



SIERRA CLUB
DELTA-SIERRA GROUP
MOTHER LODE CHAPTER

*Delta-Sierra Group
Mother Lode Chapter
P.O. Box 9258
Stockton CA 95208*

Nicole Moore
City of Stockton
345 N. El Dorado Street
Stockton CA 95202
via email: Nicole.Moore@stocktonca.gov.

12.31.2021

Re: South Stockton Commerce Center Project Draft Environmental Impact Report

The Delta-Sierra Group reviewed the Notice of Preparation/Initial Study (NOP/IS) and submitted comments on 10.27.2020 for the South Stockton Commerce Center Project. As will be explained later in our comments we only came to learn of the availability of Draft Environmental Impact Report (DEIR) on 12.28.2021. The South Stockton Commerce Center Project is for the planned industrial development of 437.45 acres of agricultural lands located off Airport Way immediately north of the confluence with French Camp Slough and the North Fork of Little John's Creek.

SETTING



PROPOSED PROJECT

The Project includes a Tentative Map for the 437.45-acre site to create 13 development lots, two basin lots, one park lot, one open space lot, and one sewer pump station lot.

TABLE 2.0-2: SSCC LAND USE SUMMARY

<i>LAND USE</i>	<i>ACREAGE (NET)</i>	<i>TOTAL SQUARE FEET PER LAND USE</i>	<i>FLOOR AREA RATIO</i>	<i>MAXIMUM SQUARE FEET</i>
Commercial	11.0	467,834	0.30	140,350
Industrial ¹	298.0	12,960,747	0.47	6,091,551
Open Space	54.0	--	--	--
Public Facilities (Storm Basins, Outfall and Pump Stations)	41.0	--	--	--
Roadway Right of Way	18.2	--	--	--
TOTAL	422.2	--	--	6,231,901

NOTE: FOR PURPOSES OF THE ENVIRONMENTAL ANALYSIS, A RANGE OF INDUSTRIAL USES IS ASSUMED. THESE USES INCLUDE GENERAL LIGHT INDUSTRIAL, INDUSTRIAL PARK, WAREHOUSING, MINI-WAREHOUSE, HIGH-CUBE TRANSLOAD AND SHORT-TERM STORAGE WAREHOUSE, HIGH-CUBE FULFILLMENT CENTER WAREHOUSE, HIGH-CUBE PARCEL HUB WAREHOUSE, AND HIGH-CUBE COLD STORAGE WAREHOUSE.

The DEIR does not include a full disclosure of impacts for this speculative and discretionary project. A final and definitive site plan is not currently proposed. Planned mitigation and environmental impact analysis is based on a conceptual site plan which underestimates impacts and fails to address cumulative impacts resulting from the operation of the Project.

All mitigation must be paid for before any permit is issued. This is a speculative project with several owners to be involved in the future. Without a final definitive site plan and the piecemeal analysis of impacts proposed for the 13 individual projects, the public will not have an opportunity to evaluate whether or not the mitigation measures are adequate for the individual projects. CEQA provides a seat at the table whereas the review of individual projects would not likely be at a level that would require public notice and engagement. If the DEIR is not significantly modified to address our comments and those of others and recirculated, the FEIR will include mitigation measures deemed acceptable by the City of Stockton through 2045 and pose an environmental burden on already burdened residents.

Mitigations proposed in the DEIR should not be static but requirements adjusted as conditions change related to future climate, groundwater, flooding, transportation, or air quality that will warrant additional mitigation during Project development of this speculative project.

The City of Stockton must release the mitigation monitoring and reporting results to the public throughout the development process.

COMMUNITY INVOLVEMENT

An email was sent to the City of Stockton contact for the Project, Nicole Moore on 3.19.2021 to follow up on the NOP/IS comments submitted on 10.25.2020¹. This 3.19.2021 email expressed concerns about notification for the release of a draft environmental impact report and to provide a link for the Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act² which included best practices relating to community engagement.

¹ https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/NOP_South_Commerce_10272020_F.pdf

² <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

A subsequent email to the City of Stockton Project contact, Nicole Moore was sent on 3.19.2021 to follow up on the City of Stockton's 3.19.2021 response to our initial email of 3.19.2021. This subsequent email requested clarification regarding the City of Stockton's CEQA process, ASK Stockton noticing, and the City of Stockton's CEQA process to comply with CEQA Guidelines. A suggestion was also made that the city as part of required outreach convene a committee to discuss possible city-specific adopted measures. No response to this email was received.

Yesterday, 12.28.2021, in the process of investigating a proposed housing project identified on a map, we discovered that the DEIR review periods for a similar type of project, Mariposa Industrial Park and for the South Stockton Commerce Center Project had ended. The Mariposa Industrial Park Project was completely unknown to the Delta-Sierra Group because two public notices in the newspaper were missed. We requested in the 10.25.2020 correspondence to the City of Stockton that we be placed on a CEQA notification list, as will be further described below. This 10.25.20 request was ignored.

The City of Stockton's continued reliance on the minimum public notice of CEQA projects or public hearings ignores the reality of residents' ability to engage in community affairs as volunteers. The process of public notice involves publishing a public notice in a newspaper of largest general circulation, notifying the State Clearinghouse at the California Office of Planning and Research, and providing a public notice to the San Joaquin County Recorder-Clerk's Office. The Clerk's Office places a paper copy of the notice on a second-floor wall where their office is located, for public viewing during office hours of 8:00 AM to 5:00 PM.

The purpose of the California Environmental Quality Act (CEQA)³ is to:

- Prevent or minimize significant, avoidable damage to the environment.
- Disclose potential environmental effects of a proposed discretionary project, through a variety of publicly accessible documents.
- Encourage public participation in the environmental review and decision-making process.
- Ensure transparency in governmental decision-making process.

The CEQA Guidelines that were most recently published included the following statement:

§ 15087. Public Review of Draft EIR⁴

(a) Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing.

