

# Appendix A

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Initial Study, Notice of Preparation, and Scoping Comments





**County of San Joaquin**  
**Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting**  
**14800 W. Schulte Road Logistics Center Project**

**Date:** November 23, 2020  
**To:** All Interested Agencies, Organizations, Persons and State Clearinghouse  
**From:** San Joaquin County  
**Subject:** Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the 14800 W. Schulte Road Logistics Center Project

Project Title: 14800 W. Schulte Road Logistics Center Project  
Project Numbers: PA-1900208 (SA) & PA-2000162 (ER)  
Project Address: 14800 W. Schulte Road, Tracy California 95377  
Project Applicant: LBA RVI-Company XXXII, LLC.

**Lead Agency/Contact:** County of San Joaquin Community Development Department  
Alisa Goulart, Associate Planner  
1810 East Hazelton Avenue  
Stockton, California 92505  
alisa.goulart@sjgov.org  
(209) 468-0222

**Comment Period:** November 23, 2020 – December 22, 2020

This Notice of Preparation (NOP) has been prepared to notify agencies and interested parties that the County of San Joaquin (County), as Lead Agency, is commencing preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) to evaluate the potential environmental effects associated with the 14800 W. Schulte Road Logistics Center Project (Project).

The County is requesting input from interested individuals, organizations, and agencies regarding the scope and content of the environmental analysis to be included in the upcoming Draft EIR. In accordance with CEQA, the County requests that agencies provide comments on the environmental issues related to the statutory responsibilities of their particular agency. This NOP contains a description of the Project, its location, and a preliminary determination of the environmental resource topics to be addressed in the Draft EIR.

Documents related to the Project will be available for review at the County's website at:

<http://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=actlist&typ=apd>

**Project Location:** The approximately 37.96-acre Project site is located at 14800 W. Schulte Road within southwestern unincorporated San Joaquin County, California (see Figure 1, Project Location). Currently, the site is vacant and contains bare expanses of soil interspersed with ruderal vegetation. The Project site was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019.

The Project site is located within an area containing a mix of agricultural and industrial uses. The Project site is bounded by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, a manufacturing/warehouse use to the south, and a warehouse/distribution use to the west.

The County of San Joaquin General Plan Land Use Map designates the Project site as General Industrial (I/G), and the County's Zoning Map identifies the site as General Industrial (I-G). The Project site is located within the Sphere of Influence (SOI) of the City of Tracy (City), and thus, is designated by the City's General Plan Land Use Map as Industrial.

Regional access to the Project site is provided by Interstate (I) 580 and I-205, located approximately 1.5 miles to the southwest and north, respectively, and I-5, located approximately 8 miles to the east.

**Project Description:** The Project would involve the construction and operation of three single-story industrial warehouse buildings totaling approximately 678,913 square feet, as well as associated improvements, including loading docks, tractor trailer stalls, passenger vehicle parking spaces, and street, sidewalk, and landscape improvements (see Figure 2, Site Plan). Although subject to change, demolition and preliminary construction is anticipated to commence in 2021.

Access to the Project would be provided via two driveways:

- Driveway 1 on Schulte Road – 30-foot-wide, full access (passenger cars only) driveway
- Driveway 2 on Schulte Road – 50-foot-wide, full access (passenger cars and trucks) driveway

To facilitate adequate on-site circulation and sufficient site access for both passenger vehicles and trucks, and to ensure efficient off-site circulation on nearby roadway facilities, the Project would involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. These improvements would be constructed to accommodate the future build-out condition of Schulte Road. In addition, the Project would include internal drive aisles to facilitate on-site circulation. Emergency access would be provided via the two driveways on Schulte Road, as well as a 25-foot wide driveway on Quality Drive. This driveway would be reserved exclusively for emergency access.

The Project would involve the construction of new water, wastewater treatment, and stormwater drainage facilities. Domestic, irrigation, and fire suppression water would be sourced on the Project site through the installation of two on-site water wells. The Project would include a 500,000-gallon aboveground water storage tank that would be reserved for fire suppression uses only. Wastewater generated by each of the three buildings would be directed to individual on-site septic tanks and associated leach fields. Stormwater would be managed and treated by three below-grade, open, earthen infiltration basins that would be sized to capture and treat all on-site stormwater generated by two consecutive 10-year, 24-hour storm events, as required by the County.

### **Responsible Agencies**

For the purposes of CEQA, the term "Responsible Agency" includes all public agencies (other than federal agencies) beyond the Lead Agency that have discretionary approval power over the project (CEQA Guidelines Section 15381). Discretionary approval power may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the Project. Responsible Agencies may include, but are not limited to, the following:

- **Central Valley Regional Water Quality Control Board (CVRWQCB):** Clean Water quality certification, National Pollution Discharge Elimination System Permit
- **City of Tracy:** Encroachment permits for placement of encroachments within, under, or over the City of Tracy rights of way if improvements are required within the City of Tracy

- **San Joaquin Valley Air Pollution Control District (SJVAPCD):** Authority to construct, permit to operate
- **San Joaquin Council of Governments:** Approval of participation and certificate of payment confirming participation in the San Joaquin Multi-Species and Habitat Conservation Plan

**Potential Environmental Impacts of the Project:** Based on the preliminary scope of the Project and preparation of an Initial Study, the County has determined that the Project could have a potentially significant environmental effect. Pursuant to CEQA Guidelines Section 15063, the County has determined that preparation of an Environmental Impact Report will be required, which will focus on the significant effects of the Project. The Project's potentially significant environmental effects will be addressed in the forthcoming Draft EIR. The potential environmental effects to be addressed in the Draft EIR will include, but may not be limited to the following:

- |                            |                                      |
|----------------------------|--------------------------------------|
| • Air Quality              | • Noise                              |
| • Biological Resources     | • Transportation                     |
| • Cultural Resources       | • Tribal Cultural Resources          |
| • Energy                   | • Water                              |
| • Greenhouse Gas Emissions | • Mandatory Findings of Significance |

The EIR will also address all other CEQA-mandated topics, including cumulative impacts and Project Alternatives. Further detail about the Draft EIR's scope, including a discussion of less-than-significant impacts and potentially significant impacts, is available in the Initial Study. See further below for access instructions.

A Notice of Availability will be published and circulated at a later date indicating that the Draft EIR will be available for public review and comment.

**Public Scoping Comment Period and Meeting**

**Public Scoping Comment Period:** The County has established a 30-day public scoping period from November 23, 2020, to December 22, 2020. During the scoping period, the County's intent is to disseminate Project information to the public and solicit comments from agencies, organizations, and interested parties, including nearby residents and business owners, regarding the scope and content of the environmental information to be included in the EIR, including mitigation measures or Project alternatives to reduce potential environmental effects. During this period, this NOP and the Initial Study may be accessed electronically at the following website:

<http://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=planning&htm=actlist&typ=apd>

A hard copy of the IS/NOP is available for review at the San Joaquin County Community Development Department on Monday throughout Friday from 8:00 a.m. to 12 p.m. and 1 p.m. to 5:00 p.m. (except during office closures):

**San Joaquin County Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205**

**Public Scoping Meeting:** Rather than conducting an in-person meeting, Executive Order N-80-20 allows local governments to hold meetings via teleconferencing while still meeting state transparency requirements. Therefore, the Project's Scoping Meeting will be held online, through a webinar type format. The Scoping Meeting will involve a presentation about the Project and the environmental review process and schedule. The purpose of the meeting is to facilitate the receipt of written comments about the scope and content of the environmental analysis to be addressed in the Draft EIR. No decisions about the Project will be made at the Scoping Meeting. A separate public hearing for entitlement requests will be scheduled

after the completion of the Draft EIR. The date, time, and website of the Project's Scoping Meeting are as follows:

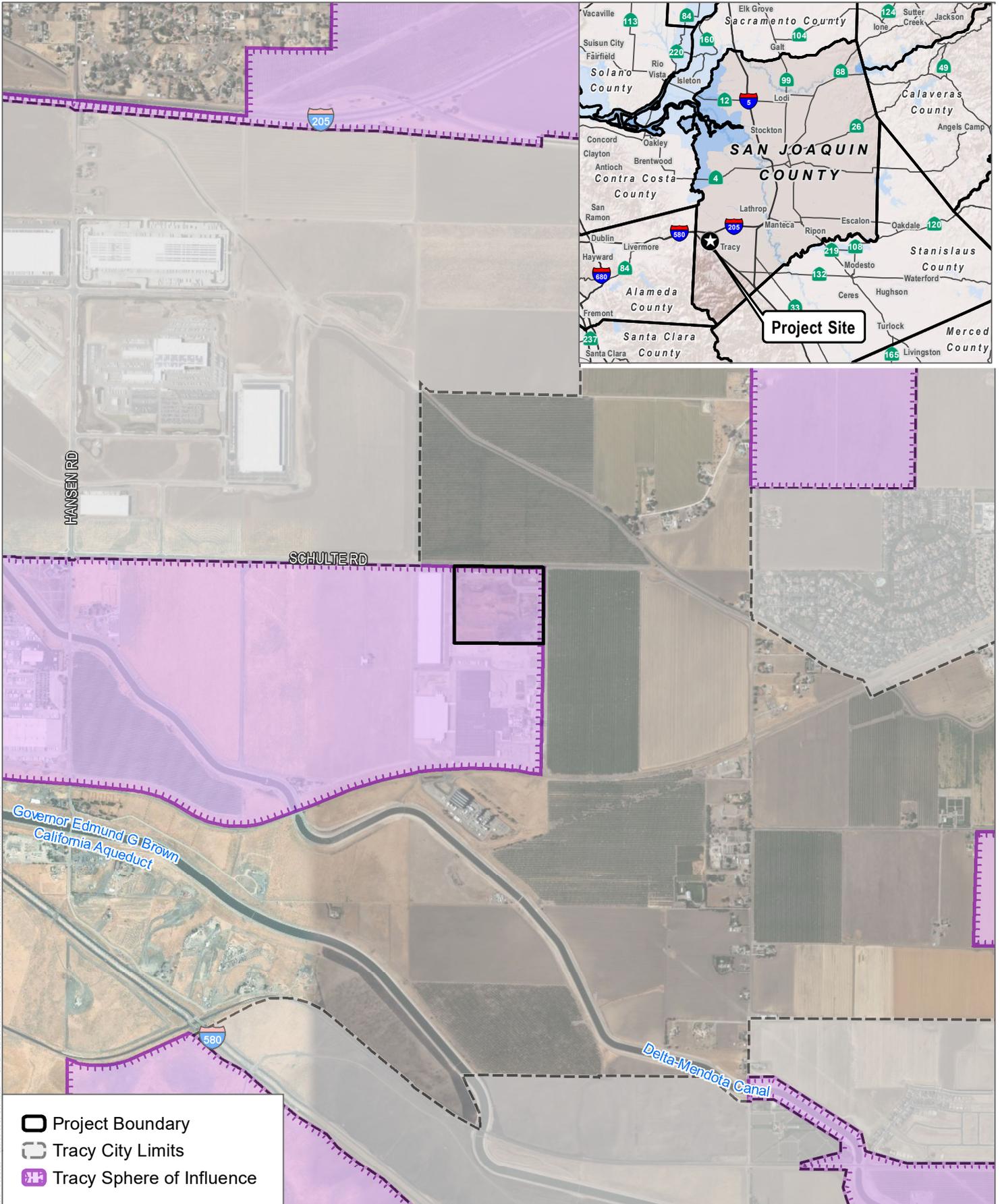
**Date and Time:** Thursday, December 10, 2020 at 4:00 – 4:45 PM (Agency Scoping Meeting)  
Thursday, December 10, 2020 at 5:15 – 6:00 PM (Public Scoping Meeting)

**Scoping Meeting Log-In:** Please register at [sjgov.org/commdev](http://sjgov.org/commdev)

**Scoping Comments:** All scoping comments must be received in writing by 5:00 p.m. on December 22, 2020, which marks the end of the 30-day public scoping period. All written comments should indicate an associated contact person for the agency or organization, if applicable, and reference the Project name in the subject line. Pursuant to CEQA, responsible agencies are requested to indicate their statutory responsibilities in connection with the Project when responding. Please mail or email comments and direct any questions to the following contact person:

**Alisa Goulart, Associate Planner**  
**County of San Joaquin, Community Development Department**  
**1810 E Hazelton Ave,**  
**Stockton, California 95205**  
**Phone: (209) 468-0222**  
**Email: [alisa.goulart@sjgov.org](mailto:alisa.goulart@sjgov.org)**

**Attachments:** Figure 1, Project Location  
Figure 2, Site Plan

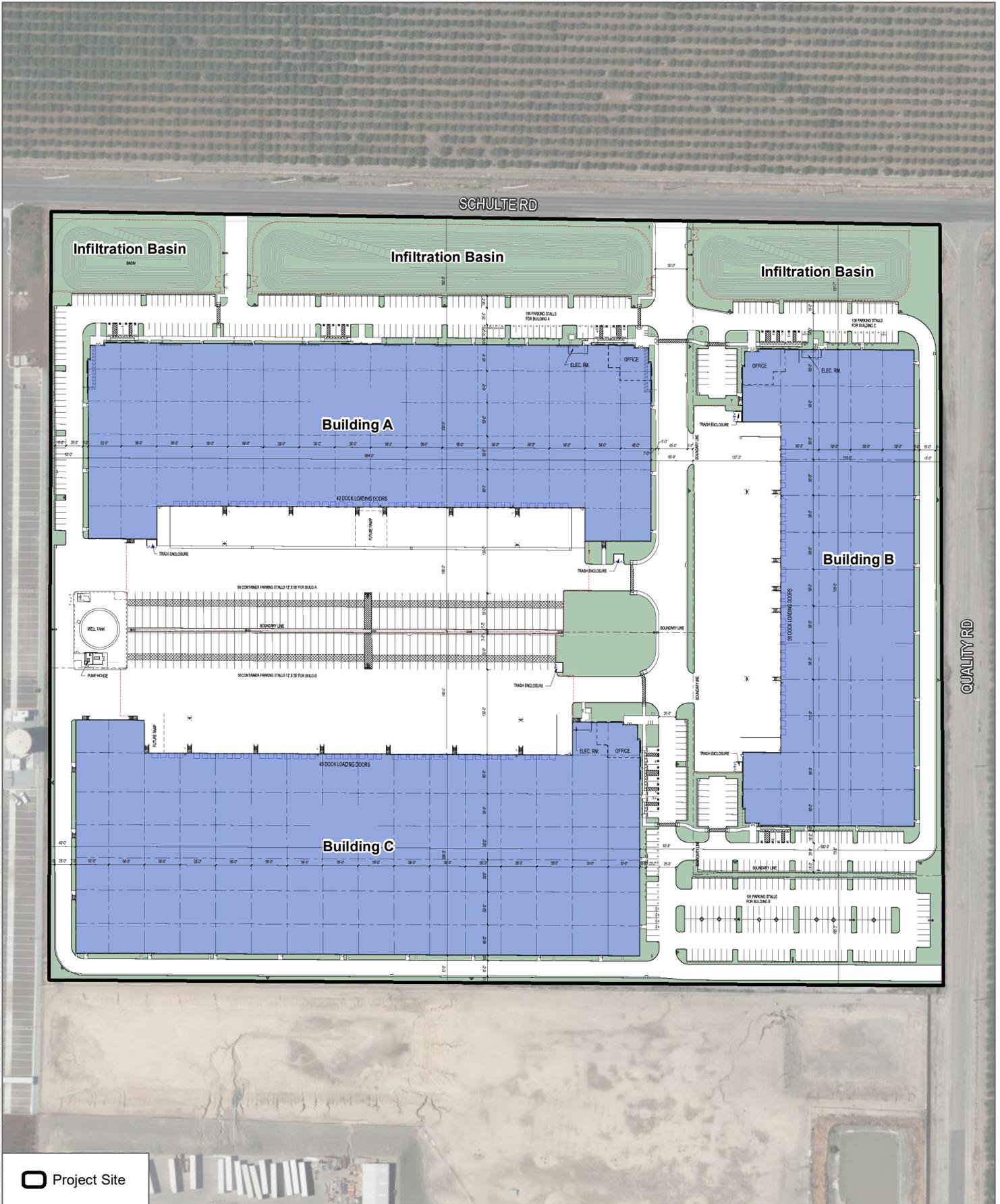


SOURCE: Bing Imagery (Accessed 2020), NHD (Accessed 2020)

FIGURE 1

Project Location

14800 W. Schulte Road Logistics Center Project



Project Site

SOURCE: Bing Maps 2019, San Joaquin County

**FIGURE 2**  
Site Plan

**Initial Study**

[Pursuant to Public Resources Code Section 21080(c) and California Code of Regulations, Title 14, Sections 15070-15071]

**Lead Agency:** San Joaquin County Community Development Department

**Project Applicant:** LBA RVI-Company XXXII, LLC.

**Project Title/File Numbers:** 14800 W. Schulte Road Logistics Center Project  
PA-1900208 (SA)  
PA-2000162 (ER)

**Project Description:**

*Project Overview*

The 14800 W. Schulte Road Logistics Center Project (Project) involves the construction and operation of three single-story industrial warehouse buildings totaling approximately 678,913 square feet (gross area, inclusive of office/mezzanine space). The Project would also include required on-site circulation, parking, landscaping, and utility improvements. Project implementation would require approval of a Site Approval and issuance of Building Permits.

