

**Appendix A:
Notice of Preparation, Comments**

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City of American Canyon
Notice of Preparation and Notice of Public Scoping Meeting
Giovannoni Logistics Center Project

Date: January 12, 2021

To: Public Agencies and Private Parties

From: Brent Cooper, AICP, Community Development Director, City of American Canyon

Subject: Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

The City of American Canyon will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified herein. The project description, location, and probable environmental effects of the Giovannoni Logistics Center Project are described in the attached materials.

The City of American Canyon is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the EIR, and the environmental issues and alternatives to be addressed in the document. Public agencies may need to use the EIR when considering permitting or other approvals that are germane to the agencies' responsibilities in connection with the projects.

Because of time limits mandated by state law, public agencies must submit any comments in response to this notice at the earliest possible date but not later than 30 days after receipt of this notice. The City of American Canyon also will accept comments from other interested parties regarding this notice during this time period. Accordingly, please provide your written response to the address shown below by **5 p.m. Wednesday, February 10, 2021**. If you wish to be placed on the notification list for this project, or if you have any questions or need additional information, please contact the person below.

Brent Cooper, AICP, Community Development Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503
Phone: (707) 647-4335
Email: bcooper@cityofamericancanyon.org

Public Scoping Meeting

A virtual public scoping meeting will be held at **3 p.m. Tuesday, February 2, 2021**. Refer to the 'Scoping Meeting' portion of this NOP for details. At this meeting, public agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.

GIOVANNONI LOGISTICS CENTER PROJECT

Project Location

The 208-acre project site is located in the City of American Canyon, Napa County, California; refer to Exhibit 1. The semi-rectangular project site is bounded by industrial development in the Green Island Business Park (west), the Napa Logistics Project and Devlin Road (north), the Napa Branch Line (east), and Green Island Road, a stone supply business, and a wine distribution warehouse (south); refer to Exhibit 2. The project site is located on the Cuttings Wharf, California, United States Geological Survey 7.5-minute topographic quadrangle, Township 4 North, Range 4 West, Sections 13 and 14 (Latitude 38° 11' 50" North; Longitude 122° 15' 36" West).

Existing Conditions

1.1.1 - Land Use Activities

The project site contains undeveloped land. The project site gently slopes from east to west and the elevation ranges from 50 feet to 35 feet above mean sea level. No Name Creek meanders through the northern portion of the project site. Wetlands are located around No Name Creek. The West Napa Fault bisects the project site in a northwest / southeast direction.

1.1.2 - Land Use Designations

The project site is designated "Industrial" by the City of American Canyon General Plan and zoned "General Industrial." The project site is within the boundaries of the Napa County Airport Land Use Compatibility Plan.

Project Description

1.1.3 - Proposed Project

The applicant, Buzz Oates LLC, is proposing to develop a 2.4 million square foot logistics center on approximately 161 acres of the project site. The remaining 47 acres would be preserved as open space. In conjunction with the proposed project, the City of American Canyon would extend Devlin Road through the project site.

The applicant has developed site design-level plans for Phase 1, the 94.7 acre-area east of the Devlin Road extension. This area will support two high cube warehouse buildings totaling 1,069,904 square feet. One of the buildings would be rail-served by the adjacent Napa Branch Line. Each building would provide docks, grade level roll up doors, and trailer parking stalls. The facility would be enclosed with a secure perimeter and access would be restricted to authorized users.

Phase 2, the 113.1-acre area west of Devlin Road, is conceptually proposed for the remaining 1.3 million square feet of high cube warehouse. Phase 2 would commence once Phase 1 is completed. Accordingly, the environmental review process will evaluate Phase 1 at a project level and Phase 2 at

a program level. The project would employ an estimated 3,643 workers at buildout. Table 1 summarizes the proposed project. Exhibit 3 depicts the preliminary site plan for Phase 1.

Table 1: Giovannoni Logistics Center Project Summary

Phase	Acres	Building / Square Feet	End Use / Characteristics
1 (Project Level)	94.7	A / 627,976	High Cube Warehouse / 36 feet clear height
		B / 469,512	High Cube Warehouse / 36 feet clear height
		<i>Subtotal: 1,097,488</i>	—
2 (Program Level)	113.1	1.3 million	High Cube Warehouse
Total	208	2.4 million	—
Notes: Total values are rounded Source: RMW Architecture Interiors, 2020.			

Devlin Road Extension

As a separate City project, Devlin Road would be extended approximately 3,000 lineal feet from Green Island Road to Middleton Way (Napa Logistics Park), closing a gap in the City’s roadway network. The extension is contemplated by the City of American Canyon General Plan Circulation Element. The extended roadway would be one lane in each direction. Driveway access to the proposed project would be taken from Devlin Road and Green Island Road.

The Napa Valley Vine Trail is contemplated to follow the Devlin Road extension. The new roadway would reserve room for this facility.

Green Island Road Improvements

As a separate City project, Green Island Road would be improved. The roadway would be widened, and half width improvements would be installed along the project frontage. The new Green Island Road / Devlin Road intersection would provide turn lanes.

Open Space Preservation

The applicant would permanently preserve approximately 47 acres of the project site as open space. This area coincides with the northern portion of the project site where No Name Creek meanders. This would create a contiguous open space area with the adjoining 37-acre Napa Logistics Park wetland preserve.

Storm Drainage

The proposed project would provide 110,766 square feet (2.6 acres) of storm drainage retention onsite including bioswales and basins.

Utilities

Water

The City of American Canyon would provide potable water and recycle water service to the proposed project. Potable and recycled water infrastructure would be installed within the Devlin Road extension. Service laterals would extend from the Devlin Road water lines to project buildings.

Wastewater

The City of American Canyon would provide wastewater collection and treatment service to the proposed project. Sewer infrastructure would be installed within the Devlin Road extension. Service laterals would extend from the Devlin Road sewer line to project buildings.

Electricity and Natural Gas

Marin Clean Energy would procure, and Pacific Gas and Electric Company (PG&E) would deliver electricity to the proposed project. PG&E would procure and deliver natural gas to the proposed project. Electric and natural gas infrastructure would be installed within the Devlin Road extension. Service laterals would extend from the Devlin Road facilities to project buildings.

Required Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of American Canyon:

- Use Permit
- Tentative Parcel Map
- Design Permits
- Lot Line Adjustment

The following parties would act as responsible agencies for the proposed project:

- United States Army Corps of Engineers – Section 404 Permit
- California Department of Fish and Wildlife – Section 1602 Lake and Streambed Alternation Agreement
- San Francisco Bay Regional Water Quality Control Board – Section 401 Water Quality Certification
- Napa Valley Transportation Authority / Napa Valley Vine Trail Coalition – Napa Valley Vine Trail construction

Environmental Review

1.1.4 - Potential Environmental Effects

The EIR will evaluate whether the proposed project may potentially result in one or more significant environmental effects, which will be evaluated in the relevant sections listed below.

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions/Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services
- Transportation
- Utilities and Service Systems

1.1.5 - Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the project to result in significant impacts, the following issues will be addressed in the Effects Found not to be Significant section of the EIR.