In our 10.27.2020 comment letter the Delta-Sierra Group stated the following in writing:

Please add the Delta-Sierra Group to your CEQA notification list. We became aware of the project through a CEQAnet link from a colleague. Please let us know if there is to be any public meeting regarding this project and when the draft environmental impact report becomes available to review. If you have any questions, you may contact me by email mebeth@outlook.com.

³ [https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-\(CEQA\)-.aspx](https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx)

⁴ http://files.resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

The DEIR included the following statements

“Additionally, a public scoping meeting was held during the public review period to solicit recommendations for a reasonable range of alternatives to the proposed Project. No specific alternatives were recommended by commenting agencies or the general public during the NOP public review process.”

We specifically asked for notification of a public meeting and no notification was provided by the City of Stockton. Additionally, the website where the South Stockton Commerce Center Project CEQA documents are found includes no notice of a specific public scoping meeting⁵.

The DEIR included the NOP/IS notice which included the following statements:

“A responsible agency, trustee agency, or other public agency may request a meeting with the City of Stockton or its representatives in accordance with Section 15082(c) of the CEQA Guidelines. A public scoping meeting and neighborhood meeting will be held during the public review period as follows:

1. Virtual Scoping and Neighborhood Meeting: To obtain the call-in and access information please RFVP with Nicole Moore, Acting Current Planning Manager at Nicole.Moore@stocktonca.gov.”

Our 10.27.2021 letter which was conveyed by email to Nicole.Moore@stocktonca.gov specifically requested to learn of the time for a public meeting. We were never notified of the time and date for this proposed public scoping and neighborhood meeting.

No notification of DEIR availability was provided by the City of Stockton, and we only learned of the DEIR availability on 12.28.2021 and initiated review and developed comments presented below. We hope that these comments will be included and considered when developing a revised DEIR or a Final Environmental Impact Report (FEIR) as the official comment period only ended on 12.14.2021.

DEIR IDENTIFIED IMPACTS AND PROPOSED MITIGATION MEASURES

Aesthetics and Visual Resources Mitigation Measure 3.1-1

The Project proposes approximately 54 acres of open space areas within the site, which will include approximately seven acres of open space in which a portion of it will be for a habitat setback area located east of the UPRR, south of the future Commerce Drive and along French Camp Slough. The remaining 47 acres of open space area is associated with the French Camp Slough drainage area. Additional open space is needed to accommodate flood flows on the North Fork of Little John’s Creek.

We are concerned with the newly proposed restriction on wildlife habitat setback area adjacent to the UPRR tracks. The restrictions on wildlife movement which construction of the proposed Project poses could create a situation where a protected wildlife corridor is needed to avoid increased wildlife kills due to rail or truck traffic. Additional habitat setback area is needed.

This open space is vital for localized wildlife habitat and must be protected from impacts related to the implementation of industrial/commercial future plans. A future lighting plan is to be submitted to the City of Stockton for review and should be made available for public review especially those that are wildlife and habitat experts to determine if the proposed plan will interfere with localized wildlife

⁵ <http://www.stocktonca.gov/government/departments/communityDevelop/cdSouth.html> pdf created

activities. Lighting mitigation of impacts related to wildlife habitat is not the same as lighting mitigation in an urbanized setting. Additional lighting mitigation is necessary.

There is a proposed grade-separated overpass of the UPRR line and a proposed railroad spur line to provide rail access throughout the Project. Designs of overpasses that are aesthetically pleasing can add significantly to the sense of place. Additionally, the proposed new road, Commerce Drive, is proposed to have a 78-foot right-of-way with one 16-foot traffic lane in each direction, and a 16-foot center turn lane. Five-foot landscaped areas would separate the traffic lanes from the 8-foot sidewalks on both the north and south sides of the road. All landscaping must be maintained by the Project proponent so as not to put further burdens on City of Stockton residents to fund on-going maintenance relating to this discretionary project. Onsite vegetation should also be considered to provide shading and reduce the heat island effect associated with the proposed asphalt paving as well as vegetative buffers between the Project and residential areas can help to reduce pollutant dispersal.

Agricultural Resources Mitigation Measure 3.2-1

The proposed Project will result in the conversion of farmland including prime farmland and farmland of statewide importance as indicated by the Department of Conservation Land Division in their NOP/IS comments available to the public⁶. The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan specifically addresses loss of habitat not loss of agricultural activities on agricultural lands⁷. There are different fees related to habitat potential with a category for agricultural lands.

All of the existing land is in active agricultural uses and should require both City of Stockton Agricultural Land Mitigation (1:1)⁸ and San Joaquin County Habitat Mitigation based on a San Joaquin County Council of Government (SJCOG) biological study to determine mitigation level. The City of Stockton Agricultural Land Mitigation program was not referenced as part of the required mitigation.

Agricultural Land Mitigation Impact Fee - Central Valley Farmland Trust (CVFT): Under Municipal Code section 16-355.270, the City of Stockton has the authority to establish a Public Facilities Fee Program (PFF) on new development. In 2003, City Council approved resolution #2003-04-03-0105, establishing the PFF schedule. In 2007, the City Council agreed (through Council resolution #2007-02-07-0079) to add Agricultural Land Mitigation Fee to its Public Facilities Fee Program.

The City of Stockton Agricultural Land Mitigation Fee is collected for all applicable new development projects that would result from the conversion of important farmland, as defined by California Department of Conservation, into urban uses. All Agricultural Land Mitigation fees collected pursuant to the agreement should be remitted to Central California Farmland Trust. The Central Valley Farmland Trust is the land trust that facilitates the placement of agricultural conservation easements to fulfill farmland mitigation requirements in the Central Valley.

The Central Valley Farmland Trust does not fulfill the habitat mitigation required under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan mitigation does not mitigate for the loss of agricultural production. Both mitigations should be required. The mitigation monitoring and reporting should include a full disclosure of agricultural land mitigation and should be readily available to the public.