*Project Location and Environmental Setting*

The Project site is located within southwestern unincorporated San Joaquin County, California (Figure 1, Regional Map, and Figure 2, Project Location). The Project site is located at 14800 West Schulte Road and is composed of one parcel (Assessor's Parcel Number 209-240-23). Under the existing conditions, the Project site is vacant and contains bare expanses of soil interspersed with ruderal vegetation (Figure 3, Aerial View of Project Site). The Project site was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019.

The Project site is located approximately 133 feet above mean sea level and is relatively flat; however, the Project site includes various depressions and elevated areas (ranging from approximately 5 to 25 feet in height/depth) that are the result of previous earthmoving and demolition activities. Two drainage basins are located along the northern edge of the Project site with depths of about 15 to 25 feet below adjacent grades. In addition, two large stockpiles, one composed of soil and organic material and the other composed of aggregate base and/or rock, are located along the southern edge of the site.

The Project site is located within an area containing a mix of agricultural and industrial uses. The Project site is bounded by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, a manufacturing/warehouse use to the south, and a warehouse/distribution use to the west.

Regional access to the Project site is provided by Interstate (I) 580 and I-205, located approximately 1.5 miles to the southwest and north, respectively, and I-5, located approximately 8 miles to the east.

The County of San Joaquin (County) General Plan Land Use Map designates the Project site as General Industrial (I/G), and the County's Zoning Map identifies the site as General Industrial (I-G) (Figure 4, General Plan Land Use Designations, and Figure 5. Zoning Designations). The Project site is located within the Sphere of Influence (SOI) of the City of Tracy (City), and thus, is designated by the City's General Plan Land Use Map as Industrial.

*Project Description*

The Project includes construction and operation of three single-story warehouse buildings totaling approximately 678,913 square feet (Figure 6, Site Plan). Building A would be located within the northwestern third of the Project site and would include approximately 228,313 square feet of warehouse space and 2,968 square feet of office space (231,281 square feet of building area in total). Building B would be located within the southwestern third of the Project site and would include approximately 278,650 square feet of warehouse space and 3,006 square feet of office space (281,656 square feet of building area in total). Building C would be located within the eastern third of the Project site and would include approximately 163,012 square feet of warehouse space and 2,964 square feet of office space (165,976 square feet of building area in total).

Although the future occupants of the Project are unknown at this time, the buildings would be used for light warehousing and distribution uses as defined by the San Joaquin County Ordinance Code (Section 9-115.585), which is most commonly warehouse and distribution operations. In general, the Project would support a variety of activities associated with the three warehouse buildings, including the ingressing and egressing of passenger vehicles and trucks, the loading and unloading of trucks within designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. In addition, the office space would support general internal office activities related to the warehouse uses.

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Based on typical employee densities for warehousing and distribution uses, it is expected that approximately 555 employees would work on site throughout a typical workday. At this time, no refrigeration is being proposed as part of the Project, and the Project Applicant currently has no plans to lease to any tenant needing refrigerated space.

## *Parking, Site Access, and On-Site and Off-Site Circulation Improvements*

Single loaded truck bays would be located on the south and north sides of Buildings A and B and on the west side of Building C. As such, all loading areas face the interior of the Project site and would not be visible from adjacent public streets. Building A would provide 42 loading docks, Building B would provide 43 loading docks, and Building C would provide 30 loading docks. Paved passenger vehicle parking areas would be provided along the northern and southeastern portions of the Project site near the frontage of Schulte Road and Quality Road. Truck/trailer parking would be provided in between Buildings A and B. Gated entry is proposed at key dock access routes for each building. In total, the Project site would include 111 stalls for trailers and 522 standard parking spaces for passenger vehicles and trailers.

Access to the Project site would be provided via two driveways:

- Driveway 1 on Schulte Road – 30-foot-wide, full access (passenger cars only) driveway
- Driveway 2 on Schulte Road – 50-foot-wide, full access (passenger cars and trucks) driveway

To facilitate adequate on-site circulation and sufficient site access for both passenger vehicles and trucks, and to ensure efficient off-site circulation on nearby roadway facilities, the Project would involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. These improvements would be constructed to accommodate the future build-out condition of Schulte Road. In addition, the Project would include internal drive aisles to facilitate on-site circulation. Emergency access would be provided via the two driveways on Schulte Road, as well as a 25-foot wide driveway on Quality Drive. This driveway would be reserved exclusively for emergency access.

## *Design, Landscaping, and Lighting*

The Project's design employs a variety of architectural strategies to create a contemporary, unified, and high-quality logistics center environment. Building facades would feature a complementary neutral color palette and a variety of building materials, similar to other industrial development located throughout the region. The three buildings and associated improvements were designed with strong and appropriately scaled architectural and landscape elements. Building elevations include vertical and horizontal elements that would break up the overall massing of the buildings.

The Project would feature a variety of trees, shrubs, plants, and land covers throughout the Project site to soften views of the Project site and to enhance the visual quality of the Project. A variety of development features would be provided through site design (e.g., building orientation, screening, and placement of service areas), architecture (e.g., mass, scale, form, style, material, and color), and streetscape elements (e.g., lighting and paving materials).

## *Utility Improvements*

A new, engineered stormwater drainage system would be constructed on the Project site to collect and treat on-site stormwater. After development, a majority of stormwater from the Project site would drain into three below-grade, open, earthen infiltration basins within the north portion of the site. Stormwater flows would be conveyed via sheet flows away from buildings and, where possible, through below-grade, landscaped areas prior to entering the nearest catch basin and subsequently being conveyed to the three earthen detention basins. The landscaped areas would act as the first filter for detaining suspended solids in stormwater flows. The detention basins would be planted with native grasses and erosion control vegetation along their side banks. Stormwater flows collected by the detention basins would be allowed to infiltrate into the soils, recharging the underlying groundwater basin (San Joaquin Valley Basin).

The Project and its new stormwater drainage system would be sized to capture and treat all on-site stormwater generated by two consecutive 10-year, 24-hour storm events, as required by the County. The detention basins would feature an earthen bottom that would allow flows collected by the detention basins to infiltrate into the soils and recharge the underlying groundwater basin.

Domestic, irrigation, and fire suppression water would be sourced on the Project site through the installation of two on-site water wells. The Project would include a 500,000-gallon aboveground water storage tank that would be reserved for fire suppression uses only.

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Wastewater generated by each of the three buildings would be directed to individual on-site septic tanks and associated leach fields.

### *Project Construction*

Construction is expected to commence in 2021 and would last through 2022. It is anticipated that soil quantities would be balanced on site during grading activities.

**Assessor's Parcel No.:** 20924023  
**Acres:** 37.96  
**General Plan:** I/G  
**Zoning:** I-G  
**Square Footage of Use:** 678,913 square feet of warehouse use  
**Surrounding Land Uses:** North: Schulte Road, Agricultural Use  
South: Manufacturing/Warehouse Use  
East: Quality Road, Agricultural Use  
West: Warehouse/Distribution Use

### Tribal Cultural Resources:

Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No tribal consultation has been requested to date. Any tribal consultation request, as well as the outcome of the consultation, will be summarized in the Draft EIR. Refer to Section XVIII of this Initial Study.

### General Considerations:

1. Does it appear that any environmental feature of the Project will generate significant public concern or controversy?

Yes  No

Nature of concern(s): No concern/controversy anticipated at this time.

2. Will the Project require approval or permits by agencies other than the County?

Yes  No

Agency name(s): No approval or permits by outside agencies are expected.

3. Is the Project within the Sphere of Influence, or within two miles, of any city?

Yes  No

City: Yes, the Project site is within the SOI of the City of Tracy.

# Initial Study - 14800 W. Schulte Road Logistics Center

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by the Project, involving at least one impact that is a "**Potentially Significant Impact**" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                             | <input type="checkbox"/> Agriculture and Forestry Resources  | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources        | <input checked="" type="checkbox"/> Cultural Resources       | <input checked="" type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology / Soils                        | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials                 |
| <input checked="" type="checkbox"/> Hydrology / Water Quality   | <input type="checkbox"/> Land Use / Planning                 | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                       | <input type="checkbox"/> Population / Housing                | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                             | <input checked="" type="checkbox"/> Transportation           | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire                            | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

**Determination:** On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the Project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

11/23/2020

Date

### EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

# Initial Study - 14800 W. Schulte Road Logistics Center

## ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**I. Aesthetics.**

Except as provided in Public Resources Code Section 21099, would the Project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** San Joaquin County is set within the greater San Joaquin Valley, with the delta and large expanses of generally flat, agricultural lands and urban development framed by the foothills of the Diablo Range to the west and the foothills of the Sierra Nevada to the east. According to the County's General Plan, scenic resources within the County include waterways, hilltops, and oak groves (County of San Joaquin 2016).

The Project site is located in a generally flat area and is surrounded by industrial development to the south and west and agricultural uses to the north and east. The Project would involve the development of three, approximately 45-foot-tall warehouse buildings on a vacant site, which could potentially obstruct views of scenic resources, if there were scenic resources located within the vicinity of the Project site. However, no scenic resources identified by the County's General Plan (i.e., waterways, hilltops, or oak groves) are located within the vicinity of the Project. Agricultural lands are located adjacent to the Project site; however, given the presence of the existing industrial uses immediately south and west of the Project site, as well as the presence of industrial and residential development in the greater Project area, the viewshed that the Project site is located within would not be considered to contain expansive views of agricultural lands. The Project site is not located within a scenic vista nor would it affect any local scenic resources. Therefore, the Project would have a less-than-significant impact with regard to scenic vistas. This issue will not be further discussed in the EIR.

- b) **Less-than-Significant Impact.** There are two officially designated state scenic highways in San Joaquin County: I-580 and I-5 (Caltrans 2020). I-580 is located approximately 1.5 miles southwest of the Project site. Views toward the Project site from I-580 primarily consist of rolling hills covered in low grasses, agricultural uses, and industrial uses adjacent to the Project site. Industrial uses adjacent to the Project site would block views of the Project from I-580, and rolling hills intermittently block views toward the Project site. I-5 is located approximately 11.8 miles southeast of the Project site. Due to distance, intervening terrain, and development, the Project site not visible from I-5.

In addition, the County has designated 26 roadways within the County as local scenic routes (County of San Joaquin 2016). The nearest locally designated scenic routes are I-580 and Corral Hollow Road, which extends to the southwest from I-580, and does not have views of the Project site. Therefore, the Project would have a less-than-significant impact associated with scenic resources within a state- or locally designated scenic highway. This issue will not be further discussed in the EIR.

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- c) **Less than Significant Impact.** Per California Public Resources Code, Section 21071, the Project site is located in a non-urbanized area, as the site is located in an unincorporated part of the County that is not completely surrounded by one or more incorporated cities. The nearest incorporated city to the Project site is the City of Tracy, which has a population of 95,931 as of January 2020 (DOF 2020). Therefore, this analysis considers whether the Project would degrade the existing visual character or quality of public views of the site and surrounding area.

The Project site is located in an unincorporated area of the County that primarily consists of mixed agricultural and industrial uses, interspersed rural residential and public uses, and undeveloped areas. The Project site is bound by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, and industrial uses to the west and south. The Project would involve the development of three single-story industrial buildings, and would include improvements along the Project's street frontage, including landscape, sidewalk, and parkway improvements. The Project site is currently vacant, consisting of disturbed, uneven soils and ruderal vegetation, and does not contain elements that would be perceived as visual resources or of valued visual quality or character. Development of the Project would result in conversion of the Project site from a vacant lot to a developed and maintained industrial site featuring three warehouse buildings and associated parking, loading docks, drive aisles, and landscaping.

Proposed buildings would be one story in height and would not conflict with the existing mass and scale of buildings in the Project area. Building facades would feature a complementary neutral color palette and a variety of building materials, similar to other industrial development located throughout the region. The overall intensity of use on site would increase, and activities on site would include ingressing and egressing of passenger vehicles and trucks, the loading and unloading of trucks with designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. However, buildings would be oriented such that all loading areas would face the interior of the site and would not be visible from adjacent public streets. Building elevations would include vertical and horizontal elements that would break up the overall massing of the buildings, and appropriately sited landscaping elements, including a variety of trees, shrubs, plants, and land covers, would provide additional screening and soften the appearance of the industrial site.

In an effort to ensure that current and future development within the Project area is designed and constructed to conform to existing visual character and quality of the surrounding built environment, the San Joaquin County Ordinance Code (Title 9) includes design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other development standards that have an effect on visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings, and reduce the potential for aesthetic conflict. The design specifications of all development proposals submitted to the County are reviewed for compliance with all applicable provisions set forth by the Development Code. As part of the County's development review process, the Project's architectural plans are reviewed by County staff to determine whether the Project design conforms to the Development Code and promotes the visual character and quality of the surrounding area.

Since industrial uses are common in the Project area, the Project would not conflict with the industrial character of the immediately surrounding area. Further, more distant views of open grasslands, agricultural uses, foothills, and mountains would remain intact. Therefore, the Project would have a less-than-significant impact associated with the existing visual quality or character of the site or its surroundings. This issue will not be further discussed in the EIR.

- d) **Less-than-Significant Impact.** The existing lighting and glare conditions in the Project area are typical of a mixed industrial and agricultural area. Existing sources of light and glare in the Project area are limited to indoor building lighting emanating from windows and outdoor safety and parking lot lighting associated with adjacent and nearby industrial buildings, indoor and outdoor lighting at rural residences, streetlights, and vehicles. The primary source of outdoor lighting in the Project area is the City of Tracy, which has residential and commercial areas of higher density and brighter ambient lighting conditions than the Project site and adjacent properties.

New lighting for the Project would include indoor and outdoor building lighting, parking lot lighting, and safety lighting. County of San Joaquin Municipal Code Section 9-1025.6 sets forth provisions for outdoor lighting, outlines standards for lighting adjacent to residential and commercial zones, and stipulates that no lighting shall cause glare on a street or alley. Adjacent properties to the Project site are zoned for industrial and agricultural use and do not consist of residential or commercial uses. Further, the nearest residential land uses are located approximately 0.35 miles to the northeast, and the nearest suburban residential area within the City is located approximately 0.6 miles to the east of the Project site. All new lighting installed as part of the Project would be shielded and pointed downward to prevent light spillover, consistent with Municipal Code Section 9-1025.6. Further, the Project would not include any blinking, flashing, or extremely bright lighting. Therefore, the Project would have a less-than-significant impact associated with light and glare. This issue will not be further discussed in the EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**II. Agriculture and Forestry Resources.**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the Project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- a) **No Impact.** According to the California Department of Conservation, the Project site is categorized as urban and built-up land, and does not consist of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). The nearest Farmland is located immediate north and east of the Project site (CDOC 2020). The Project site was previously used for industrial uses and has not been used for agricultural uses since the 1980s (Partner 2018). Therefore, the Project would have no impact associated with Farmland conversion. This issue will not be further discussed in the EIR.