Agriculture and Forest Resources

The project site contains undeveloped land and is not used for agricultural land use activities. The California Department of Conservation maps the project site as 'Farmland of Local Importance,' which does not fall under the Important Farmland umbrella. The project site is not encumbered by an active Williamson Act contract. The project site is zoned for industrial use; thus, no conflicts with agricultural or forest zoning would occur. The project site does not contain any stands of commercially harvestable trees and, thus, would not convert forestland to non-forest use. No impacts would occur.

Mineral Resources

The project site contains undeveloped land. No mineral extraction occurs onsite. This precludes the possibility of conflicts in this regard. No impacts would occur.

Population and Housing

The proposed project would develop 2.4 million square feet of light industrial uses on an undeveloped site. No direct residential growth would occur, and no existing dwelling units would be removed. The proposed project would employ an estimated 1,200 workers during construction and 3,643 workers when fully operational at buildout. The California Employment Development Department estimated Napa and Solano County's combined labor force at 274,600 in November 2020. As such, the local labor force is sufficiently large enough to allow the project's employment opportunities to be filled locally such that unplanned growth would not occur. Lastly, the Devlin Road and utility extensions would not remove a barrier to growth because adjoining properties are already served by roadways and wet utilities. No impacts would occur.

Recreation

The proposed project would not involve construction of dwelling units and, thus, would not result in direct population growth. As such, it would not increase use of existing recreational facilities. No impacts would occur.

Wildfire

The project site contains undeveloped land. There are no wildlands or other areas susceptible to wildfire within or near of the project site. No impacts would occur.

Scoping Meeting

A virtual public scoping meeting will be held at **3 p.m., Tuesday, February 2, 2021:**