⁶ https://files.ceqanet.opr.ca.gov/264972-2/attachment/dv3sIbIipUFd4VLrSuQGv7_BAFI5DauZjy-ZTT4RRtvMnYAvi9wC9xnbsdw9iaT_aegytYiiJ2hSU5GJ0

⁷ <https://www.sjocog.org/288/Habitat-Frequently-Asked-Questions>

⁸ <https://www.calandtrusts.org/wp-content/uploads/2014/03/Overview-of-Legal-Restains-on-Ag-Land-Mit-Programs.pdf>

Agricultural land mitigation only ensures that some other agricultural land cannot be easily developed through a conservation easement. Agricultural land mitigation does not create new agricultural land. Once the land is developed it is unlikely ever to return to food production.

We disagree that the Impact 3.2-2, relating to the conversion of nearby farmland to non-agricultural uses, is less than significant. The conversion of this land to non-agricultural uses will create additional development pressures on the surrounding farmland and should have been evaluated in the DEIR. For example, increased truck traffic will hinder agricultural operations that use the roadways. Monitoring of adjacent farmed land should be conducted throughout the life of the Project and if further agricultural lands are converted then the South Stockton Commerce Center Project proponents, developers, landowners should pay for additional agricultural land mitigation.

The conversion of this especially important agricultural land not only will have an effect on local food security, as row crops are food crops, but will significantly affect existing flood buffering, wildlife habitat, and water infiltration. The environmental analysis of the no Project alternative should have characterize the positive attributes which will be lost, if developed as described. Removing agricultural land removes the natural climate change attenuator that soils can serve also affecting the City of Stockton's ability to reduce carbon dioxide levels in the atmosphere through carbon sequestration.

Air Quality Mitigation Measure 3.3-1

The measures proposed relating to the San Joaquin Valley Air Pollution Control District Rule 9510 should have included more than just the offsite mitigation strategies proposed. The stated purposes of Rule 9510⁹ include:

- Fulfill the District's emission reduction commitments in the PM10 and Ozone Attainment Plans.
- Achieve emission reductions from the construction and use of development projects through design features and on-site measures.
- Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.

No onsite operational measures were included to reduce emissions relating to the Project's proposed operation that is expected to generate a minimum of 22,633 daily vehicle trips, including 5,552 daily heavy-duty truck trips, along local roadways, except for some onsite mitigations of some construction activities. Onsite measures such as requiring on-site equipment, such as forklifts and yard trucks, to be electric, requiring all heavy-duty vehicles entering or operated on the project site to be zero emission beginning in 2030, constructing electric truck charging stations and electric plugs for electric transport refrigeration units are reasonable on-site requirements that should have been proposed in the DEIR. Without these onsite measures, the Project will add to the residents of Stockton already high pollutant burden.

The only mention of zero emission vehicles in the DEIR was that some employees may use electric vehicles. Anti-idling measures were not included nor were any vegetative barriers planned as mentioned previously. Furthermore, the emissions may have been underestimated because it is likely that trip lengths will be greater than 10 miles relating to other nearby logistical centers in the Bay Area or beyond and the proposed rail connections. In our NOP/IS comment letter we identified problems with previous emission modeling performed by the City of Stockton's consultant and specifically

⁹ <https://www.valleyair.org/rules/currnrules/r9510-a.pdf>

requested that best practices put forth by the California Air Resources Board be used for emission modelling:

Again, evaluating impacts is challenging for a project that is not well defined. Recently, the City of Stockton used CalEEMod fleet mix defaults to estimate a project's mobile source air pollutant emissions and was notified that the mileage used required revisions. When performing air emission analyses and traffic impact studies a reasonable estimate of heavy-duty truck trips commensurate with the proposed project's size and location is necessary. Please be very clear and concise when disclosing the parameters used during emissions and traffic analyses.

The characterization of the Project's operational mobile source air emissions does not include analyses with supporting evidence that assumptions made will be protective of public health and the environment.

The City of Stockton did not include a maximum vehicle mile traveled for the Project to cap emissions. The DEIR did not describe how the process between the City of Stockton and the San Joaquin Valley Air Pollution Control District would be transparent while offsite mitigation strategies proposed on a project-by-project basis are reviewed and approved.

The proposed mitigation measures include a piecemeal analysis by considering each phase of development separately. Cumulative impacts occur as each "individual project" is developed. Mitigation of these individual projects will only be implemented if the pollutant threshold for an individual project is exceeded. This piecemeal method of impact analysis neglects cumulative air quality impacts associated with the full development that will occur if the existing DEIR is not significantly updated with further mitigation measures and recirculated for review.

Air Quality Construction Phase

Mitigation Measure 3.3-3, 3.3-4, 3.3-5

These mitigation measures relate primarily to dust and soil erosion/tracking controls and paving but does not address the heavy diesel equipment that will be used onsite and offsite to transport soil related to site flood mitigation grading activities and this heavy diesel equipment will be generating toxic air pollutants.

Air quality impacts are not adequately characterized to disclose potential effects or to prevent or minimize significant, avoidable damage to the environment.

Cultural and Tribal Resources

Mitigation Measure 3.5-1

The mitigation proposes that a qualified archaeologist shall conduct pre-construction worker cultural resource sensitivity training. The Northern Valley Yokuts representative should be present during this training and records maintained for all construction workers in attendance. This training should be offered periodically throughout the construction process as onsite construction workers change.

Mitigation Measure 3.5-2

The mitigation measure states only that a Native American monitor may be required if the archaeologist determines that Native American resources are identified. The Northern Valley Yokuts Tribal representative requested that in accordance with their policies that a tribal monitor should be present for all ground disturbing activities. Having a Native American monitor present when Native American

resources have been identified should not be optional, but should be required, and paid for by the Project proponents.