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- b) **No Impact.** The Project site is zoned General Industrial (I-G) and is not zoned for agricultural use (County of San Joaquin 2016). The Project site is not located on lands enrolled in a Williamson Act contract, and surrounding land primarily consists of non-enrolled and urban built-up land. Therefore, the Project would have no impact associated with existing agricultural zoning or a Williamson Act contract. This issue will not be further discussed in the EIR.
- c) **No Impact.** There are no forest resources or zoning for forestlands or timber land located on or near the Project site. The County contains three native oak species that the County General Plan EIR identifies as forest land: valley oak, blue oak, and interior live oak. Valley oak woodland within the County is found in Oak Grove Regional Park and Micke Grove Park. Blue oak habitat is found in the southwestern portion of the County in mid-to-upper elevations, between 500 and 3,000 feet, as well as scattered occurrences throughout the northeast corner of the County. A variety of riparian habitats occur in narrow and mixed fragments along creeks and rivers in the County, accounting for about 5,000 acres of land (County of San Joaquin 2014). Therefore, the Project would have no impact associated with forestland or timberland. This issue will not be further discussed in the EIR.
- d) **No Impact.** See response to threshold II(c). There is no forestland on or near the Project site, and thus the Project would not result in the conversion of forestland to non-forest use. Therefore, the Project would have no impact associated with forestland conversion. This issue will not be further discussed in the EIR.
- e) **No Impact.** The Project site is located in a mixed industrial and agricultural area, and land uses immediately surrounding the site consist of agricultural and industrial uses. The site is zoned for general industrial use (County of San Joaquin 2019) and was previously used as a biomass energy plant. Since the Project site has been previously used for industrial uses, construction of the Project with new industrial uses would not result in the conversion of nearby Farmland to non-agricultural uses. As discussed in response to threshold II(c), there is no forestland located on or near the Project site. As such, development of the Project would not result in conversion of forestland to non-forest use. Therefore, the Project would have no impact associated with Farmland or forestland conversion. This issue will not be further discussed in the EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**III. Air Quality.**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** The Project site is located in the San Joaquin Valley Air Basin and is under the jurisdiction of the San Joaquin Valley Air Pollution Control District. A Project would be in conflict with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. Further analysis is required to determine whether the Project could potentially conflict with or obstruct implementation of applicable air quality plans. Therefore, this issue will be analyzed in the Draft EIR.
- b) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term criteria pollutants and other emissions. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to air quality. Therefore, these issues will be analyzed in the Draft EIR.
- c) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term criteria pollutants and other emissions that could impact sensitive receptors. Further analysis is required to determine whether the Project could potentially expose sensitive receptors to substantial pollutant concentrations. Therefore, this issue will be analyzed in the Draft EIR.
- d) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate short-term and long-term emissions that could result in odors. Further analysis is required to determine whether potential Project impacts related to air quality and odors could adversely affect a substantial number of people. Therefore, this issue will be analyzed in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>IV. Biological Resources.</u></b>				
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could potentially have an adverse effect on candidate, sensitive, or special-status species. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.
- b) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could impact riparian habitat and other sensitive natural communities. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.

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- c) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could impact state or federally protected wetlands, if any are located on site. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.
- d) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could impact wildlife movement or native wildlife nursery sites, if such activities currently occur on site. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.
- e) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could potentially have an adverse effect on local policies or ordinances protecting biological resources. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.
- f) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities that could potentially have an adverse effect on the provisions of the San Joaquin Multi-Species Habitat Conservation and Open Space Plan. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to biological resources. Therefore, this issue will be analyzed further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**V. Cultural Resources.**

Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities. Such activities could potentially have an adverse effect on historical resources. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to cultural resources. Therefore, this issue will be analyzed further in the Draft EIR.
- b) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities. Such activities could potentially have an adverse effect on archaeological resources. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to cultural resources. Therefore, this issue will be analyzed further in the Draft EIR.
- c) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities. Such activities could potentially have an adverse effect on currently unrecorded, unknown historical, archaeological, and cultural resources. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to cultural resources. Therefore, this issue will be analyzed further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VI. Energy.**

Would the Project:

- |  |                                     |                          |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during Project construction or operation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a) **Potentially Significant Impact.** Project construction and operations would involve activities that would require the use of energy, including electricity and petroleum. Further analysis is required to determine whether the Project could potentially result in any adverse effects related to energy consumption. Therefore, these issues will be analyzed in the Draft EIR.
- b) **Potentially Significant Impact.** Project construction and operations would involve activities that would require the use of energy, including electricity and petroleum. Further analysis is required to determine whether the Project could potentially result in any conflict with or obstruct state or local plans for renewable energy or energy efficiency. Therefore, these issues will be analyzed in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>VII. Geology And Soils.</u></b>				
Would the Project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil and create direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

a-i) **No Impact.** The Alquist–Priolo Earthquake Zoning Act (Alquist–Priolo Act) requires the delineation of fault zones along active faults in California. The purpose of the Alquist–Priolo Act is to regulate development on or near active fault traces to reduce hazards associated with fault rupture. Alquist–Priolo Earthquake Fault Zones are the regulatory zones that include surface traces of active faults.

According to the California Department of Conservation, the nearest active Alquist-Priolo Fault Zone to the Project site is the Greenville Fault Zone, located approximately 9.8 miles southwest of the Project site (DOC 2020). In addition,

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the Great Valley 7 Fault, considered an active fault by the state, is located approximately 4.4 miles south of the Project site (CEG 2020). However, no faults are located below the Project site. As such, the potential for surface rupture of an Alquist–Priolo Earthquake Fault on the Project site is very low. Therefore, no impacts associated fault rupture would occur, and this issue will not be evaluated further in the Draft EIR.

- a-ii) **Less-than-Significant Impact.** As previously discussed, the Project site is not located within an Alquist–Priolo Earthquake Fault Zone. However, similar to other areas located in seismically active Northern California, the Project area is susceptible to strong ground shaking during an earthquake, although the site would not be affected by ground shaking more than any other area in the region would be.

The Project would be required to comply with the most recent version of the California Building Code (CBC), which contains universal standards related to seismic load requirements, and is codified within the San Joaquin County Ordinance Code under Section 8-1000. In addition, pursuant to Section 9-905.11, Project implementation will require preparation of a site-specific geotechnical investigation report by a state-registered geotechnical engineer. The site-specific geotechnical investigation report includes an evaluation of on-site soils and their related potential to result in seismic hazards, and if necessary, prescribes corrective measures to ensure structural stability in the event of seismic activity. Pursuant to the Section 9-905, the recommended actions of a geotechnical investigation must be incorporated into site preparation and construction.

A site-specific geotechnical investigation has been prepared by Cornerstone Earth Group in February 2020 for the Project and includes recommendations to ensure structural stability, including compaction requirements, removal of existing fills and replacement with engineered fill, and foundation construction requirements (CEG 2020). Compliance with the CBC and the engineering recommendations in the site-specific geotechnical investigation report, which will be reviewed and verified by County staff, would ensure structural integrity in the event that seismic ground shaking is experienced at the Project site. Therefore, impacts associated with seismic ground shaking would be less than significant, and this issue will not be evaluated further in the Draft EIR.

- a-iii) **Less-than-Significant Impact.** Soil liquefaction is a seismically induced form of ground failure. Liquefaction is a process by which water-saturated granular soils transform from a solid to a liquid state because of a sudden shock or strain such as an earthquake.

The Project site's subsurface is composed of several interbedded layers of medium-density sands and stiff to hard clays and silts to approximately 50 feet below ground surface. Below a depth of 50 feet, the subsurface is primarily composed of stiff to hard clays and silts. Soil samples taken from the Project site as part of the site-specific geotechnical investigation report indicate that on-site soils could potentially experience liquefaction resulting in settlement on the order of 0.25 inches or less. As a result, the geotechnical investigation (CEG 2020) includes engineering specifications to mitigate potential impacts related to liquefaction. Compliance with the CBC and the engineering recommendations in the site-specific geotechnical investigation report, which will be reviewed and verified by County staff, would ensure structural integrity in the event that liquefaction is experienced at the Project site. Therefore, impacts associated with liquefaction would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- a-iv) **No Impact.** The Project site is located in an area that is relatively flat and does not contain any slopes that could result in landslides. Although the Project site currently contains various depressions and elevations, the topography of the Project site will be brought to a flat grade as part of grading activities. Upon completion of grading activities, the Project site will be flat, similar to the surrounding area. As such, there is no potential for landslides to occur on or near the Project site. Therefore, impacts associated with landslides would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- b) **Less-than-Significant Impact.** The Project would involve earthwork and other construction activities that would disturb surface soils and temporarily leave exposed soil on the ground's surface. Common causes of soil erosion from construction sites include stormwater, wind, and soil being tracked off site by vehicles. To help prevent erosion, Project construction activities must comply with all applicable federal, state, and local regulations for erosion control. The Project would be required to comply with standard regulations, including the provisions of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling and excavating. The NPDES Construction General Permit requires implementation of a stormwater pollution prevention plan (SWPPP), which would include construction features for the Project (i.e., best management practices [BMPs]) designed to prevent erosion and protect the quality of stormwater runoff. Sediment-control BMPs may include stabilized construction entrances, straw wattles on earthen embankments, sediment filters on existing inlets, or the equivalent. Therefore, construction impacts associated with soil erosion would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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Once redeveloped, the Project site would include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Therefore, operational impacts related to soil erosion would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- c) **Less-than-Significant Impact.** As part of the Project design process, a site-specific geotechnical investigation was prepared for the Project site (CEG 2020) to identify Project design features that may be necessary to ensure compliance with the CBC and to address seismic design considerations. As part of the Project and as recommended by the geotechnical investigation, remedial grading will occur within the proposed building areas to remove undocumented fill that underlies the Project site, and these soils will be replaced with compacted fill soils.

As a result of these grading activities, which are both part of the Project and required by the CBC, the Project would not be susceptible to the effects of any potential lateral spreading, subsidence, or liquefaction. Compliance with the CBC and the engineering recommendations in the site-specific geotechnical investigation would ensure structural integrity in the event that seismic-related issues are experienced at the Project site. Therefore, impacts associated with unstable geologic units would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- d) **Less-than-Significant Impact.** Expansive soils are characterized by their potential shrink/swell behavior. Shrink/swell is the change in volume (expansion and contraction) that occurs in certain fine-grained clay sediments from the cycle of wetting and drying. Much of the damage to building foundations, roads, and other structures can be caused by the swelling and shrinking of soils as a result of wetting and drying. The volume change is influenced by the amount of moisture and the amount of clay in the soil. Clay minerals are known to expand with changes in moisture content. The higher the percentage of expansive minerals present in near-surface soils, the higher the potential for substantial expansion.

According to the site-specific geotechnical investigation report prepared for the Project (CEG 2020), moderately expansive surficial soils generally blanket the Project site. As a result, the geotechnical investigation report includes engineering specifications to reduce the potential for damage to the planned structures, including placing a layer of non-expansive artificial fill beneath on-grade slabs, placing footings below the zone of seasonal moisture fluctuation, and limiting moisture changes in the surficial soils by using positive drainage away from buildings.

As a result of these grading and engineering specifications, which are both part of the Project and required by the CBC, the Project would not be susceptible to the effects of expansive soil. Compliance with the CBC and the engineering recommendations in the site-specific geotechnical investigation would ensure structural integrity in the event that seismic-related issues are experienced at the Project site. Therefore, impacts associated with expansive soils would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- e) **Less-than-Significant Impact.** The Project would include on-site septic tanks and associated leach fields to treat wastewater generated by the three warehouse buildings. Septic tanks installed in the County are subject to San Joaquin County Ordinance Code Section 9-1100, et seq., which requires issuance of a Sanitation Permit by the San Joaquin County Environmental Health Division for the construction of a private septic system and sets forth requirements for the siting and construction of private septic systems.

Prior to issuance of a Sanitation Permit, the San Joaquin County Environmental Health Division will review the proposed septic system to ensure on-site soils would be capable of supporting such a system. As part of the Project entitlement process, the Project Applicant will comply with the County's Sanitation Permit process and submit proposed plans to the County Environmental Health Division for review and approval. Compliance with this process will ensure that adverse impacts associated with on-site soils and septic systems do not occur. Therefore, impacts associated with the underlying soils' ability to support septic systems would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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- f) **Less-than-Significant Impact.** According to the County's General Plan EIR (County of San Joaquin 2014), several paleontological specimens have been discovered in the County. The vast majority of paleontological specimens from San Joaquin County have been found in rock formations in the foothills of the Diablo Mountain Range. However, remains of extinct animals such as mammoth could be found virtually anywhere in the County, especially along watercourses such as the San Joaquin River and its tributaries.

While the Project site is located within the proximity of these fossil-bearing features, the Project site has been subject to extensive disturbance, including previous grading and utility excavation activities, that occurred as a result of the prior on-site biomass energy facility. In addition, previous development of the Project site involved the placement of artificial fill on the site. Human-transported fill materials generally do not contain significant paleontological resources on or very near the surface immediately underlying the Project site. These activities have resulted in a Project site that is highly variable, containing various depressions as deep as 20 feet below ground surface. Given the extent of this disturbance, it is unlikely that paleontological resources, if they were ever present on site, would remain intact. Therefore, impacts associated with paleontological resources would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VIII. Greenhouse Gas Emissions.**

Would the Project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

- a) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term greenhouse gas (GHG) emissions. Further GHG analysis is required to determine whether the Project could potentially result in any adverse effects related to GHGs. Therefore, these issues will be analyzed in the Draft EIR.
- b) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term GHG emissions. Further GHG analysis is required to determine whether the Project could potentially conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, these issues will be analyzed in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>IX. Hazards and Hazardous Materials.</u></b>				
Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** Under existing conditions, the Project site is unoccupied and contains several soil stockpiles associated with the site's previous use as biomass energy facility, which has since been demolished. A Phase II subsurface investigation was conducted at the Project site to investigate impacts of the potential release of hazardous materials that may have been handled on the Project site as a result of previous on-site operations.
- The Phase II subsurface investigation included a geophysical survey, the advancement of 12 soil borings, and the collection of one shallow soil sample and one four-point composite soil sample. A total of 14 soil samples were analyzed for total petroleum hydrocarbons, volatile organic compounds, and metals. After analysis, the Phase II investigation determined that various metals are present within the subsurface at shallow depths; however, none of the detected metals exceed California Code of Regulations Title 22 criteria indicating that on-site soils would be

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considered a hazardous waste. If affected soil were to be moved off site, additional sampling may be required to confirm whether the soil meets receiving facility criteria, although such sampling would be required only to meet receiving facility criteria and the retaining of soil on site would not pose a risk to future occupants of the site.

The Phase II investigation also found evidence of residual total petroleum hydrocarbons in soil beneath the Project site; however, these detections are below the San Francisco Bay Regional Water Quality Board Environmental Screening Levels and do not represent a significant threat to human health or the environment. Should Project implementation require the export of existing soils off site, soils would be transported to a permitted facility for disposal in accordance with facility requirements and with applicable regulations. As such, the Phase II investigation concluded that the site's former use has not resulted in any conditions that would require remediation or present a hazard to construction workers or future occupants of the Project site.

During construction of the Project, potentially hazardous materials would likely be handled on the Project site. These materials would include gasoline, diesel fuel, lubricants, and other petroleum-based products required to operate and maintain construction equipment. Handling of these potentially hazardous materials would be temporary and would coincide with the short-term construction phase of the Project. Although these materials would likely be stored on the Project site, storage would be required to comply with the guidelines set forth by each product's manufacturer and with all applicable federal, state, and local regulations pertaining to the storage of hazardous materials. Consistent with federal, state, and local requirements, the transport of hazardous materials to and from the Project site would be conducted by a licensed contractor. Any handling, transport, use, or disposal of hazardous materials would comply with all relevant federal, state, and local agencies and regulations, including the U.S. Environmental Protection Agency, the California Department of Toxic Substances Control, the California Occupational Safety and Health Administration, the California Department of Transportation, the Resource Conservation and Recovery Act, the San Joaquin Valley Air Pollution Control District, and the San Joaquin County Environmental Health Department. Therefore, construction impacts related to the transport, use, or disposal of hazardous materials would be less than significant, and this issue will not be further evaluated in the Draft EIR.

Upon completion of construction, hazardous materials associated with Project operations would include materials used during typical cleaning and maintenance activities. Although these potentially hazardous materials would vary, they would generally include household cleaning products, paints, fertilizers, and herbicides and pesticides. Many of these materials are considered household hazardous wastes, common wastes, and/or universal wastes by the U.S. Environmental Protection Agency, which considers these types of wastes to be common to businesses and households and to pose a lower risk to people and the environment than other hazardous wastes when properly handled, transported, used, and disposed of (EPA 2020). Federal, state, and local regulations typically allow these types of wastes to be handled and disposed of with less stringent standards than other hazardous wastes, and many of these wastes do not have to be managed as hazardous waste.