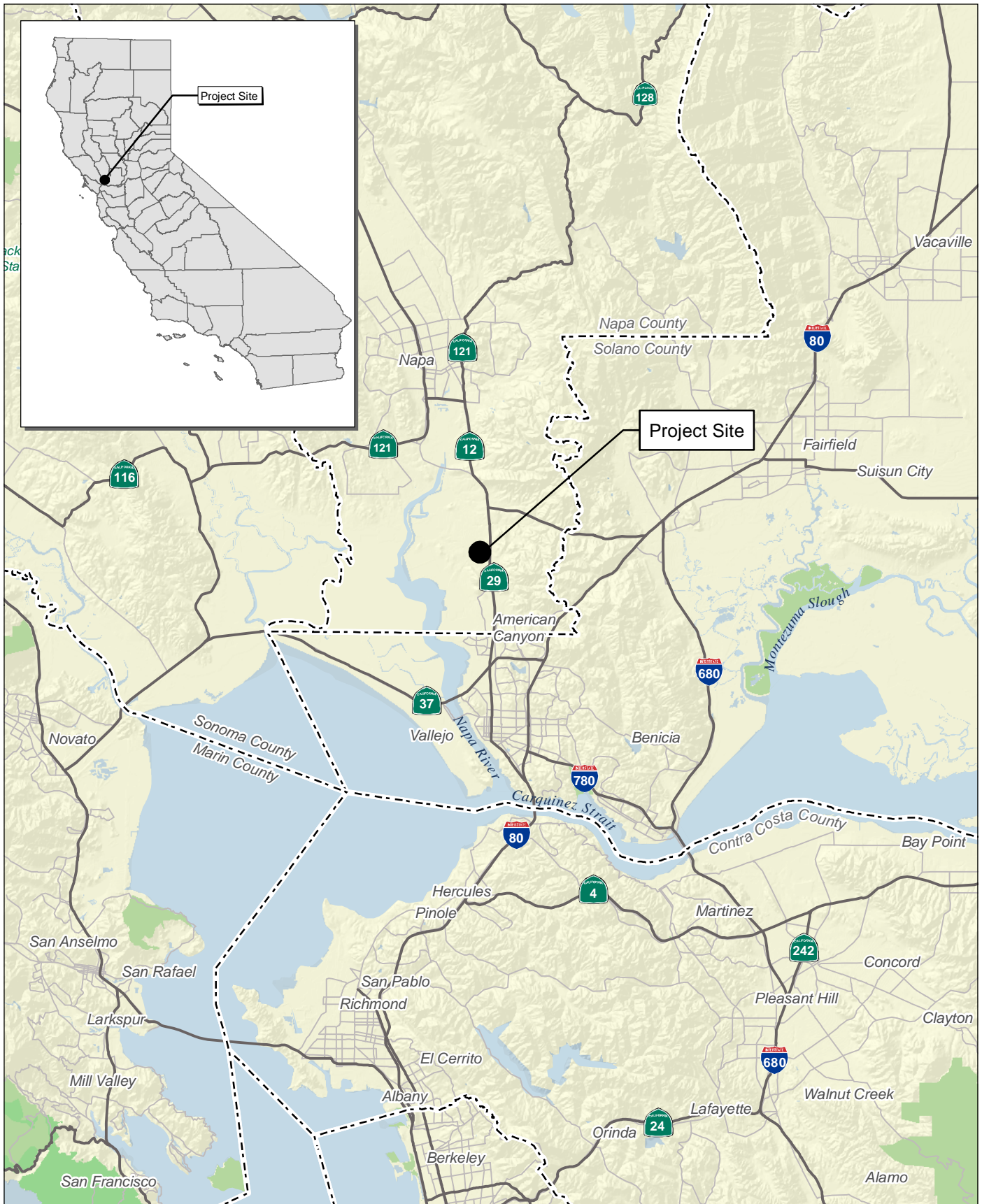
<https://zoom.us/join>

Meeting ID: 923 4379 6808

Passcode: 866833

Phone: (408) 638-0968

At this meeting, agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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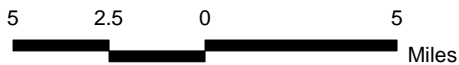
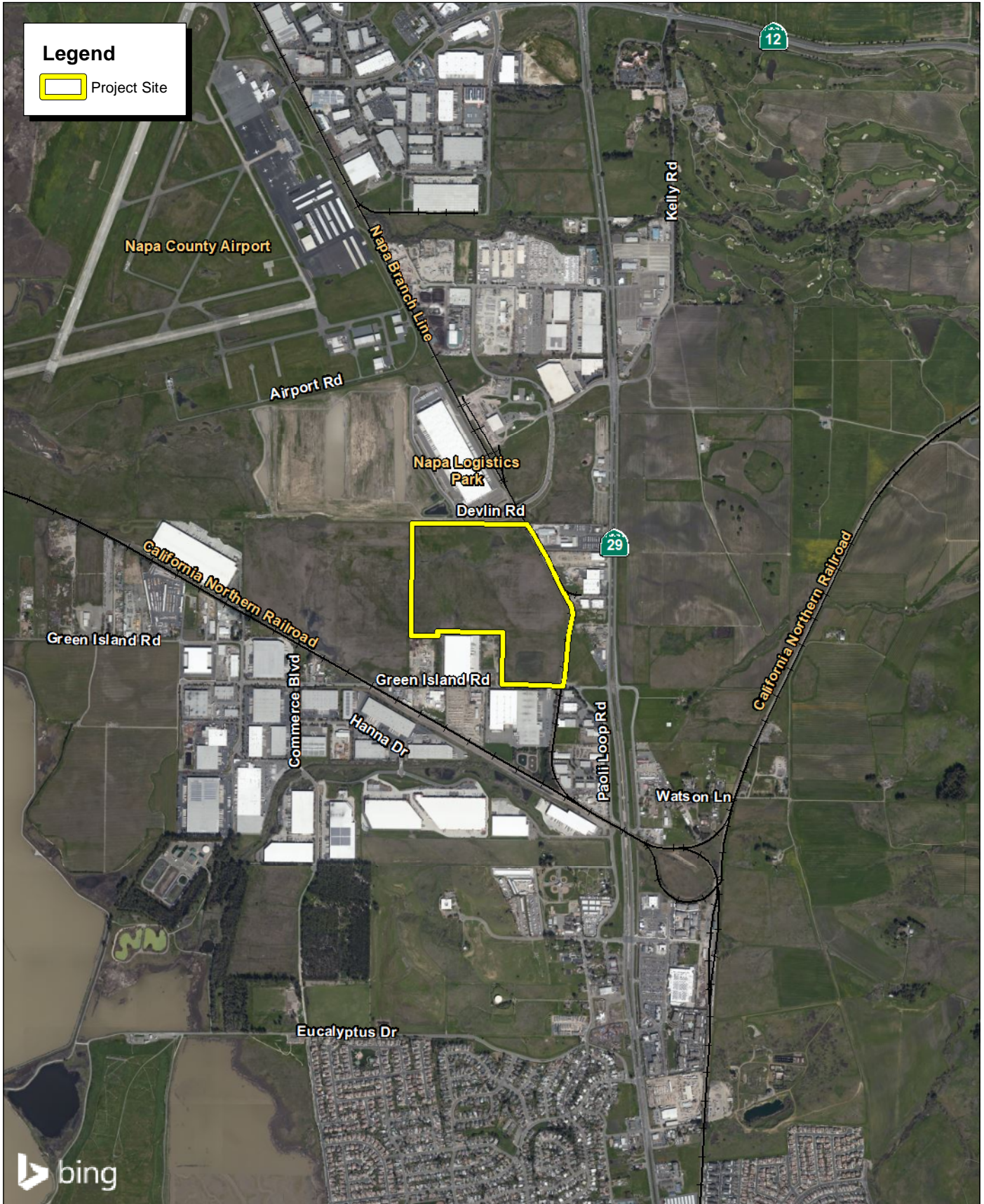
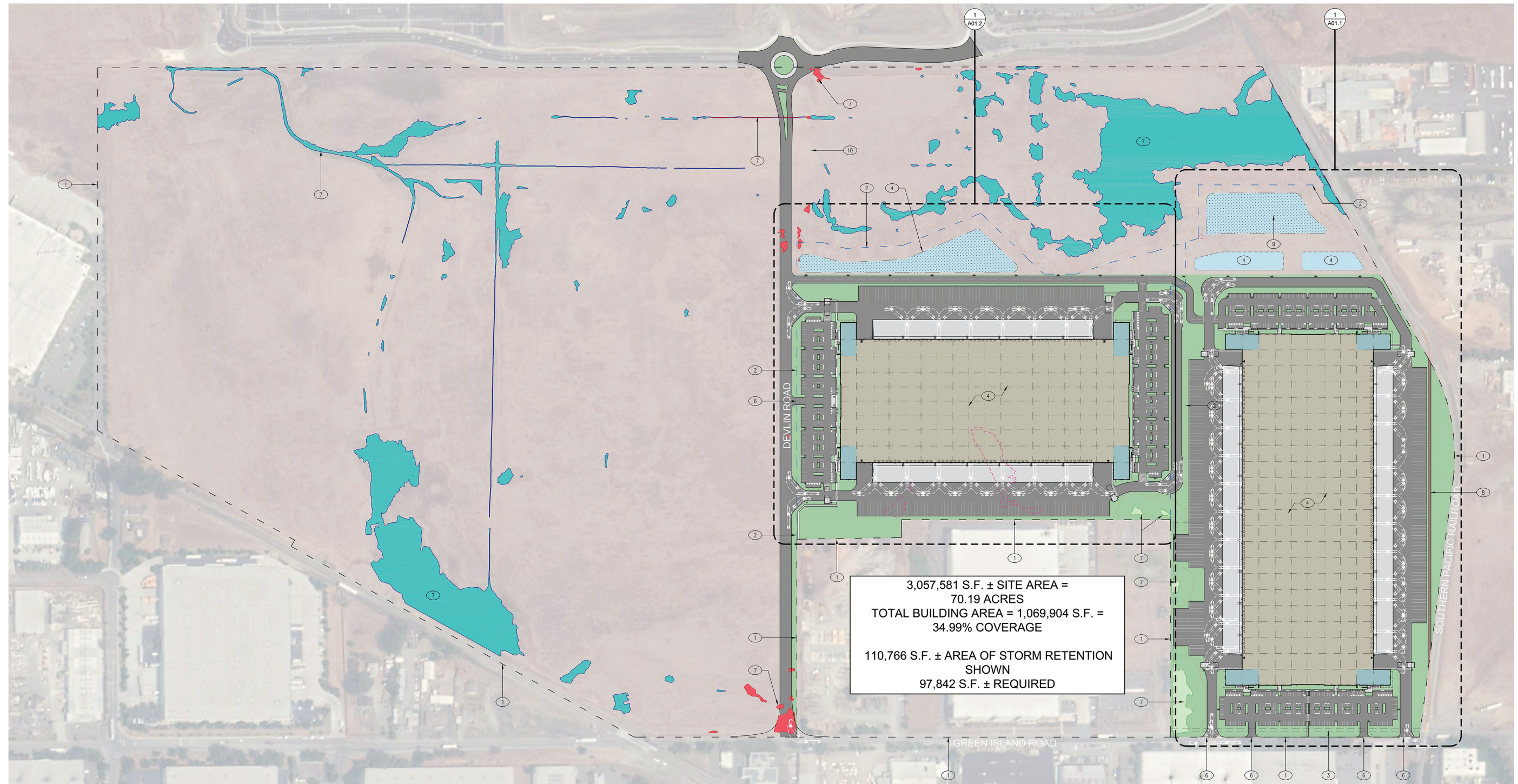


Exhibit 1 Regional Location Map



Source: Bing Aerial Imagery. County of Napa.





SITE LEGEND:

- | | | | | | | | |
|-----------------------|---------------|----------------------------|-----------------------------|--|------------------------|--------------------|-------------------------------------|
| BUILDING AREA | ASPHALT AREA | STORM WATER RETENTION AREA | UNAVOIDABLE WETLAND IMPACTS | WATERS OF THE U.S. WETLANDS | EXISTING PROPERTY LINE | 50' WETLAND BUFFER | 9' X 10' OVERHEAD DOCK LEVEL DOOR |
| POTENTIAL OFFICE AREA | SITE CONCRETE | LANDSCAPE AREA | ISOLATED WETLANDS | DEVLIN RD / GREEN ISLAND RD WETLAND IMPACT | NEW PARCEL LINE | NEW RAIL SPUR | 12' X 14' OVERHEAD GRADE LEVEL DOOR |



Source: RMW Architecture Interiors, 11/11/2020.