Mitigation Measure 3.5-3

The mitigation measure proposes two separate processes involving the San Joaquin County Coroner. One places the San Joaquin County Coroner as the responsible party to contact the Native American Heritage Commission to identify a descendant. If no descendant is identified, the San Joaquin County Coroner may make a recommendation to the landowner or the person responsible for the excavation work to treat or dispose of the human remains and any associated grave goods without further Native American consultation.

The San Joaquin Coroner should be informed to determine that no further investigation of the cause of death is required. Once the Coroner has determined that there is no need for investigating the cause of death, the Native American monitor or the proper descendant of the deceased individual should propose proper reburial either onsite or an alternative location preferred by the Native American tribal representative in consultation with the Native American Heritage Commission.

The City of Stockton or its authorized representative should not be allowed to reject the wishes of a descendant, or the Native American Heritage Commission measures be allowed to be rejected by the landowner, and those entities make the decision of reburial location on their own. Everyone must work together to come upon a mutually agreeable solution and communication should begin in advance of the construction process and on-going, so the City of Stockton, landowner, or Project proponent is not left with an “urgent” situation that occurs due to the lack of advanced communication and planning.

A Native American monitor, descendant, and an archaeology if recommended by the Native American monitor should oversee reburial in a mutual agreeable location that is not subject to further subsurface disturbance. The Project is located on unceded Northern Valley Yokuts lands.

Geology and Soils Mitigation Measure 3.6-2

The mitigation calls for a qualified paleontologist to evaluate any paleontological resources found during grading and construction activities. However, this mitigation fails to properly conduct pre-construction worker paleontological resource sensitivity training. This training should be required and training documents available for mitigation monitoring.

Greenhouse Gases, Climate Change and Energy Mitigation Measure 3.7-1

The measures proposed to mitigate the greenhouse gases that will be generated are essentially the same as for air quality impacts and treats the Project in a piecemeal way ignoring cumulative impacts. Additionally, by treating the Project as individual projects it is more likely that these individual projects that will not exceed thresholds to require mitigation. Implementation of the Project as discussed in the DEIR will have a significant impact on goals set forth in the City of Stockton Climate Action Plan relating to proposed truck and rail transport associated with the 6 million plus square feet of industrial warehousing.

There were no mitigation measures proposed to reduce energy usage such as energy efficient lighting, use of other energy efficient equipment that are in use in a typical warehousing/commercial/industrial settings, installation of solar photovoltaic systems to equal the Project’s energy needs, using electric on-site equipment warehousing equipment such as forklifts and yard trucks, and constructing electric truck charging and plug in stations suitable for heavy duty trucks and refrigeration units to reduce idling exhaust emissions.

This is a speculative project that will significantly impact environmental resources. Additional greenhouse gas, climate change and energy mitigations are necessary so that Stockton residents do not bear solely the environmental burdens associated with the proposed Project.

The vehicle miles travelled that the proposed Project(s) would generate was not disclosed. We specifically requested this information in our NOP/IS comment letter.

By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead, the focus will be on how new development projects may influence the overall amount of automobile use.¹⁰

Hydrology and Water Quality

The DEIR deemed Impact 3.9-2 as less than significant when in fact the construction of the proposed Project and the paving over of 350 acres has the potential to interfere substantially with groundwater recharge associated with the Project area and current land use such that the Project may impede sustainable groundwater management of the basin. The DEIR identified the Subbasin incorrectly as the Eastern San Joaquin River Groundwater Subbasin when the name of the Subbasin in which the Project is located is the Eastern San Joaquin Groundwater Subbasin. The Subbasin is critically overdrafted and the location of the current agricultural fields presents an opportunity to use flood flows to recharge our overdrafted aquifer and provide downstream flood protection. Lands adjacent to natural waterways are particularly good for cost effective groundwater recharge projects.

Furthermore, the DEIR deemed Impact 3.9-3 relating to drainage pattern changes due to the addition of impervious surfaces as less than significant without calculations estimating runoff under climate change scenarios with infrequent atmospheric river rainfall events causing substantial surface runoff, flooding, or surface runoff of polluted stormwater. Climate changes relating to global warming must be carefully considered especially relating to changes to precipitation patterns. Paved land has much higher runoff coefficients, as compared to the existing agricultural land use which has been shown to attenuate runoff and reduce flood risks.

In fact, an additional General Plan Amendment and Rezoning of two areas will be necessary for the proposed Project due to limitations caused by the floodway along French Camp Slough. This floodway is a natural floodplain and a nexus facilitating the flow of floodwater from the waterway to adjacent lands lessening the flood risk to downstream residential areas.

Additional open space mitigation is needed to provide more floodway room for the North Fork of Little John's Creek along the southern boundary of the proposed Project.

Mitigation Measure 3.9.2 requires that prior to issuance of grading permits, the applicant and/or future Project proponent must submit a site-specific Project Stormwater Quality Control Plan to specify BMPs the Project will use to comply with State water quality regulations including those related to City of Stockton's Stormwater Management Plan. French Camp Slough joins the San Joaquin River in Stockton. The San Joaquin River is an impaired waterway and subject to regular hazardous algal blooms that are associated with heavy pollutant loading. The DEIR failed to fully disclose how the planned construction and operation of the 13 projects would result in a coordinated site plan to ensure that site runoff does not further impact the quality of water in our streams and rivers.

¹⁰ <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-02-26-transmittal-and-draft-vmt-focused-tisg.pdf>

Mitigation Measure 3.9-3 requires that prior to issuance of grading permits, the applicant shall obtain the local National Flood Insurance Program administrating community's approval and a CLOMR-based on fill followed by a Map update request. The DEIR stated that most of the Project site is located within the 100-Year designated FEMA Flood Zone and portions of the Project site adjacent to the French Camp Slough are designated within the Regulatory Floodway. Development within Regulatory Floodways are prohibited. The Project site is reportedly not within a 200-year flood zone. Senate Bill 5 requires all urban and urbanizing areas in the Sacramento and San Joaquin Valleys to achieve 200-year flood protection to approve development. The new law restricts approval of development after 2016 if "adequate progress" towards achieving this standard is not met. Urban and urbanizing areas protected by State-Federal project levees cannot use "adequate progress" as a condition to approve development after 2025. The City of Stockton just this year made a finding of adequate progress.