In addition, any potentially hazardous material handled on the Project site would be limited in both quantity and concentrations, consistent with other similar industrial uses located in the County, and any handling, transport, use, and disposal would comply with applicable federal, state, and local agencies and regulations. Furthermore, as mandated by the U.S. Occupational Safety and Health Administration (OSHA n.d.), all hazardous materials stored on the Project site would be accompanied by Material Safety Data Sheets, which would inform employees and first responders as to the necessary remediation procedures in the case of accidental release. Therefore, operational impacts related to the transport, use, or disposal of hazardous materials would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- b) **Less-than-Significant Impact.** As previously discussed above, the Project site's existing conditions would not present a hazard to construction workers or future occupants of the Project site, and the handling of hazardous materials during both construction and operation of the Project would be conducted in accordance with applicable regulations so as to prevent the accidental release of hazardous materials into the environment. Therefore, impacts associated with a release of hazardous materials into the environment would be less than significant, and this issue will not be further evaluated in the Draft EIR.
- c) **No Impact.** The nearest school to the Project site is Kelly Elementary School (535 Mabel Josephine Drive), located approximately 1.3 miles east of the Project site. In addition, the Project would not emit hazardous air emissions or handle hazardous or acutely hazardous materials. Therefore, no impacts associated with emitting hazardous emissions or handling hazardous or acutely hazardous materials within 0.25 miles of school would occur, and this issue will not be further evaluated in the Draft EIR.

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- d) **Less-than-Significant Impact.** The Hazardous Waste and Substances Sites List (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List.

A review of federal, state, County, and City environmental record sources, conducted as part of a Phase I Environmental Site Assessment Report prepared by Partner in 2018, identified the Project site on several regulatory databases as for the use and storage of hazardous materials; however, subsequent investigation that was conducted as part of the Phase I ESA and the Phase II investigation concluded that the Project's listing on these regulatory databases would not pose a health risk to future occupants of the Project site. Therefore, impacts associated with Cortese List hazardous materials sites would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- e) **No Impact.** The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. The closest airport is the Tracy Municipal Airport, located approximately 3 miles southeast of the Project site, and the Project site is outside of the airport influence area as delineated in the Tracy Municipal Airport Master Plan (City of Tracy 1998). As such, no impacts associated with public or private airstrips would occur, and this issue will not be further evaluated in the Draft EIR.

- f) **Less-than-Significant Impact.** The County of San Joaquin Emergency Operations Plan is an all-hazards document describing the County's incident management structure, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure. According to the Emergency Operations Plan, major transportation routes in the County, including I-580 and I-205, would be possible evacuation routes in the event of an emergency.

The Project would not affect these routes, and moreover, the Project would not affect the County's ability to implement its Emergency Operations Plan in the event of an emergency. In addition, the City has adopted a Comprehensive Emergency Management Plan. However, there are no specific routes identified in the Comprehensive Emergency Management Plan. Notwithstanding, the Project would not impede access to any public route that might be needed as an evacuation route. Should Project construction require temporary closures of lanes within Schulte Road, traffic control measures (consistent with the California Manual on Uniform Traffic Control Devices and as required by the County Public Works Department as part of the encroachment permit process) would be implemented to ensure local emergency access is maintained. As a result, the Project would not significantly affect emergency response or evacuation activities. Therefore, impacts associated with emergency response or evacuation plans would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- g) **Less-than-Significant Impact.** The Project site is not located within a Fire Hazard Severity Zone or a Very High Fire Hazard Severity Zone according to the Local Responsibility and State Responsibility Area maps by the California Department of Forestry and Fire Protection (CAL FIRE 2020). The California Department of Forestry and Fire Protection has designated areas south and southwest of the Project site as being within a Moderate Fire Hazard Severity Zone within a Local Responsibility Area (CAL FIRE 2020).

In addition, some undeveloped hillside areas in the Diablo Mountains south of I-580, approximately 3.7 miles southwest of the Project site, are designated as being within a High Fire Hazard Severity Zone within a State Responsibility Area (CAL FIRE 2020). These ratings do not extend to the Project site and the Delta Mendota Canal separates the Project site from these areas to the south, which could function as a firebreak in the event of a wildfire, further lessening the potential for wildfire to affect the Project site. Therefore, impacts associated with wildland fires would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>X. Hydrology and Water Quality.</u></b>				
Would the Project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** Construction of the Project would include earthwork activities that could potentially result in erosion and sedimentation, which could subsequently degrade downstream receiving waters and violate water quality standards. Stormwater runoff during the construction phase may contain silt and debris, resulting in a short-term increase in the sediment load of the municipal storm drain system. Substances such as oils, fuels, paints, and solvents may be inadvertently spilled on the Project site and subsequently conveyed via stormwater to nearby drainages, watersheds, and groundwater.

For stormwater discharges associated with construction activity in the State of California, the State Water Resources Control Board (SWRCB) has adopted the General Permit for Storm Water Discharges Associated with

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Construction and Land Disturbance Activities (Construction General Permit) to avoid and minimize water quality impacts attributable to such activities. The Construction General Permit applies to all projects in which construction activity disturbs 1 acre or more of soil. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as stockpiling and excavation. The Construction General Permit requires the development and implementation of a SWPPP, which would include and specify water quality BMPs designed to prevent pollutants from contacting stormwater and keep all products of erosion from moving off site into receiving waters. Routine inspection of all BMPs is required under the provisions of the Construction General Permit, and the SWPPP must be prepared and implemented by qualified individuals as defined by the SWRCB.

Because land disturbance for Project construction activities would exceed 1 acre, the Project Applicant would be required to obtain coverage under the Construction General Permit issued by the SWRCB prior to the start of construction within the Project site. Specifically, the Construction General Permit requires that the following be kept on site at all times: (i) a copy of the Notice of Intent to Comply with Terms of the General Permit to Discharge Water Associated with Construction Activity; (ii) a waste discharge identification number issued by the SWRCB; (iii) a SWPPP and Monitoring Program Plan for the construction activity requiring the construction permit; and (iv) records of all inspections, compliance and non-compliance reports, evidence of self-inspection, and good housekeeping practices.

The SWPPP requires the construction contractor to implement water quality BMPs to ensure that water quality standards are met and that stormwater runoff from the construction work areas do not cause degradation of water quality in receiving water bodies. The SWPPP must describe the type, location, and function of stormwater BMPs to be implemented, and must demonstrate that the combination of BMPs selected are adequate to meet the discharge prohibitions, effluent standards, and receiving water limitations contained in Construction General Permit. As such, through compliance with the Construction General Permit, the Project would not adversely affect water quality. Therefore, short-term construction impacts associated with water quality would be less than significant, and this issue will not be further evaluated in the Draft EIR.

With respect to Project operation, future uses on site that could contribute pollutants to stormwater runoff in the long term include uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris. During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged to adjacent waterways. The majority of pollutants entering the storm drain system in this manner would be dust, litter, and possibly residual petroleum products (e.g., motor oil, gasoline, diesel fuel). Certain metals, along with nutrients and pesticides from landscape areas, can also be present in stormwater runoff. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year ("first flush") would likely have the largest concentration of pollutants.

Stormwater quality in San Joaquin County is regulated by the Stormwater Quality Control Criteria Plan (SWQCCP), which sets forth standards that apply to all new developments and significant redevelopment projects falling under the priority project categories, of which the Project site is one. The primary strategy employed by the SWQCCP is to require development to manage and treat stormwater flows to the maximum extent practicable to control pollutants, pollutant loads, and runoff volume by (1) minimizing the impervious surface area and implementing source control measures, (2) controlling runoff from impervious surfaces using structural BMPs (e.g., infiltration, bioretention, and/or rainfall harvest and re-use), and (3) ensuring all structural BMPs are monitored and maintained for the life of the development. These measures are often referred to as low impact development principles.

As part of the Project, a new engineered stormwater drainage system would be constructed on the Project site to collect and treat on-site stormwater. After development, a majority of stormwater from the Project site would drain into three below-grade, open, earthen infiltration basins within the north portion of the site. Stormwater flows would be conveyed via sheet flows away from buildings, and where possible, through below-grade, landscaped areas prior to entering the nearest catch basin and subsequently being conveyed to the three earthen detention basins. The landscaped areas would act as the first filter for detaining suspended solids in stormwater flows. The detention basins would be planted with native grasses and erosion control vegetation along their side banks. Stormwater flows collected by the detention basins would be allowed to infiltrate into the soils, recharging the underlying groundwater basin (San Joaquin Valley Basin).

The Project and its new stormwater drainage system would be sized to capture and treat all on-site stormwater

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generated by two consecutive 10-year, 24-hour storm events, as required by the County of San Joaquin. The detention basins would feature an earthen bottom that would allow flows collected by the detention basins to infiltrate into the soils and recharge the underlying groundwater basin. On the whole, the Project's stormwater capture and treatment system would be designed to meet the requirements of the SWQCCP, ensuring that the Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.

With respect to groundwater quality, the Project would include BMPs that would allow for stormwater to be collected and treated in bio-filtration basins to allow for stormwater flows to infiltrate soils and recharge groundwater. These structural BMPs would treat stormwater flows prior to infiltration, ensuring that flows infiltrating groundwater aquifers do not result in adverse effects to groundwater quality. Moreover, flows entering these bio-filtration basins would be typical of runoff collected from a commercial development and would not contain substantial quantities of pollutants that could not be appropriately treated by the proposed BMPs.

In summary, Project grading and construction would be completed in accordance with an NPDES-mandated SWPPP, which would include standard BMPs to reduce potential off-site water quality impacts related to erosion and incidental spills of petroleum products and hazardous substances from equipment. Surface water runoff during Project operations would be managed through a mixture of strategies that would be designed to remove pollutants from on-site runoff prior to discharge into the storm drain system to the maximum extent practicable, as required by the SWQCCP. Therefore, impacts associated with water quality standards, waste discharge requirements, and surface water or groundwater quality would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- b) **Potentially Significant Impact.** Domestic, irrigation, and fire suppression water would be sourced on the Project site through the installation of two on-site water wells, and the Project would include a 500,000-gallon aboveground water storage tank that would be reserved for fire suppression uses only. Further analysis is required to determine whether the Project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. This topic will be analyzed further in the Draft EIR.
- c-i) **Less-than-Significant Impact.** Under the existing conditions, the Project site is undeveloped and contains various elevated areas and depressions. The Project would involve grading activities that would bring the Project site to a flat grade and the construction of new paved surfaces, warehouse buildings, and landscape areas. The Project would also include a new engineered stormwater drainage system that would feature structural BMPs such as retention facilities to treat and manage stormwater flows. While the Project's future drainage conditions would be designed to mimic the existing on-site drainage conditions to the maximum extent practicable, construction activities would inevitably result in changes to the internal drainage patterns of the site. However, the Project's future storm drain system will be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the County's SWQCCP.

Per the requirements of the County's SWQCCP, Project plans will be required to demonstrate the capacity to capture and treat all on-site stormwater generated by two consecutive 10-year, 24-hour storm events, thereby reducing the potential for the Project to result in stormwater flows off site that could result in erosion on or off site. In addition, the Project's structural BMPs would be designed such that any potential sediments collected on site would be captured in retention facilities so that they would not be conveyed to downstream waters and result in siltation. As such, alteration of the on-site drainage pattern would be conducted in a manner consistent with all applicable standards related to the collection and treatment of stormwater, such that it would not result in substantial erosion or siltation on or off site. Therefore, impacts associated with altering the existing drainage pattern of the Project site and erosion or siltation would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- c-ii) **Less-than-Significant Impact.** As discussed above, the Project would inevitably result in changes to the internal drainage patterns of the Project site. However, the Project's future storm drain system will be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the County's SWQCCP. As such, alteration of the on-site drainage pattern would be conducted in a manner consistent with all applicable standards related to the collection and treatment of stormwater.

In addition, according to the Flood Insurance Rate Map No. 06077C0730F (FEMA 2020) for the Project area, the Project site is located within Zone X, which is defined by the Federal Emergency Management Agency as an area

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located outside of the 100-year and 500-year flood plains. Therefore, impacts associated with altering the existing drainage pattern of the Project site and flooding would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- c-iii) **Less-than-Significant Impact.** As previously addressed, the Project would inevitably alter the drainage patterns of the Project site; however, the Project would include a new engineered stormwater drainage system that would be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the SWQCCP. Alteration of the on-site drainage pattern would be conducted in a manner consistent with all applicable standards related to the collection and treatment of stormwater. Therefore, impacts associated with altering the existing drainage pattern of the Project site and stormwater would be less than significant, and this issue will not be further evaluated in the Draft EIR.
- c-iv) **Less-than-Significant Impact.** As discussed above, the Project would inevitably result in changes to the internal drainage patterns of the Project site. However, the Project's future storm drain system will be designed to conform with applicable federal, state, and local requirements related to drainage, hydrology, and water quality, including the County's SWQCCP. As such, alteration of the on-site drainage pattern would be conducted in a manner consistent with all applicable standards related to the collection and treatment of stormwater.
- In addition, according to the Flood Insurance Rate Map No. 06077C0730F (FEMA 2020) for the Project area, the Project site is located within Zone X, which is defined by the Federal Emergency Management Agency as located outside of the 100-year and 500-year flood plains. Therefore, impacts associated with altering the existing drainage pattern of the Project site and flood flows would be less than significant, and this issue will not be further evaluated in the Draft EIR.
- d) **No Impact.** According to the Flood Insurance Rate Map No. 06077C0730F (FEMA 2020) for the Project area, the Project site is located within Zone X, which is defined by the Federal Emergency Management Agency as located outside of the 100-year and 500-year flood plains. Therefore, no impacts associated with impeding or redirecting flood flows would occur, and this issue will not be further evaluated in the Draft EIR.
- e) **Potentially Significant Impact.** Domestic, irrigation, and fire suppression water would be sourced on the Project site through the installation of two on-site water wells. Further analysis is required to determine whether the Project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. This topic will be analyzed further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XI. Land Use and Planning.**

Would the Project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Impact Discussion:**

- a) **No Impact.** The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area.

Currently, the Project site is fenced and is not used as a connection between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. As such, the Project would not impede movement within the Project area, within an established community, or from one established community to another. Therefore, no impacts associated with the division of an established community would occur, and this issue will not be evaluated further in the Draft EIR.

- b) **Less-than-Significant Impact.** The Project is located within unincorporated San Joaquin County and is subject to the County’s General Plan and San Joaquin County Ordinance Code, which guide local development.

The County of San Joaquin’s General Plan Land Use Map designates the Project site as General Industrial (I/G), and the Zoning Map identifies the Project site as General Industrial (I-G). According to the County’s General Plan, the General Industrial Zone is intended to provide for a full range of industrial activities whose location and operation tend to have moderate to high nuisance characteristics, and therefore, require segregation from other land uses. Typical uses include manufacturing, distribution, storage, and wholesaling.

Similarly, the General Industrial (I-G) Zone is intended to provide for a wide range of manufacturing, distribution, and storage uses. This zone is intended to implement the General Industrial land use category of the General Plan. According to Section 9-500 of the San Joaquin County Ordinance Code, the Project, a warehouse and distribution use, would be permitted within the I-G zone with a Site Approval.<sup>1</sup> Section 9-500 et seq. also provides development standards, including height limits, building coverage requirements, and site access specifications, to ensure development is consistent with the policies and principles of the General Plan.

The Project site would support a variety of industrial uses, depending on the future tenants. These future uses would include those related to warehouse, distribution, and/or logistics, which is consistent with the permissible uses and activities allowed by the County in the I-G zone. As part of the County’s site-plan review process, the County will review the Project’s site plan for consistency with all development standards required by the I-G Zone as specified in Section 9-500 of the San Joaquin County Ordinance Code. This review by County staff would ensure that the Project is consistent with both the San Joaquin County Ordinance Code and the County’s General Plan.

<sup>1</sup> A Site Approval issued by the County of San Joaquin Planning Commission is required for any industrial use that is six thousand square feet or greater in ground floor area; occupies ten or more acres of site area, or is not served by a public wastewater treatment plant, public water system, and a public drainage system. As the proposed project meets all those criteria, a Site Approval is required for project implementation.

