.***

RESPONSE: Potential impacts to paleontological resources resulting from ground-disturbing activities associated with grading, construction, and operation were evaluated during the LECEF Phase I and Phase II Application for Certification proceedings. The LECEF Phase II Final Commission Decision determined that LECEF would not have a significant impact on paleontological resources with implementation of COCs PAL-1 through PAL-6. Validating this conclusion, no significant paleontological resources were encountered during the construction of LECEF. As described in Data Response Set 1A, Data Response A14, the site will be graded site and leveled

to the depth needed for construction of access routes and foundations for the battery containers. The existing berm along the northern margin of the BESS site, adjacent to the LECEF would be partially removed. Excess soil, gravel or other material will be removed from the site in accordance with the site Soils Management Plan. Except for the concrete foundations for the battery containers, grading is not expected to exceed a depth of 1-2 feet and would be similar to the depth of soil that was disturbed during construction of the LECEF. The concrete foundations for the battery containers would require the excavation of soil to a depth of approximately five feet or the installation of piles to a depth of approximately 15 feet below grade.

As described in Appendix A to the Petition, the Project will implement COCs PAL-1 through PAL-6. These conditions will ensure that potential impacts on paleontological resources will be less than significant.