The DEIR stated that according to Stockton Municipal Code Title 16.90, new developments may be permitted in areas "of potential flooding of three feet or less from a storm event that has a 1-in-200 chance of occurring in any given year, from sources other than local drainage, in urban or urbanizing areas..." An analysis by a local engineering firm included in the DEIR as a draft report concluded that flooding of 3 feet or less is expected and they recommended elevation of grade. Whether or not this analysis evaluated an ever-increasing intensity of rainfall resulting from climate change conditions is unknown at this time. Greenhouse gases are responsible for climate change which the proposed Project failed to mitigate.

Transportation and Circulation Mitigation Measure 3.13-1

The proposed Mitigation Measure 3.3-1 includes some possible measures related to the San Joaquin Valley Air Pollution Control District Rule 9410¹¹ such as "incentives for project employees to utilize alternative transportation options such as buses, bicycles or electric vehicles." Rule 9410 is required whenever an employer exceeds 100 regular employees at a worksite. The treatment in the DEIR of the Project as one entity for analysis of impacts would infer that in the future once any of the individual 13 projects combined reach the threshold of 100 employees, a Trip Reduction Plan will be required.

The San Joaquin Valley Air Pollution Control District is the regulatory agency that is involved in the implementation of transportation demand management (TDM) strategies related to transport to the workplace from home. This transportation effort is small compared to the truck trips related to the operation of the proposed Project and effects on regional roadways. Mitigation should be required for ongoing impacts to city roadways relating to increased heavy duty truck travel which significantly increases roadway maintenance frequency and costs, especially related to the proposed noise reducing pavement.

The same issues related to evaluating impacts for a project that is not well defined has made impossible an environmental analysis of local and regional transportation impacts. A railroad overpass proposed was not included in the mitigation measures.

The DEIR did not adequately describe existing and future transportation conditions relating to the vehicle mile traveled (VMT) associated with a logistical warehouse project of this size with access to rail and two highways. A detailed VMT analysis should have been conducted to determine if the Project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Without the Project there is no need for the construction of an overpass of the UPRR line.

¹¹ <https://www.valleyair.org/Programs/Rule9410TripReduction/>

The DEIR did not include a market analysis to investigate the need for up to 6,091,551 square feet of “employment-generating” industrial uses considering recently approved similar projects under development. There is active recruiting for existing warehouse jobs in our area which pay \$15-\$20/hour (\$600 to \$800/week) for full time work.

Governor Newsom recently issued Executive Order N 82-20 announced on October 7, 2020¹²:

“The science is clear that, in our existential fight against climate change, we must build on our historic efforts in energy and emissions and focus on our lands as well. California’s beautiful natural and working lands are an important tool to help slow and avert catastrophic climate change, and today’s executive order provides important new tools to take on this existential threat.”

Ultimately, the lead agency will examine each of the environmental issues listed in the checklist... and decide whether the proposed Project has the potential to have a significant impact and what if any mitigation is to be required. If approved, a development agreement that is transferrable will be established without any defined Project. Without a defined Project it is very difficult to determine impacts which will result from this warehousing development. No clear responsible party for proposed mitigation measures was identified in the DEIR. Mitigation measures to be performed have mixed responsibilities: Project proponent vs. landowner vs. the persons responsible for excavation work throughout the DEIR.

Land use is within the City of Stockton’s regulatory purview and while the City of Stockton is not expected to enforce CARB or SJVAPCD standards. The City of Stockton’s choice to approve projects with intense trucking and rail components means that the City of Stockton is adding new emission sources – like an attractive nuisance – which will increase the exposure of our residents to pollution. Mitigation is needed to reduce the impact of the Project and should be paid for by the developer not the residents of Stockton.

This Project is not vital for our recovery and the DEIR failed to provide sufficient details to determine the document’s adequacy to describe the environmental costs associated with the Project.

Once again, please add the Delta-Sierra Group to your CEQA notification list. The requirements for public noticing are changing next year and we would welcome a conversation to provide our input. If you have any questions or wish to discuss ways that the City of Stockton could improve public outreach, you may contact me by email at mebeth@outlook.com.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.

Cc:

Sierra Club Mother Lode Chapter
Catholic Charities, Env. Justice Stockton Diocese
Restore the Delta
Central California Asthma Collaborative
Central Valley Air Quality Coalition
Little Manilla Rising
Environmental Justice for Water

Northern Valley Yokuts
NAHC
California Air Resources Board
Office of Attorney General – Department of Justice
California Department of Conservation
San Joaquin County Farm Bureau
Center for Biological Diversity

¹² <https://www.gov.ca.gov/2020/10/07/governor-newsom-launches-innovative-strategies-to-use-california-land-to-fight-climate-change-protect-biodiversity-and-boost-climate-resilience/>



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Nicole Moore
City of Stockton
345 N. El Dorado Street
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via email: Nicole.Moore@stocktonca.gov.

10.27.2020

Re: South Stockton Commerce Center Project Notice of Preparation and Initial Study

The Delta-Sierra Group has reviewed the Initial Study for the planned industrial development located off Airport Way immediately north of the confluence with French Camp Slough and the North Fork of Little John's Creek. French Camp Slough continues through the southwestern part of the five parcels encompassing 437.45 acres of agricultural lands.