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Because the Project is located within the City of Tracy's SOI, the City's General Plan Land Use Map has designated the Project site as Industrial. According to the City's General Plan, specific uses allowed in the industrial category range from flex/office space to manufacturing to warehousing and distribution. Industrial uses are located to provide proper truck access, buffering from incompatible uses, and proximity to rail corridors and transit links. The Project, as a warehouse and distribution use, would be consistent with the City's General Plan Land Use Designation for the Project site, and implementation of the Project would not conflict with the City's General Plan.

Therefore, because the Project would be consistent with the County General Plan, San Joaquin County Ordinance Code, and City of Tracy General Plan, impacts associated with applicable land use plans, policies, and regulations would be less than significant, and this issue will not be evaluated further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XII. Mineral Resources.**

Would the Project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:**

- a) **Less-than-Significant Impact.** The Project site is located within the Stockton-Lodi Production-Consumption Region, which is an approximately 412-square-mile area within San Joaquin and Stanislaus Counties that is known to contain significant sand and gravel (aggregate) deposits. However, according to the State Mining and Geology Board Designation Report 16: Updated Designation of Regional Significant Aggregate Resources, which is a document that provides information on the availability of aggregate deposits in the region, the Project site is located in an area where little likelihood exists for the presence of significant mineral resources (CDOC 2017). As such, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, impacts associated with the loss of availability of a known mineral resource would be less than significant, and this issue will not be discussed in the Draft EIR.
- b) **Less-than-Significant Impact.** As discussed above, according to the State Mining and Geology Board Designation Report 16: Updated Designation of Regional Significant Aggregate Resources, the Project site is located in an area where little likelihood exists for the presence of significant mineral resources (CDOC 2017). In addition, the County General Plan does not delineate the Project site as being located within an area with locally important mineral resources. As such, implementation of the Project would not result in the loss of loss of availability of a locally important mineral resource recovery site. Therefore, impacts associated with the loss of availability of a locally important mineral resource recovery site would be less than significant, and this issue will not be discussed in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XIII. Noise.</u></b>				
Would the Project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term noise. Further noise analysis is required to determine whether the project could potentially result in any adverse effects related to increased noise levels. Therefore, this issue will be analyzed in the Draft EIR.
- b) **Potentially Significant Impact.** Project construction and operations would involve activities that would generate both short-term and long-term vibration. Further vibration analysis is required to determine whether the Project could potentially generate excessive groundborne vibration or groundborne noise levels. Therefore, this issue will be analyzed in the Draft EIR.
- c) **No Impact.** The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. The closest airport is the Tracy Municipal Airport, located approximately 3 miles southeast of the Project site, and the Project is outside of the airport influence area as delineated on the Tracy Municipal Airport Master Plan (City of Tracy 1998). Therefore, no impact associated with public airport or private airstrips noise would occur, and this issue will not be evaluated further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XIV. Population and Housing.**

Would the Project:

<p>a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** The Project would involve the construction of three warehouse buildings and associated office space that would be used for general warehouse and distribution operations. The Project would require temporary construction and a permanent operational workforce, both of which could potentially induce population growth in the Project area.

The temporary workforce would be needed to construct the new buildings and related on-site improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction. These short-term positions are anticipated to be filled primarily by construction workers who reside in the Project area. Therefore, construction of the Project would not generate a permanent increase in population within the Project area.

Once the Project is operational, the Project would not directly result in the addition of new residents to the area, as the Project does not involve residential development. Based on typical employee densities for warehousing and distribution uses, it is expected that the Project would result in approximately 555 employment opportunities. The additional employees may come from the Project area; however, this analysis conservatively assumes that all 555 new employees would relocate to the Project area.<sup>2</sup>

Under the County's 2035 General Plan, the County is anticipated to add 51,000 new jobs through 2035 for a total 271,685 jobs in the County by 2035; projections for employment growth under the 2035 General Plan are relatively consistent with San Joaquin Council of Governments projections that there would be 282,613 jobs within the County by 2035 (County of San Joaquin 2014; SJCOG 2014). Given these anticipated employment projections, the Project's 555 new employees would represent a relatively small percentage of new employment projections in the County. In addition, given the non-managerial nature of most of the future employment opportunities provided on site, it is anticipated that future employees will not relocate into the area to work at the Project, and instead, these largely non-managerial positions will primarily be filled by the local labor force.

<sup>2</sup> For purposes of this analyses, employment estimates were calculated using average employment density factors reported by Southern California Association of Governments (SCAG). SCAG reports that for every 1,225 square feet of warehouse space in the five county region including Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Imperial Counties, the median number of jobs supported is one employee (SCAG 2001). While these estimates are based off of data collected in Southern California, they are appropriate for use in Northern California because employment density rates as they pertain to the warehouse/industrial industry are primarily a function of the use and are not typically location-dependent. The project would include approximately 678,913 square feet of flexible industrial space. As such, the estimated number of employees required for operation would be approximately 555 persons.

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Further, the Project does not involve development of infrastructure or roadways that could indirectly lead to population growth, and as such, the Project would not stimulate unplanned population growth or population concentration above what is assumed in local and regional land use plans. Therefore, impacts associated with population growth would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- b) **No Impact.** The Project site is currently undeveloped and does not currently support residential uses. Further, residential uses are not allowed on site under the current zoning. As such, Project would not displace existing housing, nor would it impede future residential development potential. Therefore, no impacts associated with the displacement of people or housing would occur, and this issue will not be further evaluated in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XV. Public Services.**

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- i) **Less-than-Significant Impact.** Fire protection services in the Project area are provided by the South San Joaquin County Fire Authority (SSJCFA), which is a joint powers authority between the City and the Tracy Rural Fire Protection District (Rural Fire Protection District). Between the jurisdictional areas of the City and the Rural Fire Protection District, the SSJCFA provides fire protection, life safety, and emergency response services to 160 square miles of the southern part of San Joaquin County. SSJCFA currently operates six fire stations, a support services building, and an administrative office. Twenty-four-hour-a-day staffing is provided, with six paramedic engine companies and one paramedic ladder truck company. Four fire stations are within the incorporated area of the City, and two are in the surrounding rural Tracy area.

Pursuant to a joint powers authority agreement, SSJCFA maintains all fire stations and each member agency is responsible for the operation, including staffing and maintenance, of fire facilities in their respective fire jurisdictions. The nearest fire station to the Project site is Station 94, located at 16501 Schulte Road, approximately 1.1 miles west of the Project site; however, SSJCFA plans to relocate this station to Promontory Parkway (between Hansen Road and International Parkway), as discussed further below.

Under existing conditions, the SSJCFA has determined that it is not currently meeting response times to calls for service. A Standards for Cover study prepared in 2017 concluded that the only way to appreciably meet response to service goals is to add more fire stations as revenues permit (City of Tracy 2019). Recognizing the need to meet response time standards and plan for future growth and development patterns, the SSJCA has developed plans, in conjunction with the City and the Rural Fire Protection District, to relocate existing stations, including Station 94, and construct additional new stations within its service area.

The SSJCA is currently implementing identified infrastructure improvements that are anticipated to address long-term fire protection needs within SSJCA's jurisdiction. Funding for these improvements is derived from a variety of sources, including development impact fees collected by the City and a fire facilities impact fee collected by the Rural Fire Protection District for rural areas not included within the City's Citywide Public Safety Master Plan. Given that it may take over 20 years before all total fees are collected, the City has advanced much of these funds for immediate use, such that a financing plan for the relocation of Station 94, as well as the construction of two new stations and relocation of another station, has already been approved by the City.

Upon completion of fire infrastructure improvements (and on an ongoing basis), SSJCA operations are funded

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through the City's General Fund and the Rural Fire Protection District. The City's General Fund allocations are derived from property taxes, sales tax revenue, and user fees. The Rural Fire Protection District receives its funding through property tax from the County and a special assessment fee for those structures located in the Rural Fire Protection District.

To ensure that adequate staffing and facilities are maintained to address existing and future development, the SSJCFA Board of Directors reviews its budget on an annual basis and makes the appropriate provisions for additional personnel, equipment, and facility improvements as necessary. As concluded in the City of Tracy Municipal Services Review prepared in May 2019, the City and the Rural Fire Protection District have actively planned to ensure adequate fire services are provided throughout their service areas, even when accounting for increased service demands as areas are developed (City of Tracy 2019).

Because SSJCA, the City, and the Rural Fire Protection District have appropriately planned for anticipated growth in the greater Project area (including the Project), and because the Project would be subject to the fire impact fees collected by the Rural Fire Protection District and would contribute funds to the operation of the SSJCA on an on-going basis (through the County's property tax assessment and special assessment fee collections), the Project would result in less-than-significant impacts with regard to the provision of new fire protection facilities. Therefore, impacts associated with fire protection facilities would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- ii) **Less-than-Significant Impact.** Police protection services for the Project area are provided by the San Joaquin County Sheriff's Department. The County is divided into eight geographical areas, or "beats." These beats are staffed around the clock, providing emergency response capability to citizens in the unincorporated area. The Project site is located within Beat 8, which generally covers the unincorporated areas around Tracy. The Police Department and San Joaquin County Sheriff's Department provide mutual aid when a situation exceeds the capabilities of either department.

According to the County's General Plan, the County is anticipating growth within SOIs that would not be immediately annexed into a particular city, and the Sheriff's Office has long-term staffing plans that would increase staffing across multiple divisions and expand patrol services into various urban and rural areas to be used as substations. The Project would result in the payment of property taxes that would result in additional revenue being available to the County, and, indirectly, would result in increased revenue available to the Sheriff's Department.

In addition, compared with land use such as residential or commercial, the proposed warehouse and logistics use would not result in anything more than a nominal increase in calls for police protection service to the Project site; as such, the Project is not anticipated to generate a larger volume of calls of service to the site that could burden the County Sheriff's Department. Further, design of the Project would also incorporate the basic principles Crime Prevention Through Environmental Design, including controlling access to buildings to reduce opportunities for crime to occur and making as much of the site visible from the public right-of-way to deter on-site crimes. Therefore, impacts associated with police protection facilities would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- iii) **Less-than-Significant Impact.** The Project site is located within the Lammersville Unified School District. The Project involves the development of a warehouse and distribution use and does not include a residential component that would directly result in new residents or school-age children in the area. While a portion of the Project's employees are likely to have school-age children, it is anticipated that the majority of these employees would already be located within the Project area (refer to Section XIV, Population and Housing) and would not introduce new school-age children to the area's school districts. If there are any school-age children introduced to the area that would be newly enrolled in area school districts, the number would be nominal and should not result in the need for new or expanded school facilities.

Nonetheless, all residential and non-residential development projects are subject to the requirements set forth in Senate Bill 50, which requires payment of mandatory impact fees to offset any impact to school services or facilities. The provisions of Senate Bill 50 are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws (Government Code Section 65996). In accordance with Senate Bill 50, the Project Applicant would pay its fair share of impact fees based on the amount of proposed square footage. These impact fees are required of most residential, commercial, and industrial development projects in the County. Therefore, impacts associated with school facilities would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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- iv) **Less-than-Significant Impact.** Given the lack of population growth as a result of the Project, neither construction nor operation of the Project would generate new residents to the extent that new or expanded park facilities would be required. Therefore, impacts associated with park facilities would be less than significant, and no further analysis will be conducted in the Draft EIR.
- v) **Less-than-Significant Impact.** The Project would not directly or indirectly induce substantial population growth in the Project area. As such, it is unlikely that the Project would cause an increase in the use of other public facilities such as libraries and community centers. Therefore, impacts associated with libraries and other public facilities would be less than significant, and no further analysis will be conducted in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVI. Recreation.**

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

a) **Less-than-Significant Impact.** The Project would result in the construction of three industrial warehouse and distribution buildings with no proposed recreational facilities. The Project would not directly introduce new residents to the area as no housing is proposed as part of the Project; as such, the Project would not result in new residents who would utilize nearby neighborhood parks, regional parks, or other recreational facilities.

The Project would not significantly increase the use of existing parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, impacts associated with increasing recreational facilities usage would be less than significant, and this issue will not be further evaluated in the Draft EIR.

b) **Less-than-Significant Impact.** As noted above, the Project would not include recreational facilities or require the construction or expansion of recreational facilities, and the Project would not significantly increase the use of existing parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, impacts associated with the construction of new or expansion of existing recreational facilities would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVII. Transportation.**

Would the Project:

a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** The Project would result in increased truck and vehicle trips that could adversely impact the performance of the local and regional circulation system, including transit, roadway, bicycle, and pedestrian facilities. A traffic impact analysis will be conducted and the results will be included in the Draft EIR.
- b) **Potentially Significant Impact.** The Project would result in increased truck and vehicle trips that could adversely impact vehicle miles traveled and conflict with the provisions of Section 15064.3(b). A traffic impact analysis, including a vehicle miles travelled evaluation, will be conducted and the results will be included in the Draft EIR.
- c) **Potentially Significant Impact.** The Project would modify existing roadways leading to the Project site. In addition, the Project would create new circulation patterns on site. A traffic impact analysis, including an access and on-site circulation evaluation, will be conducted and the results will be included in the Draft EIR.
- d) **Potentially Significant Impact.** The Project could result in inadequate emergency access due to the design of Project driveways, drive aisles, and/or off-site improvements within and adjacent to the public right-of-way. A traffic impact analysis, including an access and on-site circulation evaluation, will be conducted and the results will be included in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XVIII. Tribal Cultural Resources.**

a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Impact Discussion:**

a-i) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities. Such activities could potentially have an adverse effect on currently unrecorded, unknown tribal cultural resources. In accordance with California Assembly Bill (AB) 52 requirements, the County will initiate Tribal consultation, the results of which will be summarized in the Draft EIR. As such, further analysis and consultation is required to determine whether the Project could potentially result in any adverse effects related to tribal cultural resources. Therefore, these issues will be analyzed further in the Draft EIR.

a-ii) **Potentially Significant Impact.** Implementation of the Project would result in construction and operational activities. Such activities could potentially have an adverse effect on currently unrecorded, unknown tribal cultural resources. In accordance with California AB 52 requirements, the County will initiate Tribal consultation, the results of which will be summarized in the Draft EIR. As such, further analysis and consultation is required to determine whether the Project could potentially result in any adverse effects related to tribal cultural resources. Therefore, these issues will be analyzed further in the Draft EIR.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XIX. Utilities and Service Systems.</u></b>				
Would the Project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** The Project would involve the construction of new water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunication facilities. However, these facilities would be located entirely within the Project site and would not require the installation of off-site facilities, except where connections to existing utility lines within the surrounding public right-of-way may be required.  
  
Moreover, these facilities would be constructed with standard construction techniques and in accordance with all regulatory requirements that address potential impacts associated with trenching activities and the use of heavy machinery. For example, as described previously in Section X, Hydrology and Water, a SWPPP would be prepared for the Project, which would require the implementation of BMPs and pollutant control measures to minimize pollutants and reduce runoff to levels that comply with applicable water quality standards. As a result, impacts associated with the relocation of existing or construction of new utilities would be less than significant, and this issue will not be addressed further within the Draft EIR.
- b) **Potentially Significant Impact.** Domestic, irrigation, and fire suppression water would be sourced on the Project site through the installation of two on-site water wells, and the Project would include a 500,000-gallon aboveground water storage tank that would be reserved for fire suppression uses only. Further analysis is required to determine whether the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. This topic will be analyzed further in the Draft EIR.

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- c) **Less-than-Significant Impact.** Wastewater generated by the Project would be treated by on-site septic tanks and associated leach fields. Septic tanks installed in the County are subject to San Joaquin County Ordinance Code Section 9-1100 et seq., which requires issuance of a Sanitation Permit by the San Joaquin County Environmental Health Division for the construction of a private septic system and sets forth requirements for the siting and construction of private septic systems.