February 8, 2021

Brent Cooper
Community Development Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, California 94503
Submitted via email: bcooper@cityofamericancanyon.org

Dear Brent Cooper:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Giovannoni Logistics Center Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2021010104. The Project consists of the construction of approximately 2.4 million square feet of warehouse space on 161 acres of land. The proposed Project is within the City of American Canyon, California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.¹ CARB has reviewed the NOP and is concerned about the air pollution and health risk impacts that would result should the City approve the Project.

I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located within approximately 205 feet south of the Project's southern boundary. In addition to residences, three schools (Napa Junction Magnet Elementary School, Donaldson Way Elementary School, and American Canyon Middle School) are located within two miles of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses, vehicular traffic along State Route 29 (SR 29), and aircraft operations at the Napa County Airport. Due to the Project's proximity to residences and schools already disproportionately burdened by multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

¹ With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionately impacted by air pollution from existing industrial operations, vehicular traffic on SR 29, and aircraft operations at the Napa County Airport.

II. The DEIR Should Quantify and Discuss the Potential Cancer Risks from On-site Transport Refrigeration Units

Since the Project description provided in the NOP does not explicitly state that the proposed industrial land uses would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).² TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in a significant cancer risk impact.

CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's health risk assessment (HRA). The HRA prepared for the Project should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, and heavy-duty truck traffic, and include all the air pollutant reduction measures listed in Attachment A of this comment letter.

In addition to the health risks associated with operational emissions, health risks associated with construction emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments).³ The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the

² TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

³ Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

III. Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and oxides of nitrogen (NO_x) emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

Sincerely,



Heather Arias, Chief
Transportation and Toxics Division

Attachment

cc: See next page.

Brent Cooper
February 8, 2021
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cc: State Clearinghouse
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February 8, 2021
Page 5

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ATTACHMENT A

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal to or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.¹

¹ In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model-year 2010 and later. CARB's optional low-NO_x emission standard is available at: <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.²
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the project site be zero-emission.
6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

². CARB's technology assessment for transport refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while on site.
10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted, and the health impacts fully mitigated.
11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.
12. Including language in tenant lease agreements, requiring the installing of vegetative walls⁶ or other effective barriers that separate loading docks and people living or working nearby.

³. In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴. The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

⁵. The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model-year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁶. Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>.



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 8, 2021

Mr. Brent Cooper
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503
bcooper@cityofamericancanyon.org

Subject: Giovannoni Logistics Center Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021010104, City of American Canyon, Napa County

Dear Mr. Cooper:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Giovannoni Logistics Center Project (Project).

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Native Plant Protection Act Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT LOCATION AND DESCRIPTION

The Project site is in the City of American Canyon, approximately one mile southeast of the Napa County Airport and directly west of State Route 29, in southern Napa County. The Project site is bounded by the Napa Logistics Park and Devlin Road to the north and Green Island Business Park (i.e., industrial development) to the southwest. No Name Creek flows from east to west across the northern portion of the Project site.

As indicated in the NOP, the Project is the development of a 2.4 million square-foot logistics center on an approximately 208-acre site; 161 acres would be developed, and 47 acres would be preserved as open space. In conjunction with the Project, the City of American Canyon would extend Devlin Road through the Project site. The Project is proposed to occur in two phases. During Phase 1, the 94.7-acre area east of the Devlin Road extension would be developed. During Phase 2, the 113.1-acre area west of Devlin Road would be developed.

Mr. Brent Cooper
City of American Canyon
February 8, 2021
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The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 and 15378). Please include a complete description of the following Project components in the Project description:

- Clarify the Project development footprint. The NOP indicates development would encompass 161 acres; however, it also states that Phase 1 would develop 94.7 acres and Phase 2, 113.1 acres, which would encompass 207.8 acres.
- Clarify if the proposed extension of Devlin Road and improvements to Green Island Road will be analyzed in the draft EIR, and if so, provide colored aerial maps depicting the project boundaries and provide the details specified below.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.
- Include the above information for any Project activities proposed on the 47 acres to be designated as open space.
- Clarify if the open space designation would change the types of future activities allowed on the land compared to its existing designation.

The NOP states that the draft EIR will serve as a project-level document for Phase 1 and program-level for Phase 2. CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should

Mr. Brent Cooper
City of American Canyon
February 8, 2021
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include all special-status species including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. The checklist should cite the specific portions of the draft EIR, including page and section references, include an analysis of the subsequent Project activities' potentially significant effects, and incorporate all applicable mitigation measures from the draft EIR.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take¹ of plants or animals listed under CESA, either during construction or over the life of the Project. The Project site is near nesting habitat for the Swainson's hawk (*Buteo swainsoni*), a CESA listed as threatened species. Additionally, tricolored blackbird (*Agelaius tricolor*), a CESA listed threatened species, may nest on or near the Project site. The Project's noise-generating or vegetation-disturbing activities could result in take of Swainson's hawk and/or tricolored blackbird. If the Project will impact CESA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

¹ Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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CDFW appreciates being identified as a Responsible Agency in the NOP pursuant to our 1600 authority. As a Responsible Agency, CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. We recommend that the draft EIR identify the amount, both linear feet and square feet, of streams and associated vegetation that will be impacted by the Project and propose clear compensatory mitigation for those impacts. Mitigation may include removing culverts, concrete rubble, trash, debris, and non-native invasive species and/or planting native species at local streams. The farther away from the Project site the mitigation occurs, the more mitigation will be required. CDFW may not execute a final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds without authorization. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL SETTING

The draft EIR should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 and 15360).

CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe aquatic habitats, such as wetlands and/or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site. Fully protected, threatened or endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- tricolored blackbird, CESA listed as threatened
- Swainson’s hawk, CESA listed as threatened
- white-tailed kite (*Elanus leucurus*), Fully Protected Species (FP)
- golden eagle (*Aquila chrysaetos*), FP
- burrowing owl (*Athene cunicularia*), California Species of Special Concern (SSC)
- northern harrier (*Circus hudsonius*), SSC

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- San Pablo song sparrow (*Melospiza melodia samuelis*), SSC
- ferruginous hawk (*Buteo regalis*)
- American badger (*Taxidea taxus*), SSC
- pallid bat (*Antrozous pallidus*), SSC
- western pond turtle (*Emys marmorata*), SSC
- Contra Costa goldfields (*Lasthenia conjugens*), ESA listed as endangered, California Rare, California Rare Plant Rank (CRPR) 1B.1
- two-fork clover (*Trifolium amoenum*), ESA listed as endangered, CRPR 1B.1
- alkali milk-vetch (*Astragalus tener* var. *tener*), CRPR 1B.2
- saline clover (*Trifolium hydrophilum*), CRPR 1B.2
- big-scale balsamroot (*Balsamorhiza macrolepis*), CRPR 1B.2
- Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), CRPR 1B.2
- oval-leaved viburnum (*Viburnum ellipticum*), CRPR 2B.3
- Greene's narrow-leaved daisy (*Erigeron greenei*), CRPR 1B.2
- narrow-antered brodiaea (*Brodiaea leptandra*), CRPR 1B.2
- San Joaquin spearscale (*Extriplex joaquinana*), CRPR 1B.2
- dwarf downingia (*Downingia pusilla*), CRPR 2B.2
- vernal pool fairy shrimp (*Branchinecta lynchi*), ESA listed as threatened, California Terrestrial and Vernal Pool Invertebrate of Conservation Priority (ICP)
- western bumble bee (*Bombus occidentalis*), ICP
- monarch butterfly (*Danaus plexippus*), ICP

Habitat descriptions and species profiles should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports, the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; and findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they will be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols

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if available. 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 with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements (<https://wildlife.ca.gov/Conservation/Plants>).