Setting



The five parcels are summarized below to help with understanding the discussion regarding General Plan Zoning Maps vs General Plan designations and a zone change designation. The information was obtained from San Joaquin County Assessors and City of Stockton Interactive Zoning Map¹. There seems to be some discrepancies between the addresses cited in the Initial Study and City of

¹ <https://stocktonca.mapgeo.io/datasets/properties?abuttersDistance=100&latlng=37.973764%2C-121.284422&themes=%22%5B%5C%22zoning%5C%22%5D%22&zoom=12>

Stockton records (shown within parentheses). Additionally, there seems to be some discrepancies related to acreage sizes as illustrated below (shown within parentheses).

Parcel Table

APN	Address	Acres	Land value (\$ SJC)	Current SJC assessed use	City Zone	City General Plan
77-110-040	6110 S. Airport Way	218.29	4,357,515 (221.54 ac)	Irrigated row crop	IL (8210 S. Airport)	Industrial
177-100-030	7070 S. Airport Way	76.03	1,660,790 (80.81)	Irrigated row crop	OS (1865 E French Camp Road)	Open Space/ Agricultural
177-110-050	6122 S. Airport Way	3.27	65,305	Irrigated row crop	IL (8222 S AIRPORT WY)	Industrial
201-020-010	9091 S. State Route FR 99	75.07	1,550,424 (73.74 ac)	Irrigated row crop	IL	Industrial
177-050-090	8606 S. Airport Way	64.79	1,289,060	Irrigated row crop	RH (Residential, High Density)	Industrial

The conversion of this especially important agricultural land not only will have an effect on local food security, as row crops are food crops, but will significantly affect existing flood buffering, wildlife habitat, and water infiltration. The environmental analysis of the no project alternative must characterize the positive attributes which will be lost, if developed as described in the Initial Study. Removing agricultural land removes the natural climate change attenuator that soils can serve also affecting the City’s ability to reduce carbon dioxide levels in the atmosphere through carbon sequestration.

The Draft Environmental Report must include a market analysis to investigate the need for up to 6,091,551 square feet of “employment-generating” industrial uses considering recently approved similar projects under development. This maximum square footage is based on the Floor Area Ratio (FAR) of 0.47 for industrial uses including general light industrial, industrial park, warehousing, mini-warehouse, high cube transitional and short-term storage warehouse, high-cube fulfillment center warehouse, high-cube parcel hub warehouse and light-cube cold storage warehouse. There is active recruiting for existing warehouse jobs in our area which pay \$15-\$20/hour (\$600 to \$800/week) for full time work.

Agricultural Land Mitigation

All of the existing land is in active agricultural uses and should require both City of Stockton Agricultural Land Mitigation (1:1) and San Joaquin County Habitat Mitigation based on SJCOG biological study to determine mitigation level. The City of Stockton Agricultural Land Mitigation program was not referenced as part of the environmental analysis.

"Agricultural land or farmland" for the purposes of Agricultural Land Mitigation Guidelines means important farmland, as defined by the California Department of Conservation's Farmland Monitoring and Mapping Program (FMMP) and as shown on the most recent available FMMP map of San Joaquin County. Important farmland includes prime farmland, farmland of statewide significance, and unique farmland.

Agricultural Land Mitigation Impact Fee - Central Valley Farmland Trust (CVFT): Under Municipal Code section 16-355.270, the City has the authority to establish a Public Facilities Fee Program (PFF) on new development. In 2003, City Council approved resolution #2003-04-03-0105, establishing the PFF schedule. In 2007, the City agreed (through Council resolution #2007-02-07-0079) to add Agricultural Land Mitigation Fee to its Public Facilities Fee Program. The Ag. Mitigation Fee is collected for all applicable new development projects that would result from the conversion of important farmland, as defined by California Department of Conservation, into urban uses. All Ag. Mitigation fees collected pursuant to the agreement should be remitted to Central California Farmland Trust (CVFT).

City of Stockton Public Facilities Fee Report (PFF) FY 2018-19		CITY OF STOCKTON	
Pass Through Fees Schedule - All Mitigation Fees			
NOTES TO THE ANNUAL REPORT: Per California Government Code Section 66001(e), no refund of PFF fees.			
Notes: All Mitigation Impact Fees apply to all fee areas and subject to additional Administrative fee of 3.5%.			
Agricultural Land Mitigation Fee Schedule:			
<u>Non-Residential:</u>		Effective Date 7/1/2017 Amount	Effective Date 7/1/2018 Amount
Office / High Density	Per Acre of Net Parcel Area	\$ 11,902.00	\$ 11,902.00
Retail / Medium Density	Per Acre of Net Parcel Area	\$ 11,758.00	\$ 11,758.00
Warehouse / Low Density	Per Acre of Net Parcel Area	\$ 10,494.00	\$ 10,494.00
<u>Residential:</u>			
Single Family Units	Per Acre of Net Parcel Area	\$ 14,352.00	\$ 14,352.00
Multiple Family Units	Per Acre of Net Parcel Area	\$ 12,841.00	\$ 12,841.00
Guest Room	Per Acre of Net Parcel Area	\$ 12,841.00	\$ 12,841.00
For additional information or questions regarding to Ag. Land Mitigation Impact Fees, please contact CDD at (209) 937-8561.			

Important Farmland Categories according to the State of California Department of Conservation

For environmental review purposes under CEQA, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land constitute 'agricultural land' (Public Resources Code Section 21060.1). The remaining categories are used for reporting changes in land use as required for FMMP's biennial farmland conversion report. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Prime Farmland (P)

Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields.

Farmland of Statewide Importance (S)

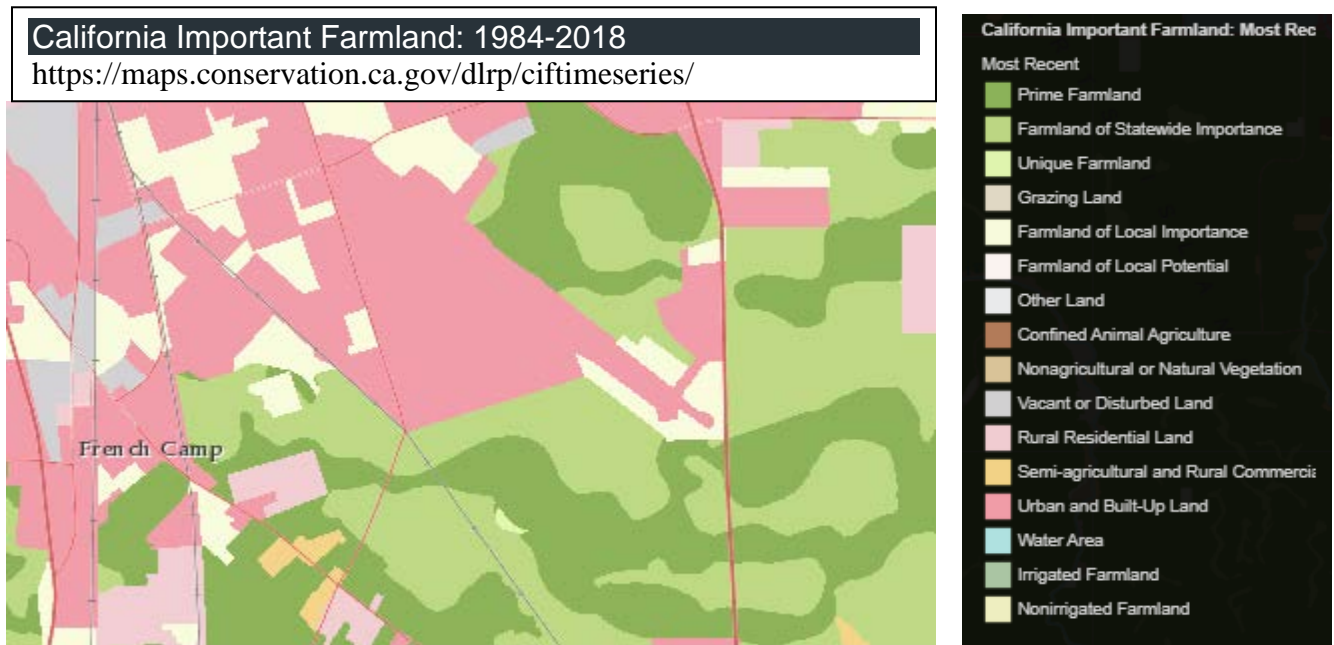
Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Unique Farmland (U)

Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California.

Farmland of Local Importance (L)

Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In some counties, Confined Animal Agriculture facilities are part of Farmland of Local Importance (PDF), but they are shown separately.



Climate changes relating to global warming must be carefully considered especially relating to changes to precipitation patterns. Paved land has much higher runoff coefficients, as compared to the existing agricultural land use which has been shown to attenuate runoff and reduce flood risks. The draft EIR must include a full flood hazard analysis to the residential area downstream of the proposed outfall to French Camp Slough.

Governor Newsom recently issued Executive Order N 82-20 announced on October 7, 2020²:

“The science is clear that, in our existential fight against climate change, we must build on our historic efforts in energy and emissions and focus on our lands as well. California’s beautiful natural and working lands are an important tool to help slow and avert catastrophic climate change, and today’s executive order provides important new tools to take on this existential threat.”

Agricultural land mitigation only ensures that some other agricultural land cannot be easily developed through a conservation easement. Agricultural land mitigation does not create new

² <https://www.gov.ca.gov/2020/10/07/governor-newsom-launches-innovative-strategies-to-use-california-land-to-fight-climate-change-protect-biodiversity-and-boost-climate-resilience/>

agricultural land. Once the land is developed it is unlikely ever to return to food production. The costs associated with the loss of food production land must be analyzed in the draft EIR

The conversion of this land to non-agricultural uses will create additional development pressures on the surrounding farmland and this must be evaluated in the draft EIR.

Air Quality

The conversion of irrigated lands to paved industrial uses accessing SR-99, I-5, the Stockton Metropolitan Airport and rail lines is expected to potentially impact air quality in South Stockton. When considering mitigation measures please refer to the CARB Technical Advisory Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways³.

(Adjust Font size) When assessing the Project’s air pollution emissions from mobile sources use the emission factors found in CARB’s latest EMFAC2017. These emission factors were updated from 2014 to provide the best available estimates of emission along with other site-specific variables which will be difficult to determine since the project is conceptual. Please include purple monitor data when evaluating local air quality conditions in the vicinity. Please provide descriptions of all zoned uses for the projects including general light industrial, industrial park, warehousing, mini-warehouse, high cube transitional and short-term storage warehouse, high-cube fulfillment center warehouse, high-cube parcel hub warehouse and light-cube cold storage warehouse. Any development agreements that would limit the amount of various zoned uses must be fully disclosed with complete descriptions of associated air emissions scenarios.

Ultimately, “the lead agency will examine each of the environmental issues listed in the checklist... and decide whether the proposed project has the potential to have a significant impact”. This statement was found for each of the CEQA checklist type. The City of Stockton recently approved the conversion of agricultural land for a logistic center and made the finding that air quality will be improved.

If approved, a development agreement that is transferrable will be established without any defined project. Without a defined project it is very difficult to determine impacts which may result from development approved based on zoning. On previous similar projects there have been requests that a reasonable trip length for off-site heavy-heavy duty truck travel be used when analyzing emissions. The San Joaquin Valley AD will not be able to attain health based federal air quality standards without reductions in emissions from HHD which is the single largest source of NOX emissions in the San Joaquin Valley. Operational emissions for on-site sources must also be quantified.