Prior to issuance of a Sanitation Permit, the San Joaquin County Environmental Health Division will review the proposed septic system to ensure the Project's septic system is sufficiently sized and meets applicable development standards. As such, no determination of adequate capacity by a wastewater treatment provider is necessary to accommodate the Project. Impacts with regard to wastewater treatment would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- d) **Less-than-Significant Impact.** Solid waste generated in the Project area is collected and transported by the County's contract waste hauler, Tracy Disposal Service. The City's solid waste is taken to the Tracy Material Recovery Facility and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary Landfill. The California Department of Resources Recycling and Recovery publishes solid waste generation rates based on land use types. According to the California Department of Resources Recycling and Recovery, manufacturing/warehouse uses generate 1.42 pounds of solid waste per 100 square feet per day (CalRecycle n.d.). Based on these generation rates, operation of the proposed 678,913 total square feet of warehouse uses could generate solid waste at a rate of approximately 9,640 pounds of solid waste (approximately 4.8 tons) per day.<sup>3</sup>

The Material Recovery Facility has a daily intake capacity of 1,800 tons of solid waste and on average takes in 354 tons per day (Cal Recycle 2020a). The maximum permitted daily throughput of the Foothill Sanitary Landfill is 1,500 tons per day (Cal Recycle 2020b). This facility has a permitted capacity of 138 million cubic yards and has a remaining capacity to accommodate 125 million cubic yards of solid waste. Current permits indicate a closure in 2082. Given that both the Material Recovery Facility and the Foothill Sanitary Landfill have ample remaining capacity to accept additional solid waste, the Project's solid waste generation would represent only a nominal percentage of these facilities' permitted daily throughput and permitted capacities. Therefore, impacts associated with permitted landfill capacity would be less than significant, and this issue will not be further evaluated in the Draft EIR.

- e) **Less-Than-Significant Impact.** All collection, transportation, and disposal of solid waste generated by the Project would comply with all applicable federal, state, and local statutes and regulations. Under AB 939, the Integrated Waste Management Act of 1989, local jurisdictions are required to develop source reduction, reuse, recycling, and composting programs to reduce the amount of solid waste entering landfills. Local jurisdictions are mandated to divert at least 50% of their solid waste generation into recycling. The Project would be required to submit plans to the County's Public Works Department for review and approval to ensure the plan would comply with AB 939.

In addition, the state has set an ambitious goal of 75% recycling, composting, and source reduction of solid waste by 2020. To help reach this goal, the state has adopted AB 341 and AB 1826. AB 341 is a mandatory commercial recycling bill, and AB 1826 is mandatory organic recycling. Waste generated by the Project would enter the County's waste stream but would not adversely affect the County's ability to meet AB 939, AB 341, or AB 1826, since the Project's waste generation would represent a nominal percentage of the waste created within the County. The Project, much like other projects, would be required to comply with these solid waste provisions during both construction and operational phases. Therefore, impacts associated with solid waste disposal regulations would be less than significant, and this issue will not be further evaluated in the Draft EIR.

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<sup>3</sup> This estimate does not account for diversion of recyclables from the solid waste stream and, thus, should be considered a conservative projection.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b><u>XX. Wildfire.</u></b>				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Less-than-Significant Impact.** The California Department of Forestry and Fire Protection has designated areas south and southwest of the Project site as being within a Moderate Fire Hazard Severity Zone within a Local Responsibility Area (CAL FIRE 2020). In addition, some undeveloped hillside areas in the Diablo Mountains south of I-580, approximately 3.7 miles southwest of the Project site, are designated as being within a High Fire Hazard Severity Zone within a State Responsibility Area (CAL FIRE 2020). These ratings do not extend to the Project site and the Delta Mendota Canal separates the Project site from these areas to the south, which could function as a firebreak in the event of a wildfire, further lessening the potential for wildfire to affect the Project site.

As such, the Project site is not in or near land classified as a Very High Fire Hazard Severity Zone, and impacts associated with wildfire in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones are not anticipated. Notwithstanding, as discussed in Section IX, Hazards and Hazardous Materials, the Project would not significantly affect emergency response or evacuation activities and the Project would not conflict with or impair implementation of the County’s or City’s emergency operations plans. Therefore, impacts associated with adopted emergency response plans or evacuation plans would be less than significant, and this issue will not be evaluated further in the Draft EIR.

- b) **Less-than-Significant Impact.** As discussed above, the Project site is not located within or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones. The Project site is located in an area that is generally flat, lacking any steep slopes, and characterized as predominately agricultural and industrial; these factors are not typically associated with the uncontrolled spread of wildfire. Therefore, impacts associated with the spread of wildfire would be less than significant, and this issue will not be evaluated further in the Draft EIR.

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- c) **Less-than-Significant Impact.** As previously addressed, the Project site is not located within or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones. While the Project does not include the construction of fuel breaks or power lines, the Project would involve the installation of infrastructure, including water, wastewater treatment, and storm drainage facilities.

In addition, the Project would involve the installation of a 500,000-gallon aboveground water storage tank and fire hydrants throughout the site for fire suppression purposes. These facilities would be located entirely within the Project site and would not exacerbate fire risk. On the contrary, the Project's water system would assist in the fire suppression efforts in the event of a fire. The installation of this infrastructure would be typical of development within the greater Project area and would not require the use of specialized techniques or machinery that would result in temporary or ongoing impacts beyond those impacts discussed within this Initial Study. Any impacts associated with the installation of this infrastructure would be done in compliance with existing regulatory requirements, such as SWPPP requirements, that would reduce potential impacts associated with construction of these facilities to below a level of significance. Therefore, impacts associated with infrastructure exacerbating fire risk would be less than significant, and this issue will not be evaluated further in the Draft EIR.

- d) **Less-than-Significant Impact.** As discussed above, the Project site is not located within or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones. As discussed in Section VIII, Geology and Soils, and Section X, Hydrology and Water Quality, the Project would not result in significant risks associated with flooding, landslides, runoff, or drainage changes, and the Project does not propose the use of fire (such as for a controlled vegetation burn) that would result in post-fire slope instability. Therefore, impacts associated with runoff, post-fire slope instability, or drainage changes would be less than significant, and this issue will not be evaluated further in the Draft EIR.

# Initial Study - 14800 W. Schulte Road Logistics Center

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	Analyzed In The Prior EIR
<b><u>XXI. Mandatory Findings of Significance.</u></b>					
a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:**

- a) **Potentially Significant Impact.** The Project has the potential to degrade the quality of the environment, reduce the habitat of a plant or wildlife species, cause a plant or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal (see Section IV, Biological Resources). In addition, the Project may have the potential to eliminate important examples of California history or prehistory during grading activities due to the potential for unanticipated cultural resources (see Section V, Cultural Resources). Therefore, impacts are considered potentially significant, and this issue will be analyzed in the Draft EIR.
- b) **Potentially Significant Impact.** The Project could have impacts that are individually limited but cumulatively considerable. The EIR will analyze past, present, and reasonably foreseeable projects in the vicinity of the Project site. Therefore, impacts are considered potentially significant, and this issue will be analyzed in the Draft EIR.
- c) **Potentially Significant Impact.** The Project could have environmental effects that could cause substantial adverse effects on human beings. Therefore, impacts are considered potentially significant, and this issue will be analyzed in the Draft EIR.

# Initial Study - 14800 W. Schulte Road Logistics Center

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**Note:** Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## **Attachment: (Maps or Project Site Plans)**

- Figure 1. Regional Map
- Figure 2. Project Location
- Figure 3. Aerial View of Project Site
- Figure 4. General Plan Land Use Designations
- Figure 5. Zoning Designations
- Figure 6. Site Plan

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## Initial Study - 14800 W. Schulte Road Logistics Center

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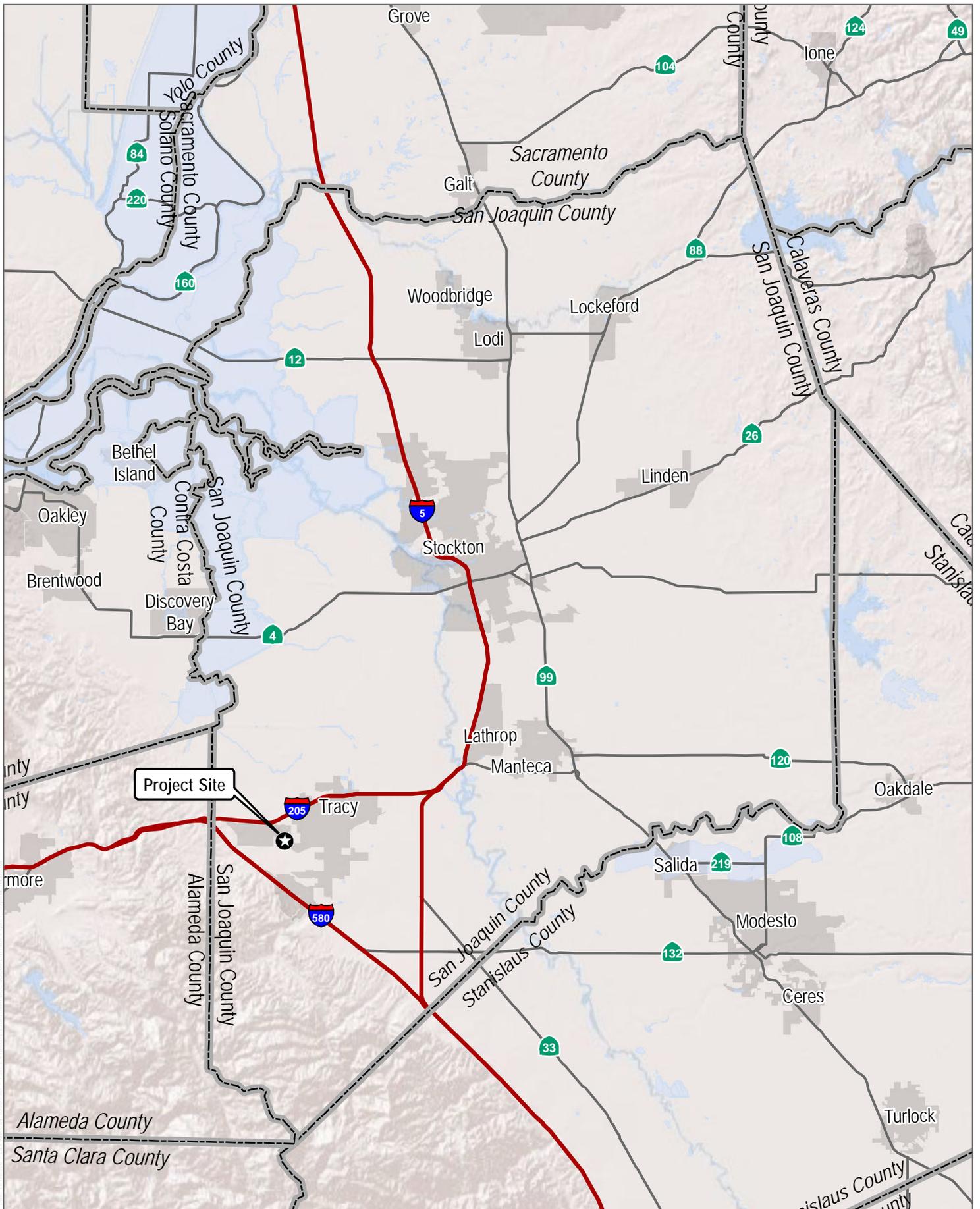
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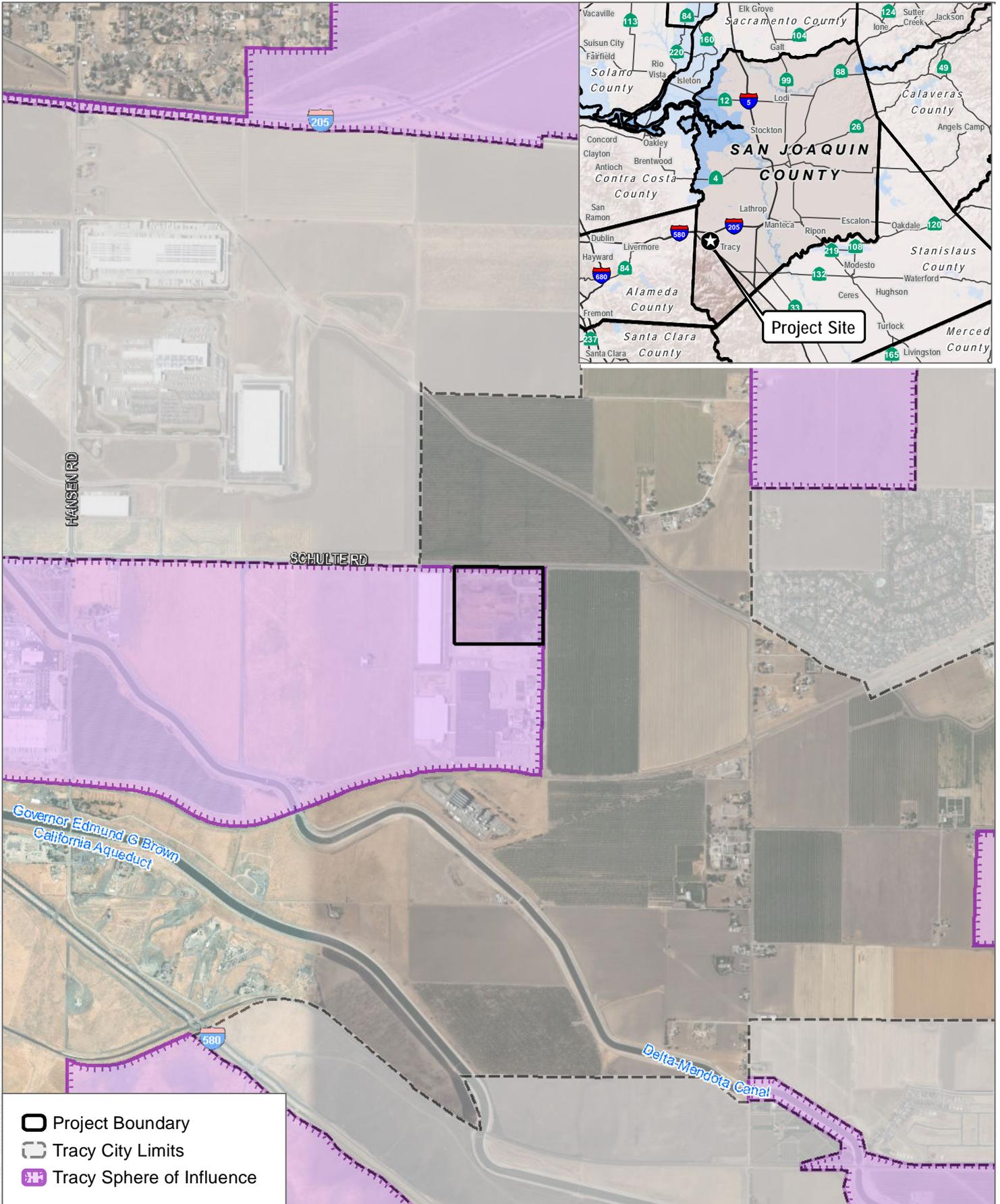
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SOURCE: ESRI Basemaps