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should discuss all direct and indirect impacts (i.e., temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, and 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas.
- Potential for impacts to special-status species.
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also 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, e.g., reduction of available habitat for a special-status species, should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines,

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§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. You should also review the draft Solano Habitat Conservation Plan avoidance, minimization, and mitigation measures to inform and guide the Project impacts and measures. Project-specific measures should be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as white-tailed kite may not be taken or possessed at any time (Fish and Game Code, § 3511, 4700, 5050, and 5515). Therefore, the draft EIR should include measures to ensure complete avoidance of these species.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database 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 CNDDDB. The CNDDDB online field survey form and other methods for submitting data 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

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 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.

If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at Garrett.Allen@wildlife.ca.gov; or Ms. Melanie Day, Acting Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH No. 2021010104)



February 9, 2021

Sent via email and FedEx

Brent Cooper
Community Development Director
City of American Canyon
4381 Broadway Street
Suite 201
American Canyon, CA 94503
bcooper@cityofamericancanyon.org

RE: Comments on Notice of Preparation of an Environment Impact Report for the Giovanni Logistics Center Project, SCH # 2021010104

Mr. Cooper,

These comments are submitted on behalf of the Center for Biological Diversity (“the Center”) regarding the Notice of Preparation of an Environmental Impact Report (“EIR”) for the Giovanni Logistics Center Project (“the Project”). The Center urges the City to undertake a thorough and comprehensive environmental review of the Project as required under the California Environmental Quality Act (“CEQA”), prior to considering approval. It is essential that the EIR adequately consider the risks the Project might create for local biodiversity, air quality, and water quality, as well as statewide goals to fight climate change. By replacing open space containing a creek and wetlands with 2.4 million square feet of warehouses, the Project will increase traffic and greenhouse gas emissions, and may harm the habitat provided by No Name Creek. (*See* Notice of Preparation (hereinafter “NOP”) at 2.) The EIR must fully disclose and analyze the Project’s potential impacts to traffic, air quality, water quality, greenhouse gas emissions, sensitive species and habitat while thoroughly analyzing all reasonable alternatives, before providing effective and enforceable mitigation measures for impacts found to be significant.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 81,000 members and online activists throughout California. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Napa County.

Under CEQA, an EIR must provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, list ways in which the significant effects of a project might be minimized, and indicate alternatives to the

project. (Pub. Res. Code § 21002.2.) The proposed Project will build a high-traffic warehouse facility on 208 undeveloped acres that contain a creek and surrounding wetlands. (NOP at 2.) The EIR must fully disclose the impacts of this land use change, so that the public can fully understand the publicly born costs associated with the Project.

I. The EIR Should Adequately Assess and Mitigate the Project's Impact on Local Traffic

CEQA requires that the EIR fully assess the impact the construction of 2.4 million square feet over high cube warehouse facilities will have on transportation and traffic. (Pub. Res. Code § 21099; NOP at 2.) During construction, all the materials, heavy machinery, and construction workers will need to drive through the community daily, potentially creating disruptive and unpredictable traffic patterns during construction. After completion, the Project will bring additional traffic to the area from trucks picking up goods and 3,643 employees commuting to work in the warehouses. (Betancourt et al. at 4; NOP at 5.) Trucks serving facilities often idle on public streets and clog local roads when warehouses are at capacity, creating traffic congestion and hazards to local drivers who depend on these roads. (*See id.* at 5.)

The City must assess how the traffic increases associated with this project will affect the species in the surrounding area. (Pub. Res. Code § 21099.) As discussed in later sections, traffic congestion can hurt air quality and harm habitat through generating waste that is carried into waterways through stormwater runoff. The potential harms of increased runoff should be carefully considered and mitigated in the EIR. Moreover, even if substantial increased congestion would not result from the Project, the EIR should assess the project's impact on Vehicle Miles Traveled. (14 CCR § 15064.3(a).) Should the project increase miles driven to obtain goods or because employees will now be commuting to American Canyon from urban centers, the EIR should adopt reasonable mitigation measures, such as subsidizing the use of public transportation or requiring the use of highly efficient or electric trucks to transport goods.

After assessing the Project's impact on transportation and traffic, the EIR must fully comply with CEQA's mandates for mitigating the harms associated with increased traffic in the area. Mitigation of a project's environmental impacts is one of the "most important" functions of CEQA and it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; Pub. Res. Code § 21002.) Particular care should be taken to ensure that the traffic impacts of this project are fully assessed and mitigated, because there are already many warehouses drawing trucks to the area, including an Ikea Customer Fulfilment Center, the Napa Logistics Part, Groskopf Warehouse and Logistics, and Vinfolio Wine Storage. (*See* NOP at 9.)

The Project should be designed to avoid congestion caused by truck staging on local roads and limit the number of trucks travelling during normal commuting hours to avoid serious harm to locals who rely on nearby roads. Moreover, the City must ensure the EIR includes mitigation for the traffic that construction of such a large project would likely cause.

II. The EIR Should Assess and Mitigate the Impacts of the Project on Climate Change-Causing Greenhouse Gas Emissions

In addition to assessing the impact on traffic, the EIR should carefully consider the project's effects on statewide goals for reducing greenhouse gas emissions. Where a project will generate greenhouse gas emissions either directly or indirectly, the EIR should describe the expected increase in emissions and discuss mitigation measures. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 430-34; Pub. Res. Code §§ 21002; 21083.5.) Major warehouse projects have the documented effect of substantially increasing construction, operation, and vehicle-related emissions, all of which produce climate change-causing greenhouse gases. (Betancourt et al. at 4-5; USEPA 2018.) The EIR must carefully and completely address both the impacts on emissions from construction and operation of the plant, and those from vehicle miles traveled by trucks transporting goods to and from the warehouse and commuting employees.

To mitigate the known environmental harms of warehouse projects, the EIR should identify specific measures that the developers will take to minimize any increase in greenhouse gas emissions caused by the Project. These measures should include sustainability measures, like ensuring roofs are white to minimize the need for air conditioning and including rooftop solar for energy production. (Betancourt et al. at 6.) Moreover, the Project should incorporate features to minimize vehicle-related greenhouse gas emissions, like electric vehicle charging stations and phasing out old and inefficient trucks in favor of electric vehicles. (*Id.*) Mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.” (*Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Mitigation measures should be designed so benefits are realized by the local community and could include funding zero emission public transit, solar installations on residential homes, or providing publicly accessible electric vehicle charging infrastructure.

Finally, the EIR must fully describe the greenhouse gases the warehouse's construction will produce and outline all feasible mitigation measures that will be taken to address them. Construction of such a large warehouse will require substantial quantities of construction materials, such as concrete. Cement and concrete manufacture is extremely energy intensive and produces a large amount of greenhouse gas emissions. (Masanet et al. at 89.) Concrete manufacturing accounts for roughly 3 percent of California's greenhouse gas emissions. (*Id.*) This and other sources of greenhouse gas and particulate emissions—such as dust and emissions from heavy machinery used during construction—should be thoroughly examined and mitigated in the EIR.