EPA Air Quality Status⁴

pollutant	effec_rede	nonattain	class	part	population
1-Hour Ozone (1979)	- -	Yes	Extreme	W	685306
8-Hour Ozone (1997)	- -	Yes	Extreme	W	685306
8-Hour Ozone (2008)	- -	Yes	Extreme	W	685306
8-Hour Ozone (2015)	- -	Yes	Extreme	W	685306
Carbon Monoxide (1971)	6/1/1998		Moderate <= 12.7ppm	P	373545
PM-10 (1987)	12/12/2008		Serious	W	685306
PM-2.5 (1997)	- -	Yes	Serious	W	685306
PM-2.5 (2006)	- -	Yes	Serious	W	685306
PM-2.5 (2012)	- -	Yes	Moderate	W	685306

³ https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf

⁴ https://www3.epa.gov/airquality/greenbook/anayo_ca.html

Community air quality can be linked to vehicular emissions

The SJVAPCD 2018 PM 2.5 Plan identifies how reductions can be achieved, through implementation of the CARB Statewide Truck and Bus Regulation. The regulation will apply to all truck fleets operating within California, including any fleets that may be associated with the proposed project. As stated, the regulation will require conformance with the identified CARB near-zero truck NOx emission standard.

Again, evaluating impacts is challenging for a project that is not well defined. Recently, the City of Stockton used CalEEMod fleet mix defaults to estimate a project's mobile source air pollutant emissions and was notified that the mileage used required revisions. When performing air emission analyses and traffic impact studies a reasonable estimate of heavy-duty truck trips commensurate with the proposed project's size and location is necessary. Please be very clear and concise when disclosing the parameters used during emissions and traffic analyses.

Land use is within the City's regulatory purview and while the City is not expected to enforce CARB or SJVAPCD standards the City's choice to approve projects with intense trucking and rail components means that it is adding new sources – like an attractive nuisance – which will increase the exposure of our residents to pollution. Mitigation is needed to reduce the impact of the project and should be paid for by the developer not the residents of Stockton.

Transportation

The same issues with regard to evaluating impacts for a project that is not well defined will confound the environmental analysis particularly if it is difficult to ascertain the estimates used when performing the transportation analyses.

The EIR will describe existing and future transportation conditions and will analyze any potential conflicts with programs, plans, ordinances or policies addressing the circulation system. Potential impacts associated with site access, and on-site circulation will also be addressed in the EIR. A detailed vehicle mile traveled (VMT) analysis will be conducted to determine if the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The VMT analysis would be completed consistent with the Office of Planning and Research's (OPR's) Technical Advisory on Evaluating Transportation Impacts in CEQA.

If the City of Stockton uses a full build out for the general plan designations then it is likely that regardless of the VMT analysis which is to be undertaken, the City will find: Impact TRANS-1: Consistency with CEQA Guidelines Section 15064.3(b). Compared with existing land use designations, the project would generate less VMT and would therefore be consistent with CEQA Guidelines which is the language used in a similar logistic industrial center. The existing use of the property is the no project alternative and should be used to determine whether or not the project will have a significant impact. Additionally, please provide at your earliest convenience the VMT analysis which the City must be developing consistent with CEQA guidance:

By July 1, 2020, public agencies evaluating the impact of development projects are required to use vehicle miles traveled (VMT) to evaluate transportation impacts. This change removes the focus on traffic at intersections and roadways immediately around project sites. Instead,

the focus will be on how new development projects may influence the overall amount of automobile use.⁵

The NOP did not specify what City of Stockton guidance would be used but it is likely not to be the Standards of the City's Transportation Impact Guidelines used in the analysis of a similar project earlier this year.

Tribal Cultural Resources

Please incorporate a paid tribal representative to be present during land disturbance activities recognizing tribal sovereignty. Two local Tribes include the United Auburn Indian Community and the Northern Valley Yokuts which we are in communication with.

Greenhouse Gas Reduction Requirements

The City of Stockton Climate Action Plan adopted in 2014 included the following statement which is even more true now that our community suffers from the economic and emotional impacts relating to the Covid-19 pandemic:

The CAP would require substantial effort on the part of the entire Stockton community, including residents and business, schools, the San Joaquin Regional Transit District, other public entities, and the Stockton municipal government at a time when residents, businesses, and public agencies are struggling to pay current bills, keep businesses open, and provide basic services. This plan, if fully implemented, would result in a 20% reduction in per capita GHG emission from 2005 to 2020.

Many of the measures included in the CAP would result in long-term economic, environmental, health and other benefits for the City and its residents and businesses in addition to the expected GHG emission reductions.

Vegetation has been shown to be effective at reducing energy and air pollutant transport. Any vegetation associated with the project or subsequent development must be paid for and maintained by the applicant not the residents of Stockton.

Removing agricultural land removes the natural climate change attenuator that soils can serve and must be accounted when evaluating greenhouse gas emissions.

CEQA is clear that "uniformly applicable development policies or standards" need to be considered in the analysis of environmental effects and their significance and the need for additional mitigation measures. These additional measures are those required by the lead agency to protect public health and the environment that may be harmed as a result of the approval of the project. Relying on state guidance which was developed prior to the project and did not consider the project's impact is not sufficient when parts of our community is unequally burdened by negative environmental impacts. All zip codes are not created equal.

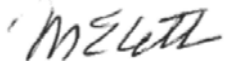
This Project is not vital for our recovery and we hope that the draft environmental impact analysis will be sufficiently detailed so that the residents of Stockton can determine the document's adequacy to describe the environmental costs associated with the project. Cost to Benefits ratio must be clearly described.

Please add the Delta-Sierra Group to your CEQA notification list. We became aware of the project through a CEQAnet link from a colleague. Please let us know if there is to be any public meeting

⁵ <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-02-26-transmittal-and-draft-vmt-focused-tisg.pdf>

regarding this project and when the draft environmental impact report becomes available to review. If you have any questions you may contact me by email mebeth@outlook.com.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.

Cc: Mother Lode Chapter
Catholic Charities, Environmental Justice Stockton Diocese
Restore the Delta
Central California Asthma Collaborative
Central Valley Air Quality Coalition
Little Manilla Rising
Environmental Justice Coalition for Water