**FIGURE 1**  
Regional Map



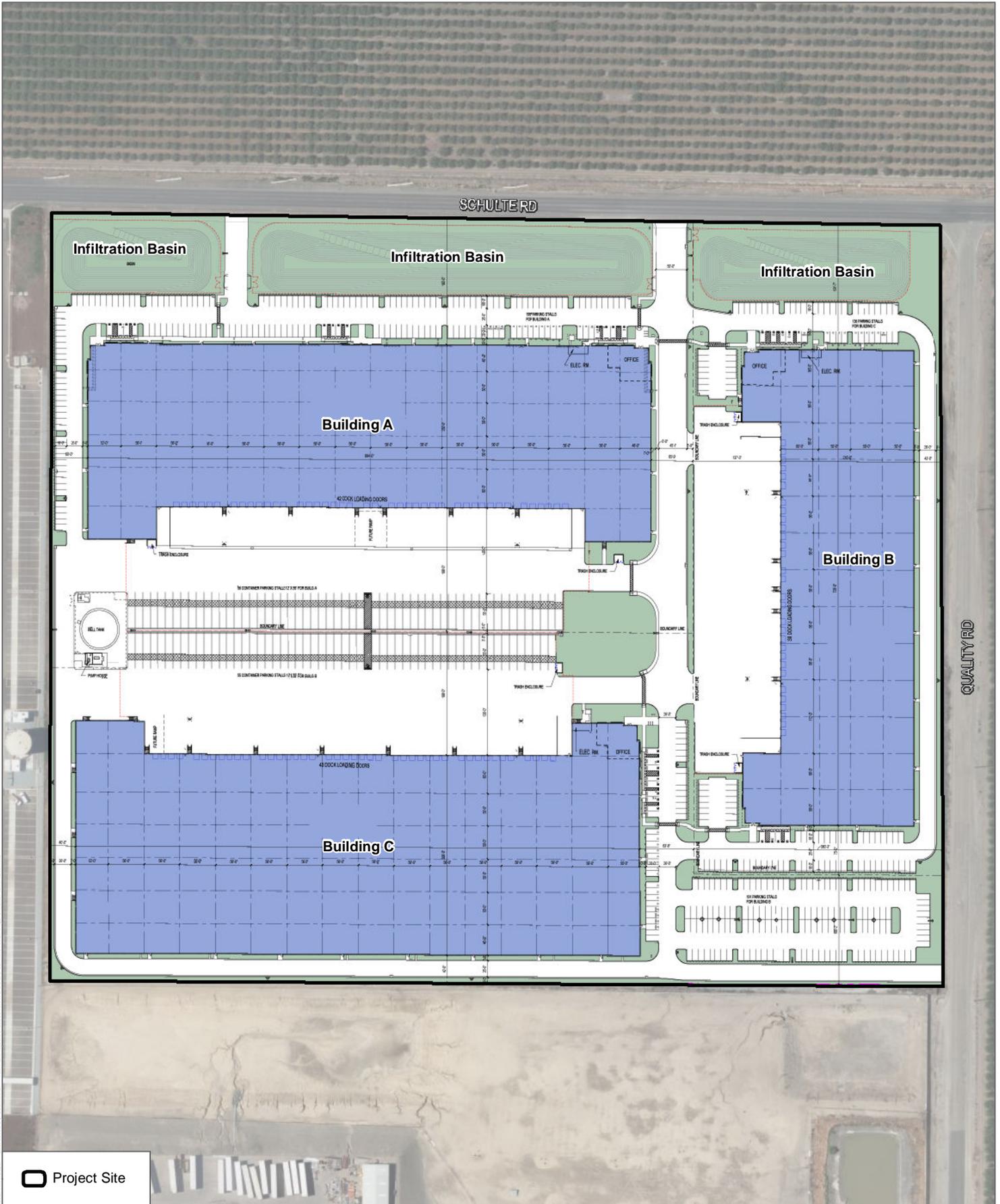
SOURCE: Bing Imagery (Accessed 2020), NHD (Accessed 2020)

FIGURE 2

Project Location

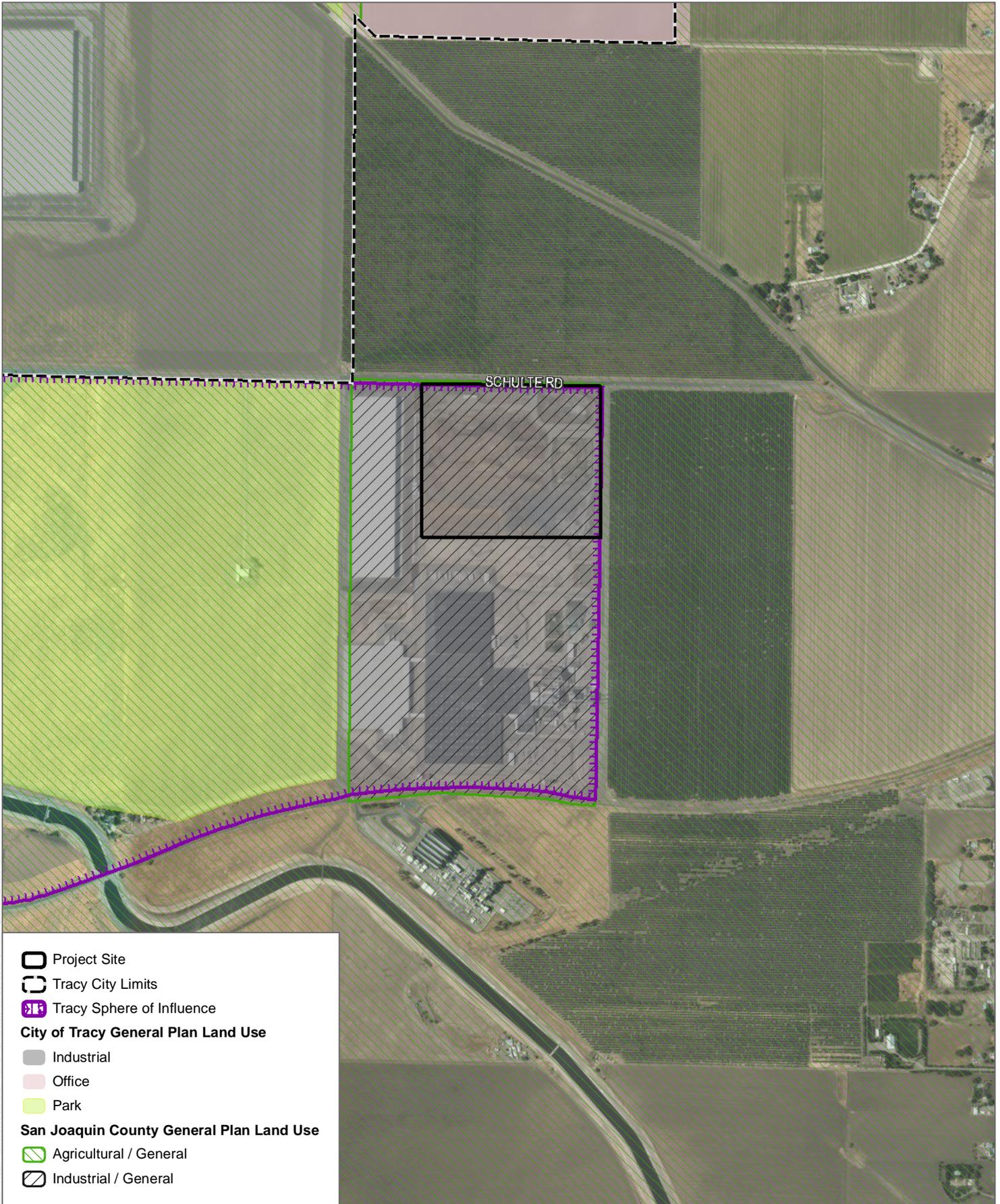
14800 W. Schulte Road Logistics Center Project



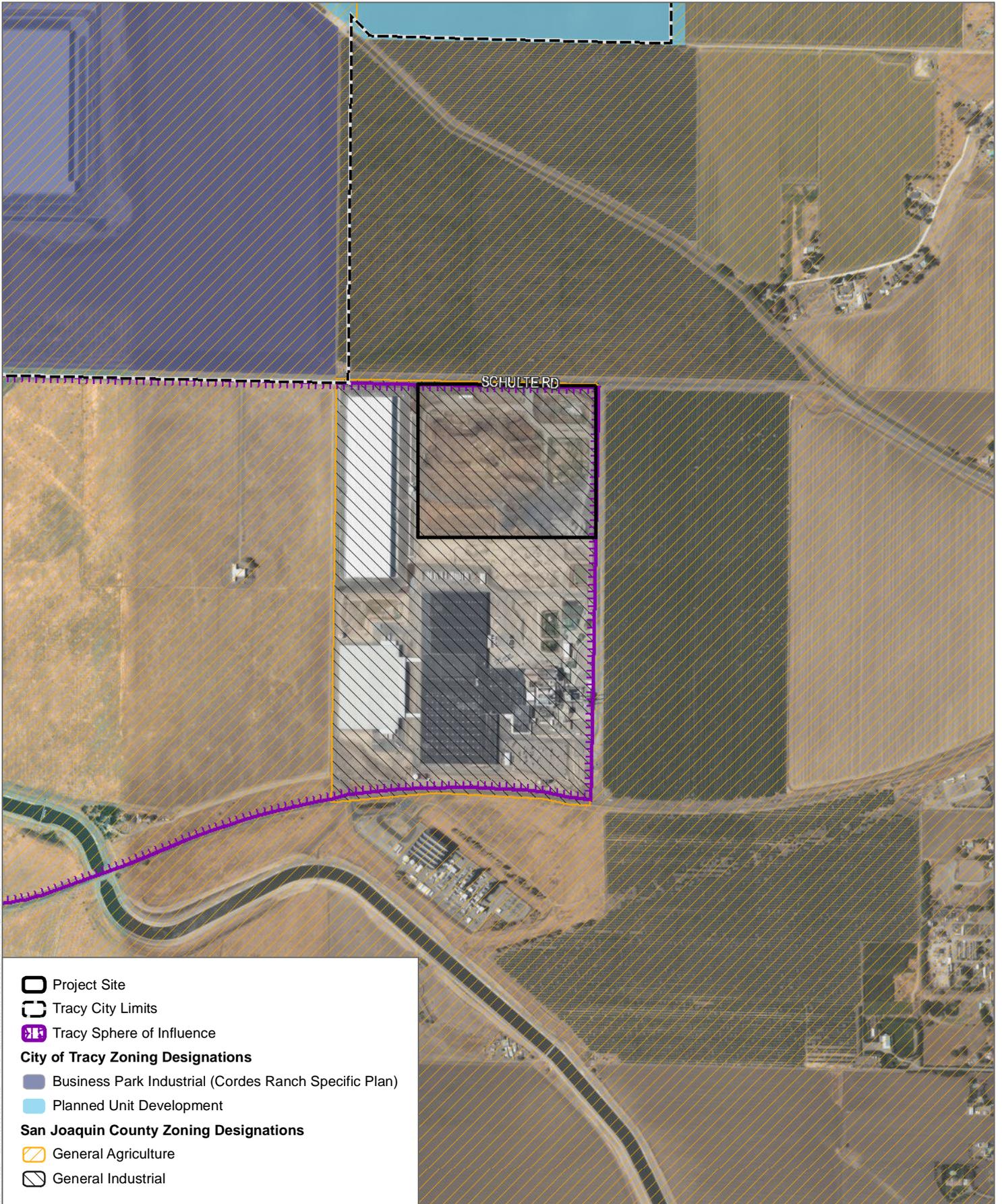


SOURCE: Bing Maps 2019, San Joaquin County

**FIGURE 4**  
Site Plan



SOURCE: Bing Maps 2019, San Joaquin County



SOURCE: Bing Maps 2019, San Joaquin County



## NATIVE AMERICAN HERITAGE COMMISSION

November 24, 2020

Alisa Goulart  
San Joaquin County Community Development Department  
1810 East Hazelton Ave  
Stockton, CA 95205

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**Re: 2020110406, PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project, San Joaquin County**

Dear Ms. Goulart:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code § 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code § 5097.9 and § 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse



December 14, 2020

Alisa Goulart  
County of San Joaquin  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 92505

**Project: Notice of Preparation of a Draft Environmental Impact Report  
14800 W. Schulte Road Logistic Center Project**

**District CEQA Reference No: 20201000**

Dear Ms. Goulart:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above from the County of San Joaquin (County) consisting of the construction and operation of three single-story industrial warehouse buildings totaling 678,913 square feet (Project). The Project would also include on-site circulation, parking, landscaping, and utility improvements. The Project is located at 14800 W. Schulte Road, in Tracy, CA, CA (APN 209-240-23).

**Project Scope**

Per the Notice of Preparation (NOP), the Project consists of the construction and operation of three single-story warehouse buildings totaling approximately 678,913 square feet. Building A would be located within the northwestern third of the Project site and would include approximately 228,313 square feet of warehouse space and 2,968 square feet of office space (231,281 square feet of building area in total). Building B would be located within the southwestern third of the Project site and would include approximately 278,650 square feet of warehouse space and 3,006 square feet of office space (281,656 square feet of building area in total). Building C would be located within the eastern third of the Project site and would include approximately 163,012 square feet of warehouse space and 2,964 square feet of office space (165,976 square feet of building area in total).

The NOP states future occupants of the Project are unknown at this time. However, the buildings would be used for light warehousing and distribution uses. In general, the Project would support a variety of activities associated with the three warehouse

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
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Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

buildings, including the ingressing and egressing of passenger vehicles and trucks, the loading and unloading of trucks within designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, yard hostlers, and similar equipment. In addition, the office space would support general internal office activities related to the warehouse uses.

Based on typical employee densities for warehousing and distribution uses, it is expected that approximately 555 employees would work on site throughout a typical workday. At this time, no refrigeration is being proposed as part of the Project.

Single loaded truck bays would be located on the south and north sides of Buildings A and B and on the west side of Building C. As such, all loading areas face the interior of the Project site and would not be visible from adjacent public streets. Building A would provide 42 loading docks, Building B would provide 43 loading docks, and Building C would provide 30 loading docks. Paved passenger vehicle parking areas would be provided along the northern and southeastern portions of the Project site near the frontage of Schulte Road and Quality Road. Truck/trailer parking would be provided in between Buildings A and B. Gated entry is proposed at key dock access routes for each building. In total, the Project site would include 111 stalls for trailers and 522 standard parking spaces for passenger vehicles and trailers.

To facilitate adequate on-site circulation and sufficient site access for both passenger vehicles and trucks, and to ensure efficient off-site circulation on nearby roadway facilities, the Project would involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. The Project would include a variety of development features provided through site design (e.g., building orientation, screening, and placement of service areas), architecture (e.g., mass, scale, form, style, material, and color), and streetscape elements (e.g., lighting and paving materials). In addition, a new, engineered stormwater drainage system would be constructed on the Project site to collect and treat on-site stormwater.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed the following thresholds of significance: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SO<sub>x</sub>), 15 tons per year of particulate matter of 10 microns or less in size (PM<sub>10</sub>), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>). The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

Other potential significant air quality impacts related to Toxic Air Contaminants (see information below under Health Risk Assessment), Ambient Air Quality Standards,

Hazards and Odors, may require assessments and mitigation. More information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: [https://www.valleyair.org/transportation/GAMAQI\\_12-26-19.pdf](https://www.valleyair.org/transportation/GAMAQI_12-26-19.pdf)

The District offers the following comments:

**1) Project Related Criteria Pollutant Emissions**

The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions. The additional environmental review of the Project's potential impact on air quality should consider the following items:

**1a) Project Related Construction Emissions**

Construction emissions are short-term emissions and should be evaluated separately from operational emissions. Equipment exhaust, as well as fugitive dust emissions should be quantified. For reference, the District's annual criteria thresholds of significance for construction are listed above.

The District recommends that the County consider the use of the cleanest reasonably available off-road construction practices (i.e. eliminating unnecessary idling) and fleets, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations as a mitigation measure to reduce Project related impacts from construction related exhaust emissions.

**1b) Project Related Operational Emissions**

Emissions from stationary sources and mobile sources should be analyzed separately. For reference, the District's annual criteria thresholds of significance for operational emissions are listed above.

**1c) Recommended Model**

Project related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

#### **1d) Project Related Operational Emissions– Truck Routing**

Truck routing involves the path/roads heavy-duty trucks take to and from their destination. The air emissions from heavy-duty trucks can impact residential communities and sensitive receptors.

The District recommends the County consider evaluating heavy-duty truck routing patterns to help limit emission exposure to residential communities and sensitive receptors. More specifically, this measure would assess current truck routes, in consideration of the number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, GHG emissions, and air quality.

#### **1e) Project Related Operational Emissions– Cleanest Available Truck**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from heavy-heavy duty (HHD) Trucks, the single largest source of NO<sub>x</sub> emissions in the San Joaquin Valley. The District recently adopted the 2018 PM<sub>2.5</sub> Plan, which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the California Air Resources Board (CARB) Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NO<sub>x</sub> standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NO<sub>x</sub> established by the California Air Resources Board.

The Project consist of three warehouse/distribution buildings which typically generate a high volume of heavy duty truck traffic (e.g. "high-cube" warehouse or distribution center). Heavy duty trucks typically travel longer trip length distances to-and-from from the Project location for potential distribution. Since the Project may exceed the District significance thresholds, the District recommends that the following mitigation measures be considered by the County for inclusion in the CEQA document for project related operational emissions.

- Advise fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NO<sub>x</sub>) technologies as feasible.

- Advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.
- Advise fleets associated with future development projects to be subject to the best practices (i.e. eliminating unnecessary idling).