III. The EIR Should Carefully Assess and Mitigate the Project's Impacts on Air Quality

The EIR must also carefully consider the effects of a project of this scale on air quality for local communities. Warehouse projects are well-documented sources of air quality degradation that can create serious, negative health outcomes for communities. (Betancourt et al.

4-5.) Particulate emissions from diesel vehicles that carry freight to and from warehouses contribute to “cardiovascular problems, cancer, asthma, decreased lung function and capacity, reproductive health problems, and premature death.” (*Id.* at 5.) While the Warehouse is surrounded largely by industrial activity, a school and little league field are located just over a half mile from the project and the nearest homes are just over a mile away. (*See* NOP 9-11.) Although the current Diesel and PM 2.5 exposure is not particularly high in this region, the community in the census tract, 15 percent of which is children under 10, where the Project is sited currently ranks 81st in the prevalence of hazardous waste storage and disposal and 97th in the prevalence of solid waste disposal statewide.¹ Both hazardous and solid waste worsen air quality, creating environmental and health risks, so the compounded risk of further contributing to air quality degradation in an area already so burdened should be carefully considered in the EIR and stringent mitigation measure should be adopted. (*See* California Office of Environmental Health Hazard Assessment.)

The City should pay careful attention to the cumulative impacts of additional air pollution in an area with a high existing pollution burden when drafting the EIR. An EIR must discuss the “cumulative impacts of a project when the project’s incremental effect is cumulatively considerable[.]” (14 CCR § 15130(a).) Even if a project only represents a relatively small contribution to a condition like poor air quality, the EIR must still assess the cumulative impacts of Project completion on unacceptable environmental conditions. (*See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 693, 728.) The Project’s effects on air quality should be considered in the context of existing industrial uses on neighboring properties and high hazardous and solid waste pollution burdens.

The effects the Project will have on the air quality in an area with a sizeable existing pollution burden must be fully and carefully considered in the EIR, and mitigation measures must be clearly described and adopted should this Project move forward.

IV. The EIR Should Carefully Assess and Mitigate the Impacts of the Project on Water Quality

The EIR must adequately assess the Project’s effects on the No Name Creek, the wetlands located on the property, and connected bodies of water. (NOP at 3.) Although the City indicates in the NOP that the 47 acres of the property containing the creek and wetlands will be permanently designated as open space, the EIR should detail conservation measures that will be taken to protect the creek from harm caused by runoff from the warehouse and ensure it remains a viable ecosystem. (*See* NOP at 2-3.) This inquiry should detail at a minimum the municipal control over activities on privately held land, associated impacts on sensitive biological resources, habitat connectivity, and the efficacy of proposed mitigation measures.

First, mitigation measures for preserving the on-site wetlands should include adequate buffer zones between built features (like roads and buildings) and the wetland habitat. The terrestrial land surrounding wetlands is essential for both preserving water quality by serving as a water filter and providing upland habitat for wetland-dwelling species. (Semlitsch & Bodie at

¹ *Id.*

1220.) To ensure that wetland habitat and water quality are preserved, the EIR should ensure there are sufficient buffer zones surrounding No Name Creek and its wetlands to maintain the quality of the creek and surrounding wetlands.

Moreover, the EIR must detail long-term management plans for the creek and wetlands, as well as measures that will be taken to protect the creek from the long-term effects of operating warehouses nearby. Notably, there is evidence that roadway runoff produced by the vehicles that will be picking up and dropping off goods significantly contributes to water pollution. (*See* Nixon & Saphores at 1.) Sediments from construction and road erosion, oils from car operation, heavy metals from exhaust, and anti-freeze and other chemicals all can be carried into streams by stormwater runoff. (*See* Nixon & Saphores at 1-2; Shore Stewards.) Additionally, the construction of the warehouses on the property will likely leave behind significant quantities of loose sediment from grading and excavation that can runoff into water and significantly harm wetlands by increasing turbidity, which harms plant growth and destroys habitat for fish species. (*See id.* at 1-2; Shore Stewards.) Spoils from grading must be properly disposed of, and adequate erosion control and spill prevention measures should be implemented to avoid impacts to adjacent wetlands.

The EIR should fully detail the potential risks to water quality operation and construction of the warehouses may cause and adopt binding mitigation measures to minimize these harms.

V. Biological Resources

The Center requests that thorough, seasonal surveys be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of resource agencies such as the U.S. Fish and Wildlife Service and the California Department of Fish and Game (“CDFW”). Full disclosure of survey methods and results to the public and other agencies without limitations imposed by the applicant must be implemented to assure full CEQA and California Endangered Species Act compliance, as well as compliance with applicable federal laws and regulations.

Confidentiality agreements or non-disclosure agreements regarding environmental resources must not be required of any biologists participating in the surveys in support of the proposed project. Surveys for the plants and plant communities should follow California Native Plant Society (“CNPS”) and CDFW floristic survey guidelines² and should be documented as recommended by CNPS policy guidelines.³ A full updated floral inventory of all species encountered needs to be documented and included in the EIR. Surveys for animals should include an evaluation of resources including but not limited to the California Wildlife Habitat Relationship System’s (“CWHR”) Habitat Classification. All rare species (plants and animals) need to be documented with a California Natural Diversity Data Base (“CNDDDB”) form and submitted to CDFW using the CNDDDB Form⁴ as per the State’s instructions.⁵

² California Native Plant Society, Botanical Survey Guidelines, https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf.

³ CNPS, <http://www.cnps.org/cnps/archive/collecting.php>.

⁴ CDFW, California Natural Diversity Data Base, Online Field Survey Form, <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

The Center requests that the vegetation maps be at a large enough scale to be useful for evaluating the impacts. Vegetation/wash habitat mapping should be at such a scale to provide an accurate accounting of wash areas and adjacent habitat types that will be directly or indirectly affected by the proposed activities. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects. Habitat classification should follow CNPS' Manual of California Vegetation. (Sawyer et. al. 2009).

VI. The EIR Should Completely Assess and Outline Mitigation Measures for the Project's Impact on Biological Resources

The Project site encompasses an area of significant ecological value and provides important open space for the growth of native plant species. Many rare California plants and animals thrive in this area of Napa County and the construction of the Project may further encroach on their shrinking available habitat. The EIR must fully analyze the direct and indirect impacts on the Project on the area's biological resources.

A fully CEQA-compliant EIR must contain a complete and up-to-date plant and wildlife survey of the potentially impacted habitats. (14 CCR § 15125.) The adequacy of a Project's EIR will depend in part on properly describing the physical environmental conditions in and around the Project site; this must include a full accounting of the biological resources that may be affected by the Project. (14 CCR § 15125; Pub. Res. Code § 21060.5; *San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus*, 27 Cal. App. 4th 713, 723, 729 (1994) [finding EIR analysis inadequate without "accurate and complete information pertaining to the setting of the project and surrounding uses[,] particularly pertaining to a nearby wildlife preserve].)⁶ A number of species utilize habitat around the Project site; a complete survey is necessary to allow decision-makers and the public to fully comprehend the scope of the Project's impacts.

Rare plant species that have been documented in the Cutting's Wharf and Cordelia quadrants near the Project include the following species and rare communities and need to be addressed in the DEIR:⁷

⁵ *Id.* see "User Guide."

⁶ *Id.*

⁷ CNDDDB accessed Jan. 26, 2021.

CNDDDB Element Query Results

Scientific Name	Common Name	Taxonomic Group	Element Code	Total Occs	Returned Occs	Federal Status	State Status	Global Rank	State Rank	CA Rare Plant Rank	Other Status	Habitats
<i>Castilleja affinis</i> var. <i>neglecta</i>	Tiburon paintbrush	Dicots	PDSCR0D013	7	1	Endangered	Threatened	G4G5T1T2	S1S2	1B.2	SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden, SB_UCBG-UC Botanical Garden at Berkeley	Ultramafic, Valley & foothill grassland
<i>Chloropyron molle</i> ssp. <i>molle</i>	soft salty bird's-beak	Dicots	PDSCR0J0D2	27	4	Endangered	Rare	G2T1	S1	1B.2	null	Marsh & swamp, Salt marsh, Wetland
<i>Lasthenia conjugens</i>	Contra Costa goldfields	Dicots	PDAST5L040	36	1	Endangered	None	G1	S1	1B.1	SB_UCBG-UC Botanical Garden at Berkeley	Alkali playa, Cismontane woodland, Valley & foothill grassland, Vernal pool, Wetland
<i>Lilaeopsis masonii</i>	Mason's lilaeopsis	Dicots	PDAP119030	198	2	None	Rare	G2	S2	1B.1	null	Freshwater marsh, Marsh & swamp, Riparian scrub, Wetland
<i>Trifolium amoenum</i>	two-fork clover	Dicots	PDFAB40040	26	2	Endangered	None	G1	S1	1B.1	SB_CalBG/RSABG-California/Rancho Santa Ana Botanic Garden, SB_UCBG-UC Botanical Garden at Berkeley, SB_USDA-US Dept of Agriculture	Coastal bluff scrub, Ultramafic, Valley & foothill grassland

CA Rare Plant Rank	Description
1A	Plants presumed extinct in California and rare/extinct elsewhere
1B.1	Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California
1B.2	Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California
1B.3	Plants rare, threatened, or endangered in California and elsewhere; not very threatened in California

Where any of the above-listed plants are present or potentially present on the proposed Project site should receive close attention in the EIR.⁸ Both these rare plants thrive in the grasslands and marsh like those currently present at the Project site.⁹ The construction of warehouses on the majority of the existing open space could significantly impact potential habitat for these species. Should a biological survey identify these plants on the property, an adequate significance analysis and, if necessary, all feasible mitigation measures should be adopted in the EIR.

Beyond posing a risk to habitat for the rare plant species in the area, the Project risks encroaching on the critical habitat for endangered branchiopods. The Project site is adjacent to the Napa River core vernal pool recovery area identified in the U.S. Fish and Wildlife Service's

⁸ *Id.*

⁹ *Id.*

Vernal Pool Recovery Plan. (Recovery Plan for Vernal Pool Ecosystems, Fig. III-13c.) This core recovery area is also designated critical habitat for the threatened Vernal Pool Fairy Shrimp (*Branchinecta lynchi*).¹⁰ As noted in the Recovery Plan, habitat protection is essential to restoring vernal pools and species that rely on them. (*Id.* at IX.) In preparing the EIR, the City must take careful steps to fully assess and take all feasible steps to avoid harm to vernal pool habitats that the Project may cause, including potential harm to water quality or hydrology, habitat reduction due to construction, or any other harm that can be identified through study. (*See* Pub. Res. Code § 21001(c); 14 CCR 15126.4.) To the extent possible, the Project should avoid harm to Vernal Pool habitat in the first instance, since restoration is difficult and costly and recreation attempts often fail. (Schlatter et al. at 146). Moreover, the City should carefully ensure compliance with the guidelines of the Vernal Pool Recovery plan. (*See* Recovery Plan for Vernal Pool Ecosystems.).

Additionally, the project is located near the mouth of the Napa River and San Pablo Bay Wildlife Refuge, which provides essential habitat for local biodiversity.¹¹ The refuge serves as marshland habitat for species like the endangered Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*).¹² The Project falls in the Mouse's current range,¹³ so particular attention should be paid in the EIR to whether Mouse habitat would be harmed or destroyed by construction of the Project or the related, planned expansion of local roads to service the project. (*See* NOP at 2.). Moreover, the waters at the mouth of the Napa River are critical habitat for the threatened North American Green Sturgeon (*Acipenser medirostris*)¹⁴ and the endangered Steelhead Trout (*Oncorhynchus mykiss*).¹⁵ Whether the construction of the Project would affect the viability of these waters as habitat for these two species of fish should also be carefully evaluated. Finally, the San Pablo Bay wetlands are home to many species of birds and a key stopping point for many migratory birds.¹⁶ The Project's potential impacts on these bird species should be carefully detailed and appropriate mitigation measures should be adopted in the EIR.

Finally, the EIR should include assessments of whether any other special-status species may be located in the area. This assessment should include, but not be limited to, determinations of whether the California Ridgeway's Rail,¹⁷ California red-legged frog,¹⁸ and Western Pond turtle¹⁹ rely on the project site for habitat, as the Project falls within the species' range. The EIR should carefully assess whether any of these species rely on habitat that would be harmed by the complete of the Project and outline mitigation measures to reduce this harm.

¹⁰<https://ecos.fws.gov/ecp/species/498>; <https://ecos.fws.gov/ecp/species/498#crithab>.

¹¹ https://www.fws.gov/refuge/San_Pablo_Bay/map.html

¹² https://www.fws.gov/refuge/San_Pablo_Bay/wildlife_and_habitat/index.html;
<https://ecos.fws.gov/ecp/species/613>.

¹³ *Id.*

¹⁴ <https://www.fisheries.noaa.gov/species/green-sturgeon>

¹⁵ <https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/northern-california-coast-steelhead>;
<https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9>.

¹⁶ https://www.fws.gov/refuge/San_Pablo_Bay/seasons_of_wildlife/index.html

¹⁷ https://www.fws.gov/sacramento/es_species/Accounts/Birds/ridgway_rail/

¹⁸ <http://www.californiaherps.com/frogs/pages/r.draytonii.html>

¹⁹ www.californiaherps.com/turtles/pages/a.marmorata.html

VII. The EIR Must Thoroughly Consider Reasonable and Prudent Alternatives

The EIR must present and consider “a range of reasonable alternatives . . . which would feasibly attain most of the basic objectives of the project” in order to facilitate “informed decision-making and public participation.” (14 CCR § 15126.6(a).) The EIR’s alternative analysis should assess the proposed size and location of the Project. The EIR should also assess whether there is sufficient need for another warehouse in this region. Importantly, even if alternatives are costly or would interfere with achievement of some of the project goals, they should be considered if they can substantially reduce the environmental harms of the project. (14 CCR § 15126.6(b).) Moreover, the City should avoid adopting overly narrow project objectives to attempt to avoid a broad analysis of alternative mechanisms for achieving the Project’s purpose. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.4th 647, 669.)

VIII. Other Impacts that must be analyzed in the EIR

In addition to those issues raised above, the EIR must also thoroughly address a variety of other related issues. For example, the EIR must fully disclose and analyze the Project’s impacts on aesthetics and noise, and discuss alternatives and effective mitigation measures to avoid, reduce, and mitigate these impacts. Additionally, it is essential that the EIR consider the cumulative effects of the Project, such as air quality and traffic, in light of the many existing warehouses nearby. (*See* NOP at 9-11.)

IX. Conclusion

Thank you for the opportunity to submit comments on the Notice of Preparation of an Environmental Impact Report for the Giovanni Logistics Center. The environmental effects of the Project will include direct and indirect impacts on traffic, climate change, air and water quality, and biological resources. Evaluation of each of these impacts as well as analysis of a reasonable range of alternatives and mitigation measures must be included in the EIR.

Given the possibility that the Conservation Groups will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the City of its duty to maintain and preserve all documents and communications that may constitute part of the “administrative record.” As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the City with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the City’s representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the City’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Middlemiss". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ross Middlemiss, Staff Attorney
Mary Rassenfoss, Legal Fellow
1212 Broadway, Suite #800
Oakland, CA 94612
Tel: (510) 844-7100
rmiddlemiss@biologicaldiversity.org

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Documents Referenced Available at: <https://centerforbiologicaldiversity.org/EkiFJ9GbXIpFq-US9QiCPkkBNtoGjsQftST1D-eDoGiyGQ?e=wB34Gd>

NATIVE AMERICAN HERITAGE COMMISSION

Governor's Office of Planning & Research

January 13, 2021

Jan 14 2021

Brent Cooper, Com. Dev. Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

STATE CLEARINGHOUSE

Re: 2021010104, Giovannoni Logistics Center Project, Napa County

Dear Mr. Cooper:

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.



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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, subs. (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

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.

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) 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.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

Giovannani Logistics Center

Greetings members of the American Canyon City Council. This letter is in response to a request for public comment about the EIR of the proposed two million square foot Giovannani Logistics Center.

My name is Jason Lindsey. I am a Business Representative for Ironworkers Local 378. I represent 2500 Ironworkers, many of which live in American Canyon and the surrounding cities of Vallejo and Napa. I also represent several local contractors that specialize in fabrication and erection of reinforcing, structural, miscellaneous and decking steel.

I think a project of this size and scope would be perfect for some community benefit. There is no shortage of your constituents available to work on this project. A project of this size would also enable other young women and men an opportunity to enter the trades and the opportunity for middle-class wages and full benefits.

I do not need to tell you, but I proudly will, that organized labor spends over 1 billion dollars a year across this country, to train folks from their communities. These men and women are the best trained and safest workforce in this country. They are trained through joint labor and management apprenticeships that provide the latest and greatest safety, technological and skills training in the industry. We are also the only construction organization that partners with the military through the nonprofit Helmets to Hard Hats. This organization provides careers in the Building Trades to veterans returning home from serving our country.

It is for these reasons and more that I ask you to encourage and support a community benefit from this project for this community. A Project Labor Agreement with the North Bay Building Trades would be an excellent choice to ensure that this project is built with the highest quality craftsmanship and high road labor standards.

Kind Regards

Jason Lindsey.

From: Jason Gallia <jasong@iwlocal378.org>
Sent: Monday, February 8, 2021 9:20 AM
To: Brent Cooper <bcooper@cityofamericancanyon.org>
Subject: [External] Giovannoni Logistics Center Project

My name is Jason Gallia President/ Business Agent for the Ironworkers Local 378. On behalf of all our members and signatory contractors that live and operate in American Canyon and surrounding community's. I want to encourage the city to add language to include the use of a skilled and trained work force, use local businesses and Local hire. A project of this size should have these types of community benefits for all people who are interested in joining a building trade craft. From the start project to end of construction this project it can provide an endless opportunity for all people to join an apprenticeship and become a skilled and trained professional. A skilled and trained workforce with local hire requirements and including local business to participate in the construction of this project are the perfect tools the city can provide the citizens. There are many advantages of the community coming together and working within the city they live in. less commuting hours means less green house gasses and more quality time spent with families. The opportunity to work for all worker effected by the pandemic and all young people leaving High School. The Building Trades offer a great opportunity with a livable wage with benefits, health care and be able to retire with dignity. If the city decides to have this project be built without the benefits mentioned then it will be an opportunity lost for a better quality of life.

Best Regards,

Jason Gallia
President/Business Agent



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Coronavirus (COVID-19) Update – City Offices Closed, Staff Still At Work

As a result of the COVID-19 Pandemic, all American Canyon City offices are closed to the public. By modifying services, using social distancing, and offering assistance and service over the phone, we can do our part to minimize COVID-19 exposure to City staff and the public. Paperwork can be sent by mail to 4381 Broadway, Suite 201, American Canyon, CA 94503. For more information on COVID-19 and for Virtual City Hall, visit: <https://www.cityofamericancanyon.org/>

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A Commitment to Service

Planning, Building & Environmental Services

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David Morrison
Director

February 10, 2021

Brent Cooper, AICP, Community Development Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

**RE: Giovannoni Logistics Center Project
Response to Notice of Preparation**

Dear Mr. Cooper;

Thank you for providing Napa County an opportunity to comment on the Notice of Preparation (NOP) for the proposed Giovannoni Logistics Center Project. Napa County supports the NOP's conclusion that potential impacts to Transportation, Air Quality, Greenhouse Gas Emissions and Hazards/Land Use will be included in the Environmental Impact Report (EIR). In addressing Hazards/Land Use, it is requested that the EIR include evaluation of the potential for aviation related impacts given the project's location within the Napa County Airport Influence Area.

The NOP indicates that Population and Housing impacts will not be further evaluated within the Environmental Impact Report (EIR). Napa County requests that the EIR include evaluation of the project's potential to result in Population and Housing impacts.

The NOP notes that the project will result in approximately 1,200 jobs during construction, and over 3,600 permanent jobs at build out, yet concludes that no further analysis of potential population and housing impacts is necessary because the region has an existing workforce of 274,600 persons. Although the size of the existing regional workforce is a factor in considering project potential to impact population and housing, it alone does not address the project's potential to worsen the existing regional housing crisis. No breakdown of employment is provided in the NOP, but given the nature of the project it is likely that many of the 3,600 jobs will be lower paying industrial/logistics support jobs. Adding over 3,600 new permanent jobs within a housing constrained region has potential to significantly impact population and housing, especially if the nature and extent of new jobs increases demand for low income housing. Therefore, Napa County respectfully requests that the EIR include a thoughtful evaluation of the project's potential to result in housing and low income housing impacts.

If the resulting analysis indicates that there is projected to be insufficient local supply of income-appropriate housing for this project, then the EIR should consider the related impacts of employees commuting from Solano County and/or other areas to work. These impacts may include increased traffic (including vehicle miles travelled), air quality, and greenhouse gas emissions.

Napa County thanks you for providing an opportunity to review and comment on the NOP. If you should have any questions regarding the items listed above, please feel free to contact John McDowell at 707-299-1354, or john.mcdowell@countyofnapa.org.

Sincerely,

John McDowell, for

David Morrison
Director of Planning Building and Environmental Services

cc: Minh C. Tran, County Executive Officer

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