In addition, the District recommends that the County include mitigation measures to reduce project related operational impacts through incorporation of design elements, for example, increased energy efficiency, reducing vehicle miles traveled, etc. More information on mitigation measures can be found on the District's website at: [http://www.valleyair.org/transportation/cega\\_idx.htm](http://www.valleyair.org/transportation/cega_idx.htm).

**1f) Project Related Operational Emissions– Reduce Idling of Heavy Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air quality impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g limiting vehicle idling to specific time limits). The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, efforts to ensure compliance of the anti-idling regulation, especially near sensitive receptors, is important to limit the amount of idling within the community, which will result in community air quality benefits.

**1g) Project Related Operational Emissions– Electric On-Site Off-Road and On-Road Equipment**

Since the Project consists of warehouse/distribution facilities, it may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends the County advise the project proponent to utilize electric or zero emission off-road and on-road equipment used on-site for this Project.

**2) Voluntary Emission Reduction Agreement**

If the Project is expected to have a significant impact, the District recommends the EIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of

administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate Project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-specific regional impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-specific regional emissions have been mitigated to less than significant. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the Draft EIR includes an assessment of the feasibility of implementing a VERA.

### **3) Health Risk Screening/Assessment**

A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List of TAC's identified by OEHHA/CARB can be found at: <https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

The District recommends the development project(s) be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

For your convenience, the District's prioritization calculator can be found at:  
[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS).

- ii) The District recommends a refined HRA for development projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that development project applicants contact the District to review the proposed modeling protocol. A development project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that development projects which result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at:  
[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

#### **4) Ambient Air Quality Analysis**

An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

## 5) **Cumulative Air Impacts**

In addition to the discussions on the topics identified above, the District recommends the EIR also include a discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at: <http://valleyair.org/aqinfo/attainment.htm>.

## 6) **District Rules and Regulations**

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

### 6a) **District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project

proponent may contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

### **6b) District Rule 9510 (Indirect Source Review)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM<sub>10</sub> emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into development projects. In case the proposed development project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. The District has received and approved an AIA application (ISR Project# 20200101) for this Project.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

### **6c) District Rule 9410 (Employer Based Trip Reduction)**

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about how District Rule 9410 can be found online at: [www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

## **6d) Other District Rules and Regulations**

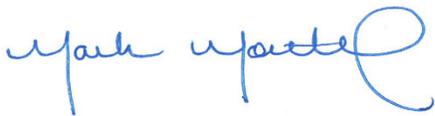
The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

## **7) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Sharla Yang by e-mail at [Sharla.Yang@valleyair.org](mailto:Sharla.Yang@valleyair.org) or by phone at (559) 230-5934.

Sincerely,



For: Arnaud Marjollet  
Director of Permit Services

AM: sy

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## Central Valley Regional Water Quality Control Board

18 December 2020

Alisa Goulart  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. SCHULTE LOGISTICS CENTER PROJECT, SCH#2020110406, SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 23 November 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the

State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wgo/wgo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wgo/wgo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4856 or [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov).



Nicholas White  
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

2825 Cordelia Road, Suite 100

Fairfield, CA 94534

(707) 428-2002

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)**GAVIN NEWSOM, Governor****CHARLTON H. BONHAM, Director**

December 22, 2020

Ms. Alisa Goulart, Associate Planner  
San Joaquin County Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 92505  
[Alisa.Goulart@sjgov.org](mailto:Alisa.Goulart@sjgov.org)

Subject: PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020110406, City of Tracy, San Joaquin County

Dear Ms. Goulart:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation of a draft Environmental Impact Report (EIR) from the San Joaquin County Community Development Department (County) for the PA-1900208 (SA) & PA-2000162 (ER) - 14800 W. Schulte Logistics Center Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

## CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

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

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proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** LBA RVI-Company XXXII, LLC

**Objective:** The objective of the Project is to construct and operate three (3) single-story industrial warehouse buildings totaling approximately 678,913 square feet, as well as associated improvements including loading docks, tractor trailer stalls, parking for passenger vehicles, and street, sidewalk, and landscape improvements. The Project will also involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. Additionally, the Project will involve the construction of new water, wastewater treatment, and stormwater drainage facilities. Two on-site water wells will be installed, and the Project will include a 500,000-gallon aboveground water storage tank for fire suppression use only. Wastewater generated by the three (3) new buildings will be directed to on-site septic tanks and leach fields. Stormwater will be managed and treated by three below-grade, open, earthen infiltration basins that will be sized to capture and treat all on-site stormwater generated by two (2) consecutive 10-year, 24-hour storm events.

**Location:** The 37.96-acre Project site is located within southwestern unincorporated San Joaquin County, California and is located at 14800 West Schulte Road in Tracy. The Project site is bounded by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, a manufacturing/warehouse use to the south, and a warehouse/distribution use to the west. It is composed of one parcel (Assessor's Parcel Number 209-240-23). The site was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019.

**Timeframe:** Construction is expected to commence in 2021 and continue through 2022.

## **COMMENTS AND RECOMMENDATIONS**

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

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## Environmental Setting

The environmental setting should contain sufficient information to understand the Project's, and its alternatives', significant impacts on the environment (CEQA Guidelines, §§15125 and 15360).

According to a preliminary search of the California Natural Diversity Database (CNDDDB), fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or that have the potential to occur in or near the Project area, include, but are not limited to the species listed below.

Common Name	Scientific Name	Status
California tiger salamander	<i>Ambystoma californiense</i>	FT, ST <sup>2</sup>
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
Burrowing owl	<i>Athene cunicularia</i>	SSC
Swainson's hawk	<i>Buteo swainsonii</i>	ST
Tricolor blackbird	<i>Agelaius tricolor</i>	ST
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE, ST
Caper-fruited tropidocarpum	<i>Tropidocarpum capparideum</i>	1B.1
Big tarplant	<i>Blepharizonia plumosa</i>	1B.1

<sup>2</sup> Source: CDFW, California Natural Diversity Database, 2016

FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate; SE = State Endangered; ST = State Threatened; SC = State Candidate; SSC = State Species of Special Concern; FP = Fully Protected

### CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere

### CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

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CDFW recommends that the draft EIR provide baseline habitat assessments for all special-status plant and wildlife species located within the Project area and surrounding lands per CEQA Guidelines, §15380. The draft EIR should also include habitat assessments for sensitive habitat types and plant communities.

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from “positive occurrence” databases such as the CNDDDB. Based on the habitat assessment, the draft EIR should assess which special-status species are likely to occur in the vicinity of the Project area.

CDFW recommends that surveys be conducted for special-status species likely to occur, following agency-recommended survey protocol. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/conservation/survey-protocols>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>) should be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area. Please refer to CDFW protocols (*Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities*) for surveying and evaluating impacts to rare plants available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>. Potential impacts to these species, including take, habitat loss, habitat impairment and temporary disturbances, should be thoroughly addressed in the draft EIR.

### **Impact Analysis and Mitigation Measures**

The draft EIR should discuss all direct and indirect impacts (temporary and permanent) that could occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” (Fish and Game Code, §86) of special-status species;
- Loss or modification of breeding, nesting, denning, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of natural habitat structural features (e.g., snags, roosts, overhanging banks) as well as modification of artificial structures such as bridges that may provide habitat for certain species (e.g., birds and bats);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors and impediments to connectivity, fish passage, or access to water sources and other core habitat features.

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The draft EIR should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable. A contribution to a significant cumulative impact, such as reduction of the available habitat for a listed species, should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

A description of all feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts of the Project on the environment should be included in the draft EIR (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370). Take avoidance and minimization measures for special-status species should be developed in consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW.

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the EIR should include measures to ensure complete take avoidance of such species.

### **Specific Guidance for the Draft EIR**

Due to the limited information provided in the NOP, CDFW is providing the comments below with regards to potential impacts of the Project to special-status species and mitigation measures to offset any unavoidable impacts.

#### *Comment 1: Special Status Plant Impacts Avoidance*

CDFW recommends that the draft EIR include a mitigation measure requiring special-status plant species avoidance through delineation and establishment of no-disturbance buffers of at least 50 feet or greater from the outer edge of the plant population or specific habitat type required by special-status plant species. Buffer sizes should be developed by a qualified botanist and based on seed dispersal and other biological characteristics of the plant species being avoided.

#### *Comment 2: Mitigate Special Status Plants to a Less-than-Significant Level*

CDFW recommends that the draft EIR include a statement defining compensatory mitigation in the event impacts to special-status plants are not fully avoidable. CDFW recommends the EIR includes a requirement for compensatory mitigation for impacts to special-status plant species and their habitats at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for all permanent impacts and those related to grading or compaction where the soils may take years to recover to baseline conditions.

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*Comment 3: Nesting Bird Surveys*

CDFW encourages Project implementation outside of the bird nesting season, which extends from February through early September. However, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or Fish and Game Code.

CDFW recommends that a qualified avian biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every fourteen (14) days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

*Comment 5: Mitigate Impacts to Burrowing Owls to a Less-Than-Significant Level*

Burrowing owls are known to utilize rodent burrows and dormant or infrequently maintained urban infrastructure for nesting habitat, such as utility conduits and graded subdivision lots. Therefore, the draft EIR should include measures to require annual surveys for burrowing owls throughout each phase or each construction season of the Project to address potential impacts from Project phasing or dormancy periods.

CDFW recommends the draft EIR include a mitigation measure with detailed burrowing owl survey requirements consistent with Appendix D of CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* found at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

CDFW recommends the draft EIR adhere to the mitigation strategies and survey guidelines as defined in CDFW's 2012 *Staff Report on Burrowing Owl Mitigation*. The EIR should include measures requiring compensatory mitigation for impacts to burrowing owl breeding, foraging and wintering habitat at a minimum of a 3:1 mitigation ratio (conserved habitat to impacted habitat) for permanent impacts and a 1:1 ratio for temporary impacts (i.e., less than one year from initial impact to full recovery to baseline conditions).

Mitigation lands for owls should have presence of ground squirrel and their burrows, well-drained soils, abundant and available prey within close proximity to burrows, as

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well as foraging habitat. The mitigation areas for burrowing owls should be currently occupied by owls and approved by CDFW prior to the start of Project-related activities.

*Comment 6: TRBL Take Authorization*

CDFW recommends the draft EIR include the following mitigation measure:

*“In the event that a TRBL nesting colony is detected during biological surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit (ITP), pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.”*

*Comment 7: Swainson’s Hawk Surveys*

CDFW recommends the draft EIR incorporate survey protocols using the methodology prescribed in the *Recommended Timing and Methodology for Swainson’s Hawks Nesting Survey’s in California’s Central Valley* (2000) and compensatory mitigation guidelines as prescribed in the Management Conditions section of the *Staff Report regarding Mitigation for Impacts to Swainson’s Hawks (Buteo swainsoni) in the Central Valley of California* (1994). Both documents are available online at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. If impacts to Swainson’s hawk (SWHA) cannot be fully avoided, then CDFW recommends the Project obtain SWHA take coverage through an ITP issued by CDFW.

CDFW also recommends inclusion of the following defined protection buffers as specific and enforceable avoidance and minimization measures in the event nesting SWHA are detected:

*“If an active nest is identified, a 1/2-mile buffer in non-urban settings or a ¼ mile buffer in urban settings shall be maintained around the nest until the young fledge. If any active Swainson’s hawk nests are found within 1/2-mile of the Project site, CDFW shall immediately be contacted and additional measures may be required for Project activities.”*

*Comment 8: Swainson’s Hawk Nesting Tree Impacts*

Any trees within the Project site and within ½-mile of the Project site with known SWHA or other raptor nests, or with historically active nests (i.e., occupied within the last 10 years), should be avoided to the maximum extent practicable. If a known SWHA nest tree is removed, even during the non-breeding season, the loss of nesting habitat should be mitigated. The draft EIR should describe impacts and include clear and effective measures to adequately mitigate for all permanent and temporary impacts to active, historically active, or suitable nesting habitat that cannot be completely avoided. See the *Staff Report Regarding Mitigation for Impacts to Swainson’s Hawk (Buteo*

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*swainsoni*) in the Central Valley of California (CDFW 1994) at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

*Comment 9: Resurvey of Biological Resources for Each Project Phase or on Dormant Previously Graded Areas*

Project activities may have additional significant biological impacts due to the Project's phasing over time. Delays or phasing of full buildout of a Project after initial mass grading over periods of time negates the sufficiency of one-time-only pre-construction surveys and their validity becomes questionable over the lifetime of the Project. For example, if an area is left dormant for a season or two post-grading, grassland and scrub habitats or ground squirrel colonies can be quickly established. These elements then provide nesting habitat for nesting birds and other wildlife.

CDFW recommends the draft EIR include a description of the Project's phasing and estimated timeframes from start of construction to complete buildout and require resurveys for biological resources. If the Project's timeframe from start of construction to complete build out includes breaks in construction longer than 15 days or periods of inactivity that could allow establishment of habitat elements such as ground squirrel burrows or vegetation, then impacts to wildlife that may use these habitat elements should be addressed in the draft EIR. CDFW recommends including in the draft EIR a mitigation measure that includes the following elements: 1) a qualified biologist shall conduct a wildlife survey and habitat assessment to determine potential wildlife and habitat elements present that may be utilizing the vacant sections prior to Project-related activities taking place when there is a break in these activities greater than 15-days; 2) if unbuilt or fallow sections are being utilized by wildlife, avoidance and minimization measures shall be specified to prevent impacts and mortality, 3) if impacts and "take" are not fully avoidable, additional compensatory mitigation shall be discussed and agreed upon with CDFW's approval prior to the re-initiation of construction activities, and 4) if there is a break in these activities greater than 15 days, compliance checks by a qualified biologist are required to ensure habitat assessments, preconstruction surveys, and other biological mitigation measures in the draft EIR are being implemented.

*Comment 10: Mitigation Language Recommendation*

Mitigation language in the draft EIR must be enforceable. If the Project plans to participate in the San Joaquin Multi Species Conservation Plan (SJMSCP), stating that the Project Proponent has confirmed participation in the SJMSCP is not an enforceable mitigation measure. The draft EIR must propose or identify specific, sufficient, and enforceable mitigation in the event the SJMSCP does not approve coverage or the Proponent chooses to not participate (as discussed in the other species-specific comments). Because participation in the Plan is voluntary, the draft EIR must include 1) an evaluation and discussion of potential direct and indirect impacts of the Project to

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biological resources including wildlife and their habitats, 2) avoidance and minimization mitigation measures to decrease those impacts, and 3) specific and sufficient compensatory mitigation in the event the avoidance and minimization measures do not mitigate to less-than-significant or in the event SJMSCP does not approve coverage of the Project in whole or part to mitigate to less-than-significant.

If the impacts analysis indicates there will be direct or indirect take of CESA-listed species, and the Project cannot fully avoid take of CESA-listed species and SJMSCP does not offer take coverage, then CDFW recommends the draft EIR include language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

*Comment 11: Open or Hollow Pipes Wildlife Checks, Filling and Capping*

CDFW recommends inclusion of the following avoidance and minimization measures in the draft EIR:

*"To prevent entrapment and mortality of smaller wildlife and birds, all pipes, culverts, or similar structures that are stored at the construction site vertically or horizontally for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation at the Project site by the Qualified Biologist. All hollow pipes or posts installed as part of the Project and exposed to the environment shall be capped, screened or filled with material by Permittee prior to the end of the workday in which installation occurs."*

- a) *"To prevent entanglement of raptor talons, any post with exposed perforations installed on the Project site and exposed to the environment shall have the holes permanently filled within the top six (6) inches of the post upon installation by Permittee."*
- b) *"Any open trenches, pits, or holes with a depth larger than one-foot shall be covered at the conclusion of work each day with a hard, non-heat conductive material (i.e., plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood or installed as an earthen slope in each open trench, hole, or pit that is capable of allowing large (i.e., deer) and small (i.e., snakes) from escaping on their own accord. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, a Qualified Biologist or on-site personnel shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own accord."*

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## ENVIRONMENTAL DATA

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

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the Notice of Preparation of a draft EIR to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Andrea Boertien, Environmental Scientist, at [Andrea.Boertien@wildlife.ca.gov](mailto:Andrea.Boertien@wildlife.ca.gov); or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at [Melissa.Farinha@wildlife.ca.gov](mailto:Melissa.Farinha@wildlife.ca.gov).

Sincerely,

DocuSigned by:



BE74D4C93C604EA...

Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento