SIERRA CLUB
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MOTHER LODE CHAPTER

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Re: TC NO. CAL. Development Warehousing and Distribution Facility Project DEIR

The Delta-Sierra Group of the Sierra Club has reviewed the Draft Environmental Impact Report (DEIR) for the proposed TC NO. CAL. Development warehousing and distributing facility project. We hope that our prepared DEIR comments will be included and considered when developing a revised DEIR or a Final Environmental Impact Report (FEIR) in order to minimize the environmental impacts associated with the Port of Stockton entering into a long-term lease with project proponents.

**PROPOSED PROJECT SETTING**

The proposed project consists of the construction of a 655,200 square foot, 36-foot-tall concrete warehouse, 293,951 square foot outdoor storage area (exterior slab-on-grade), 418 car and truck trailer parking spaces (for employee parking, truck parking, and trailer storage), truck docks, extension of two rail spurs, a railcar storage track, and construction of minor ancillary structures on the existing vacant Warehouse Development Area on 60 acres of the 102-acre project. The warehouse would be built using a concrete tilt-wall process where pre-constructed concrete panels would be installed on-site. Five existing warehouses on the western part of the project area will remain.

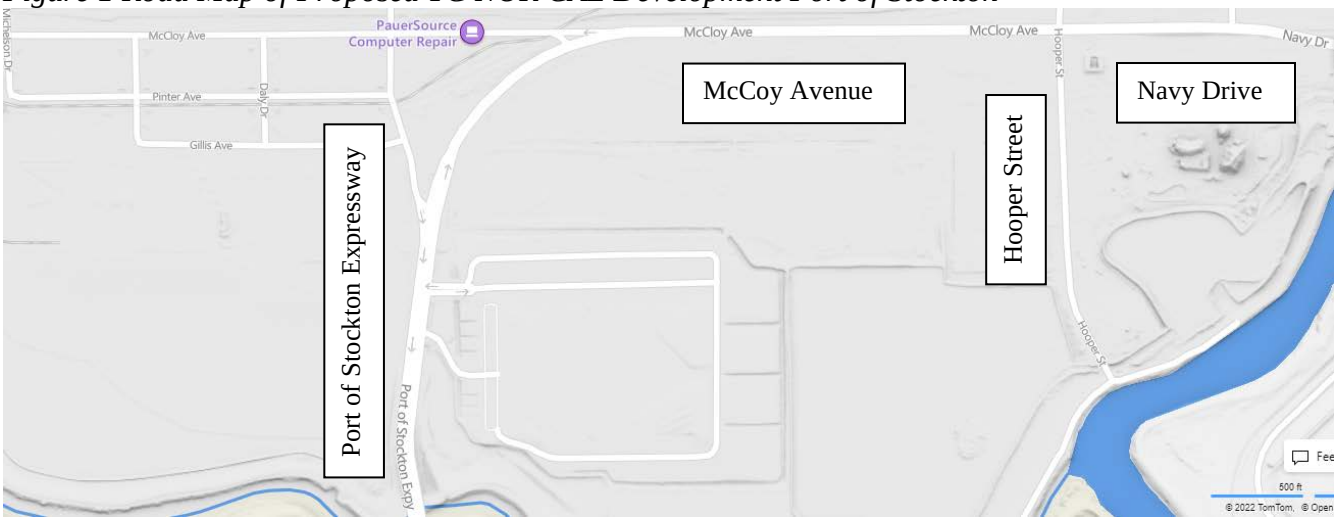
Operations are expected to begin following warehouse construction and would involve truck and rail deliveries of commercial products. The warehouse will allow for the receiving, storing, and distribution of bulk building products, and consumer goods. Within two miles of the project are three rail lines: Burlington Northern-Santa Fe (BNSF) Central California Traction (CCT), and Union Pacific (UP). Rail lines are located adjacent to the northern part of the project.

Under the proposed project, the Port would issue a lease to TC NO. CAL. Development to construct and hold operations within the warehouse. TC NO. CAL. Development would sublease the warehousing facility to a commercial operator for distribution services. This speculatory aspect of the project presents uncertainty regarding implementation of mitigation measures associated with the operation of the facility, as put forth in the DEIR. No information in the DEIR was provided as to the potential lessor, and this must be included in the FEIR as the Port is forming a long-term partnership for the development and remediation of a contaminated site. Construction would occur in three phases over approximately three years and would be expected to begin in 2022. The project is already being advertised by Cushman and Wakefield[1].

[1] https://www.loopnet.com/Listing/McCloy-Avenue-Port-Of-Stockton-Stockton-CA/14029685/

The project is located on Rough and Ready Island west of Hooper Street, south of McCloy Avenue and east and west of Port of Stockton Expressway as shown on the street map below.

*Figure 1 Road Map of Proposed TC NOR CAL Development Port of Stockton*




As part of the proposed project, remediation would occur in areas throughout the 102-acre project site, which includes the proposed 60-acre site on which the warehouse would be developed, as well as approximately 42 acres to the east and west. The remediation site is referred to as Site 47. The DEIR reported the status of remediation as in the Remedial Investigation/Focused Feasibility Study (RI/FFS) phase which is under development by the Port and TC NO. CAL. Development. The purpose of the Site 47 RI/FFS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy that will be documented in the Remedial Action Plan (RAP). Please forward notification to the Delta-Sierra Group when the RI/FFS is available for public review while under review by the California Department of Toxic Substance Control and the Central Valley Regional Water Quality Control Board, as it is reportedly still under development.

*Figure 2 TC NOR CAL Development DEIR Site Map with Mitigation*

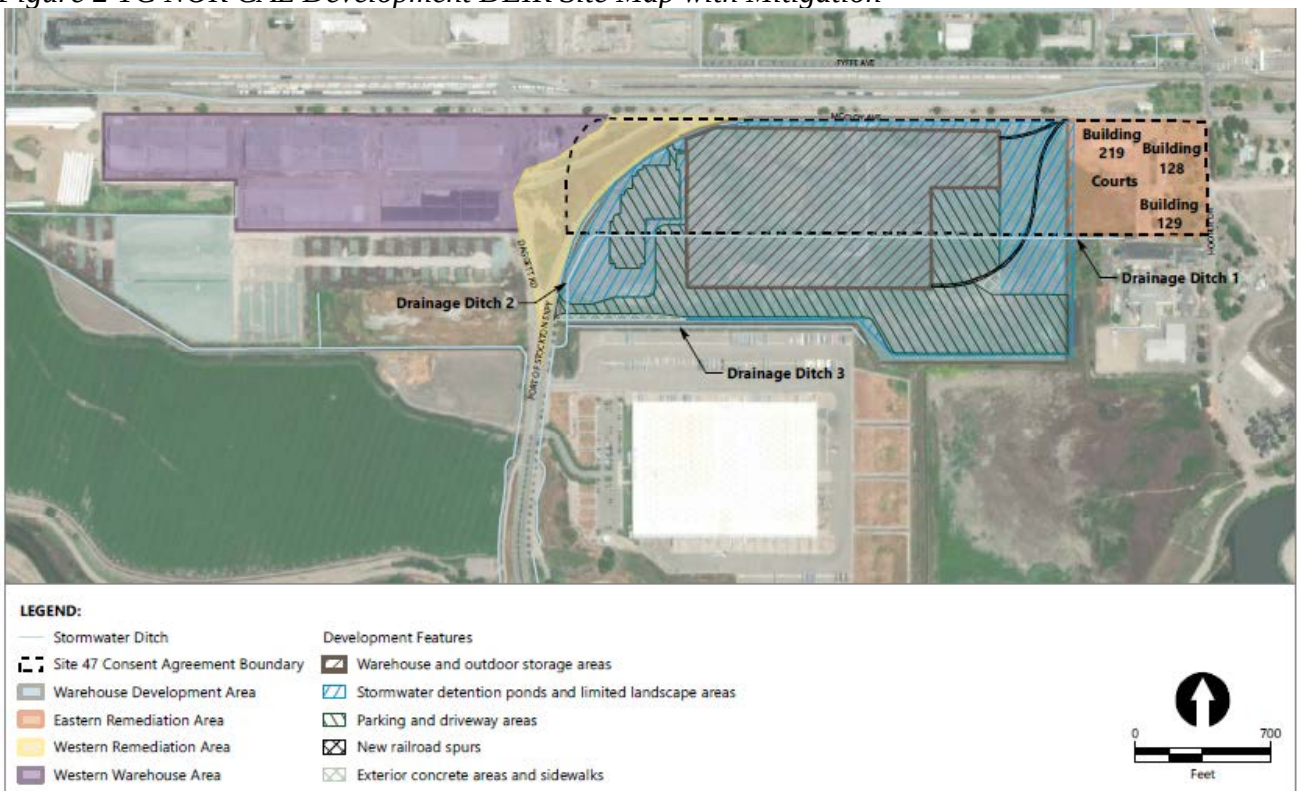


*Figure 3 Aerial View of Vicinity where the TC NO CAL Development Project is Planned*

South of the proposed project is the Ferguson Building warehouse parking lot at 530 Port of Stockton Expressway. The nearest residential receptors are located approximately 3,300 feet south and 3,500 feet north of the project site, off Rough and Ready Island. The site can be accessed from the east by means of Navy Drive which can be accessed by Washington Street or the Interstate Highway 5. The site can be accessed from the south by means of the Port of Stockton Expressway which intersects with Charter Way/Highway 4. There is no legal means by which truck traffic can be prohibited from using Washington Street which travels through the Boggs Tract neighborhood. Perhaps a check point is needed on the Washington Street entrance/exit to Port of Stockton property and a turn-around made available to redirect trucks that may have gotten lost.

**DEIR IDENTIFIED IMPACTS AND PROPOSED MITIGATION MEASURES**

The DEIR included the following statements regarding identified impacts and proposed mitigation measures:

> As required by CEQA, the Port must evaluate the information in this DEIR, including the proposed mitigation measures and potentially feasible alternatives, before deciding whether to approve the proposed project or an alternative. By following prescribed procedures, a public agency may approve a project even if an EIR concludes there are one or more unavoidable significant environmental effects.

The point we would like to make regarding these statements is that the surrounding community has been disproportionately impacted by pollution and poverty and will suffer the most if the Port of Stockton Commissioners approve the project without ensuring that all feasible mitigation measures be employed. We ask that the Port of Stockton Commissioners consider rejecting the project until there is a project proponent willing to fully mitigate impacts so that the community is not harmed. The DEIR concludes that the proposed project would result in significant and unavoidable project-level impacts in the following resource areas: air quality, GHG, and transportation. Furthermore, the DEIR concluded that implementation of the proposed project—cumulatively combined with other related past, present, or probable future projects—may result in significant and unavoidable cumulative adverse impacts related to air quality, GHG, and transportation. Innovative mitigation measures are necessary when approving projects located in communities disproportionately burdened with pollutants. Business as usual, following the minimum requirements of the California Environmental Quality Act, cannot continue if environmental justice is ever to occur.

**PROPOSED OPERATIONS**

The project would include wholesaling, distributing, and warehousing. The DEIR was developed under the assumption that the distribution facility would operate 365 days a year from 6:30 a.m. to 10:30 p.m., with truck operations occurring primarily Monday through Saturday with reduced operation hours on Saturday and Sunday. The materials housed and delivered to the facility by truck or rail would be nationally sourced and exported primarily from the site by truck to locations within the local Stockton region. Although export shipments by rail may also occur. The following is a description of truck and rail trips in the DEIR:

**Table 4**
**Proposed Project Cargo Throughput (Maximum)**

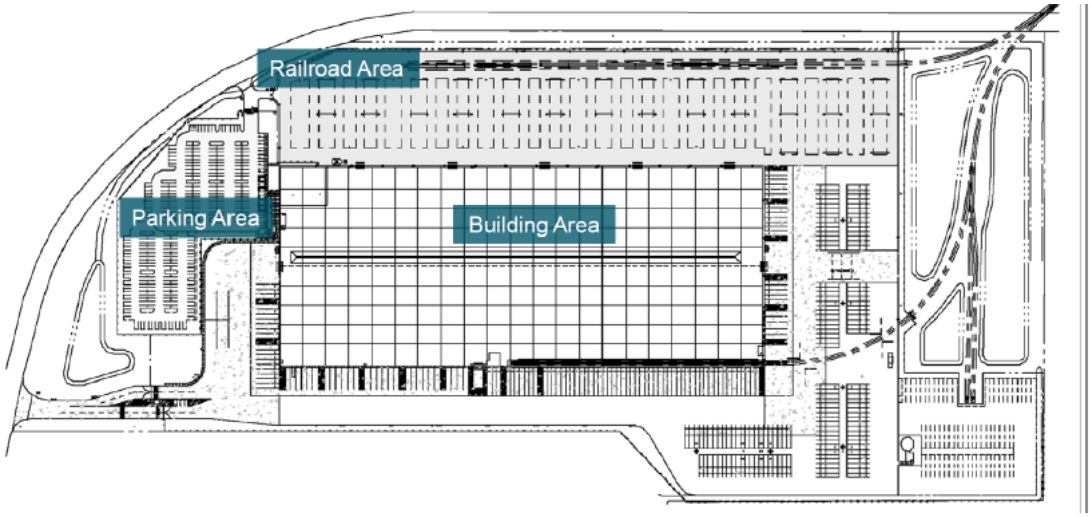
| Mode[1] | Maximum Annual Calls[2] |
|---|---|
| Inbound Truck Calls | 32,287 |
| Outbound Truck Calls | 63,211 |
| Total Truck Calls | 95,498 |
| Total Rail Calls[3] | 2,053 |

Notes:
1. Cargo would be delivered to the facility by truck and rail. All cargo would be distributed from the facility by truck.
2. Calls are expressed in round trips. Each truck and train call makes two trips: one trip in and one trip out.
3. Rail cargo would be shipped via manifest rail.

Operations at the proposed facility are anticipated to require 100 employees working over two daily shifts with a 30-minute overlap between shifts (6:30 a.m. to 2:30 p.m. and 2:00 p.m. to 10:30 p.m.). Parking would be accommodated on site through the proposed employee parking. The site design includes entry and exit points and other design measures to accommodate the anticipated volume of vehicular traffic, minimize queueing, and facilitate traffic flow within the boundary of the project site and adjoining roadways.

Additional information regarding how the site plan will achieve the logistical goals set forth in the DEIR is needed and should be included in a FEIR. The number of truck docks was not specified in words although the DEIR included the following site plan.

*Figure 4 DEIR Site Plan*



A single emergency generator would be installed and operated as needed. Up to 56 forklifts and two power saws would operate at the site daily (7 days a week).

These forklifts can be required to be electric and the emergency generator non-diesel to further minimize air quality impacts on the community residents of Stockton.

**AIR QUALITY AND TRANSPORTATION**

The air quality impacts which the DEIR has deemed significant and unavoidable are based primarily on transportation related impacts. We are concerned that these impacts may be under-reported based on the vehicular trip length proposed. No analysis was included for the possible use of rail for exporting goods from the project.

The DEIR states the following: "Winds are predominantly up valley (from the north) in all seasons, but more so in the summer and spring months. Winds in the fall and winter are generally lighter and more variable in direction, but generally blow toward the south and southeast." Data that conflicts with the description of prevailing winds has been obtained from two sources: Western Regional Climate Center[2] and the California Air Resources Board (CARB) air quality monitoring station located formerly at Public Health Services on Hazelton Avenue in Stockton CA. The data from Western Regional Climate Center includes prevailing wind direction based on the hourly data from 1992-2002 obtained from the Stockton Municipal Airport and is defined as the direction with the highest percent of frequency.

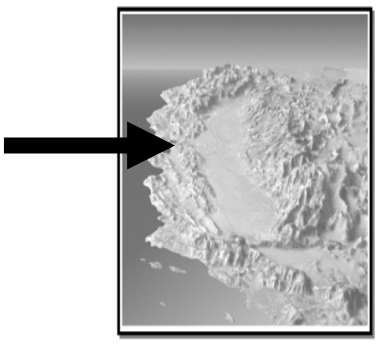
**Western Regional Climate Center Data 1992-2002**

| STATION | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | ANN |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| STK Airport | SE | SE | W | W | W | W | W | W | W | W | W | SE | W |

The San Joaquin Valley Air Pollution Control District (SJVAPCD) accessed the CARB hourly wind speed and wind direction data for the former Stockton-Hazelton air monitoring site during the period of 2017-2019. These summarized data shown below describe the predominant wind direction with significant west or northwesterly components. The marine wind direction into the Central Valley is shown with an arrow through the Sacramento-San Joaquin Delta to the Central Valley on the topographic map below.

**Hazelton Station 2017-2019**

| Direction | Percent of Time for 3-year period |
|---|---|
| WNW | 16.89% |
| WSW | 12.47% |
| NW | 12.28% |
| W | 12.02% |
| NNW | 7.93% |
| Summary | **61.58%** |



The California Environmental Quality Act requires environmental impacts of a proposed project be identified, assessed, and avoided or mitigated as feasible, if these impacts are significant. The Port of Stockton is within the SJVAPCD and the most current related attainment status is shown below.[3] The SJVAPCD's IS/NOP letter included many feasible mitigation measures which were

[2] https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg

[3] http://www.valleyair.org/aqinfo/attainment.htm

not included in the DEIR proposed mitigation measures. All those feasible mitigation measures should have been proposed in the DEIR.

**San Joaquin Valley Attainment Status**

| Pollutant | Federal Standards | State Standards |
|---|---|---|
| Ozone- One hour | No Federal Standard | Nonattainment/Severe |
| Ozone – Eight hour | Nonattainment/Extreme | Nonattainment |
| Particulate Matter 10 *u*g ($PM_{10}$) | Attainment | Nonattainment |
| Particulate Matter 2.5 *u*g ($PM_{2.5}$) | Nonattainment | Nonattainment |

The DEIR included the following table to describe impacts on Stockton community members related to air pollutants generated on the Port facility and off-site trucking and rail operations associated with business operations of Port of Stockton lessors.

**Table 6**
**National and California Ambient Air Quality Standards**

| Pollutant | Averaging Period | California Standards | National Standards | Health Effects |
|---|---|---|---|---|
| $O_3$ | 1-hour | 0.09 ppm | -- | Breathing difficulties, lung tissue damage |
| | 8-hour[b] | 0.070 ppm | 0.070 ppm | |
| $PM_{10}$ | 24-hour | 50 µg/m³ | 150 µg/m³ | Increased respiratory disease, lung damage, cancer, premature death |
| | Annual | 20 µg/m³ | -- | |
| $PM_{2.5}$ | 24-hour[c] | -- | 35 µg/m³ | Increased respiratory disease, lung damage, cancer, premature death |
| | Annual | 12 µg/m³ | 12 µg/m³ | |

Air quality monitoring data reported in the DEIR were from 2013-2015 without an apparent reason why more contemporary data were not included in the DEIR. Data from 2020 is readily available for constituents of concern at the same data site referenced in the DEIR: https://www.epa.gov/outdoor-air-quality-data/monitor-values-report . The FEIR should include contemporary air quality data from 2017-2020.

The impacts may be underestimated based on trip length assumptions used:

> **"Truck trips would be a mixture of local and regional travel deliveries. The average truck trip was assumed to be 22 miles per conversations with TC NO. CAL. Development."**

Evidence for this very low assumption is needed to verify that impacts associated with the below truck trips are valid; otherwise additionally analyses are required.

**Table 11**
**Fleet Travel Assumptions**

| Fleet Type | Average Trip Rate one-way trips/day | Average Trip Length miles/one-way trip | Annual Activity days/year | Annual Trips one-way trips/year | Annual VMT miles/year |
|---|---|---|---|---|---|
| Passenger | 200 | 16.8 | 313 | 62,600 | 1,051,680 |
| Delivery Trucks | 610 | 22 | 313 | 190,996 | 4,165,324 |
| Yard Hostler | 202 | 1.5 | 313 | 63,211 | 94,817 |

Furthermore, the DEIR and associated Appendix F Traffic Study failed to include consideration of the San Joaquin County Boggs Tract Sustainable Community Transportation Plan under development with goals to develop a community transportation plan that:

- Is safe, sustainable, and efficient
- Supports public health, environmental justice, environmental conditions (GHG) and quality of life
- Enhances livability within community through alternative transportation improvements
- Preserves the community's distinctive character
- Prioritizes identified transportation improvements for implementation
- Identifies sources of funding

The FEIR must include consideration of the Sustainable Community Transportation Plan under development.

**AIR QUALITY MITIGATION MEASURES**

Only five mitigation measure were identified as feasible and proposed in the DEIR to reduce construction and operational emissions.

*MM-AQ-1: Construction Idling Reductions. TC NO. CAL. Development and the Port will require construction contractors to minimize heavy-duty construction idling time to 2 minutes where feasible. Exceptions include vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or vehicles in a queue waiting for work.*

The Delta-Sierra Group is concerned that this mitigation does not have an associated enforcement plan and does not apply if there is queuing related to poor site design or excessive throughput which the site plan did not consider. Using the DEIR truck trips of 95,498 and 313 days (52 days of Sundays when truck traffic is not expected) and 16-hour day operations (6:30 AM to 10:30 PM): 95,498 trucks entering or leaving/313 days =305 truck trips per day which over 16 hours corresponds to 25 trucks per hour. The FEIR should include a description of the operational activities that will achieve this throughput within the 60 acres planned for this warehouse project.

All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, § 15041.) The measure MM-AQ-1 is feasible but not enforceable based on information presented in the DEIR or during an associated DEIR meeting held by the Port of Stockton on February 1, 2022, when verbal and written comments were collected.

The traffic study included in Appendix F of the DEIR included recommendations: "Turn pockets lengths should be designed to accommodate the 95$^{th}$ percentile queue length plus a deceleration distance. The speed limit adjacent to the project driveways is 35 miles per hour, thereby requiring a deceleration length between 235 and 315 feet." This recommendation and others in the Appendix F traffic study were not specifically included as feasible mitigation measures despite being critical to decrease queue lengths and associated emissions.

*MM-AQ-2: Use of Tier 4 Engines During Construction. All off-road diesel-powered heavy equipment exceeding 50 horsepower used to construct the proposed project will be equipped with Tier 4 engines, except for specialized equipment or when Tier 4 engines are not available. In place of Tier 4 engines, off-road diesel-powered heavy equipment will incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.*

Mitigation monitoring must be employed to verify that these cleaner engines and/or retrofits are being used during construction activities. Mitigation monitoring must be made available to the public.

*MM-AQ-3: Truck Idling Reductions. TC NO. CAL. Development will require trucks to minimize idling time to 2 minutes while on terminal.*

The Delta-Sierra Group is concerned that this is not enforceable, especially since the Port of Stockton potential lessor TC NOR. CAL. Development intends to sublease the warehousing facility to a commercial operator for distribution services. All mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies. (CEQA Guidelines, § 15041.) The measure MM-AQ-3 is feasible, but no enforcement plan was included in the DEIR.

*MM-AQ-4: Use of Clean Trucks. TC NO. CAL. Development will encourage its customers to use clean trucks (defined as model year 2017 or newer) to transport cargo. TC NO. CAL. Development will also educate customers about the SJVAPCD Truck Replacement Program via direct or electronic mailings. In addition, TC NO. CAL. Development will require all trucks be in compliance with ARB air quality regulations for on-road trucks, including ARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation. TC NO. CAL. Development will post a copy of the SJVAPCD Truck Replacement Program information currently available at http://valleyair.org/grants/truck-replacement.htm and applicable ARB regulations at the terminal.*

The Delta-Sierra Group is concerned that this mitigation measure will not result in decreased emissions without a commitment to incentive-based fees. An opportunity to reduce emissions is lost without some type of site incentive pricing for those operators that have invested in cleaner burning engines.

*MM-AQ-5: Use of Clean Yard Equipment. TC NO. CAL. Development will require terminal and yard equipment, including yard hostlers, yard equipment, forklifts, and pallet jacks to be the cleanest available equipment (for future purchases). Considerations for clean equipment will include a first preference for zero-emission equipment, a second preference for near-zero equipment, and then for the cleanest available equipment if neither zero nor near-zero equipment are available or feasible. TC NO. CAL. Development will ensure the proper infrastructure to support such equipment is available.*

Mitigation monitoring must be conducted and made available to the public to verify that these cleaner types of yard equipment are being used and a full description of infrastructure planned and committed to by TC NO. CAL Development must be included in the FEIR. Mitigation monitoring must be readily available for the public. The proposed mitigation measures do not include all feasible mitigation measures as outlined in the California Air Resources Board's IS/NOP comment letter[4] which was not included in the DEIR Appendix C. These feasible measures include construction contract and lease contract requirements which are more enforceable than the existing language put forth in the DEIR, which is the publicly available document, unlike the proposed lease with TC NOR. CAL. Development which is not available to the public until adopted by all parties and a public information request is made.

Onsite measures such as requiring electric on-site equipment (forklifts and yard trucks), requiring all heavy-duty vehicles entering or operated on the project site to be zero emission beginning in

[4] https://files.ceqanet.opr.ca.gov/272455-2/attachment/IKNsxX33kX63-VZtI4Ftt4iaMZD_omxiVEhGwoafF9lNNcudfkNNW7m5USJOmBbe5IQWYzSGcX42CXA00

2030, constructing electric truck charging stations and electric plugs to reduce diesel idling emissions, are reasonable mitigation measures and should have been proposed in the DEIR.

The DEIR states:

> Although not required by Stockton Municipal Code, the California Green Building Standards Code (2016) recommends that 6% of passenger vehicle parking spaces are equipped with electric vehicle charging infrastructure for developments of this size. To address this recommendation, the final site plan should identify which parking spaces could be easily upgraded to accommodate electric vehicle charging infrastructure.

All reports associated with compliance with the California Green Building Standards must be made readily available to the public and can serve as a model for the community.

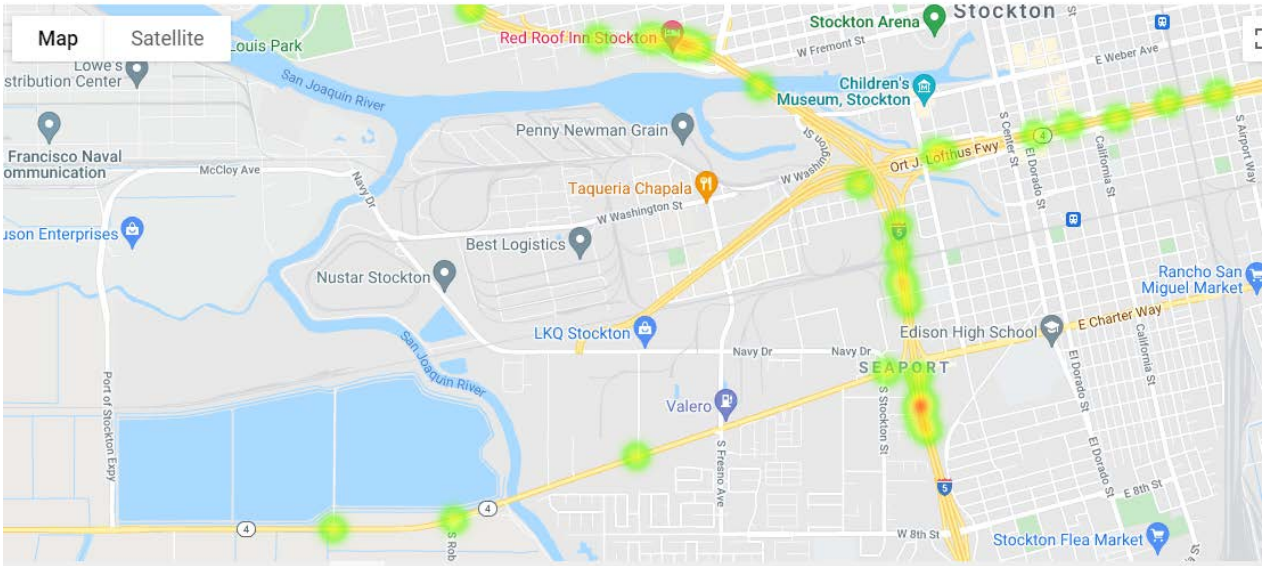
Vegetative barriers maintained by the project to reduce exposure of nearby residents to air pollutants associated with site operations and to provide shade reducing the heat island effect associated with paved surfaces should be required throughout the site, in addition to the planned 30 trees. Enhanced fugitive dust control to reduce road dust moving through the community should have been proposed. Without these onsite measures, the project will add to the residents of Stockton's already high pollutant burden.

Air quality impacts are not adequately characterized, relating to the low trip miles assumption, to disclose potential effects or to prevent or minimize significant, avoidable damage to the environment and health of Stockton residents.

## TRANSPORTATION

Increased truck traffic will not only result in decreased levels of service on roadways and increased wait times but will increase the likelihood of traffic accidents. The following is a heat map showing where truck involved accidents have occurred between 2018 and 2020 on Interstate 5 and Highway 4 (Charter Way) in the general area of the Port of Stockton[5].

*Figure 5 Transportation Injury Mapping System, UC Berkeley – Truck involved Accidents*




The DEIR stated that "SJCOG has formed a SB 743 Technical Working Group to address shifting from LOS to VMT in local agency and SJCOG CEQA analysis, and adapting related SJCOG

[5] https://tims.berkeley.edu/

programs such as the RTP, if necessary. No draft guidance is available at this time." According to the February 1, 2022, CEQA meeting video at 12:48 minutes, the City of Stockton has a new transportation model which was not found in the DEIR references. The FEIR should include specific reference to this model and public availability as well as the status of the SB743 Technical Working Group efforts.

Consideration should be given to provide lunch vendor services on-site or in a nearby area within safe walking distance to minimize the need for off-site vehicle trips during construction or operational phases. Discussions in several meetings have identified the restaurant located at the intersection of Washington Street and South Fresno Avenue as source of extra truck trips through the Boggs Tract neighborhood increasing neighborhood exposure to diesel pollutants. Also, consideration should be given to walking areas for truck drivers to safely stretch their legs during down time. Safe truck travel requires alert and healthy truck drivers.

**CULTURAL AND TRIBAL RESOURCES**

The DEIR documents the Tribal entities contacted to request consultation on CEQA documentation for projects at the Port: Confederated Villages of Lisjan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, the Northern Valley Yokuts Tribe, the Tule River Indian Tribe, and the Wilton Rancheria Tribe. The Port received responses from the following three Tribes requesting consultation on the proposed project: the Buena Vista Rancheria of Me-Wuk Indians of California, the Wilton Rancheria Tribe, and the Northern Valley Yokuts Tribe. The DEIR stated that consultation is ongoing, but no evidence is provided in the DEIR other than this statement, "Recent consultation by the Port with Native American Tribes has indicated increased concern with areas of Rough and Ready Island that are adjacent to the San Joaquin River, where natural levees could have existed, and cultural practices are known to have occurred." Documentation of dates and times of consultation should be included in the FEIR.

*MM-CHR-1: Stop Work in the Area If Prehistoric or Historical Archaeological Resources Are Encountered. A qualified archaeologist will provide training materials to the construction contractor in identification of cultural resources, and in the event that any artifact, or an unusual amount of bone, shell, or non-native stone, is encountered during construction, work would be immediately stopped and relocated to another area. The contractor would stop construction within 10 meters (30 feet) of the exposure of these finds until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and 14 CCR 15064.5[f]). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology, such as obsidian or fused shale; a historic trash pit containing bottles and/or ceramics; or structural remains. Native American Tribes and the Office of Historic Preservation would be notified of the find. If the resources are found to be significant, they would be avoided or if avoidance is not possible, mitigated. Mitigation would be developed in coordination with Native American Tribes and could include development of a treatment plan to guide data recovery and interpretation of results for the public. This interpretation could include adding information on the resources to the Port's website, which will include a history portal site, developing informational brochures or signage on site or in the Port administrative building, and/or providing material to the Tribes.*

Tribal representatives should be invited to review and comment on the training materials that are to be made available to construction contractors prior to commencement of work. The construction

contractor must then inform and train construction workers that are involved with land disturbance activities. If any tribal artifact or remains are identified, a paid Tribal representative should be present during the unearthing. In addition to the Office of Historic Preservation, the California

Native American Heritage Commission should be contacted as the primary government agency responsible for identifying and cataloging Native American cultural resources. The project is located on unceded Northern Valley Yokuts lands.

**GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY MITIGATION MEASURE**

The following table from the DEIR summarize the energy and water needs associated with operation of the proposed project.

**Table 5**
**Operational Utility Demand**

| Utility | Operations | |
|---|---|---|
| | Annual | Peak Daily |
| Gas | 13,868 therms | 42 therms |
| Electricity | 3,316,962 kWh | 9,500 kWh |
| Water (potable) | 3,975 kgal | 12 kgal |

Construction would result in the removal of several mature trees in the Warehouse Development Area. As part of the project, TC NO. CAL. Development would plant at least 30 trees, including Patmore ash, Chinese pistache, coast redwood, and multi-trunk chaste tree, on the Warehouse Development Area. Planted trees would be visible from adjacent roads and benefit views in the immediate vicinity of the project site. The selection of trees should be based on benefits to air quality with an emphasis on using native plant species.

The DEIR stated that the distribution facility will meet all required measures of California Green Building Standards Code, which requires sustainable building practices as part of all new buildings in California. Mandatory requirements involve water and energy efficiencies, indoor air quality, and the use of sustainable building materials. The proposed design will also include energy-efficient lighting fixtures.

There were no mitigation measures proposed to reduce energy usage during operation other than energy-efficient lighting fixtures, such as the use of energy efficient equipment that are in use in a typical warehousing/commercial/industrial operations, installation of solar photovoltaic systems to equal the project's energy needs, using electric on-site warehousing equipment such as forklifts and yard trucks, and constructing electric truck charging and plug in stations suitable for heavy duty trucks to reduce idling exhaust emissions at docks. According to the DEIR, trucks with refrigeration were not considered and should not be allowed.

The following mitigation measure was included in the DEIR relating to greenhouse gas production:

*MM-GHG-1: Energy Audit (See also GHG-1 in Section 3.7.3.4, "Impact Analysis"): Within 9 months of the effective date of the new lease, TC NO. CAL. Development will conduct an energy audit and develop a plan for reducing overall terminal energy from 2021 levels by within 5 years of the effective date of the lease. The plan must be submitted to the Port for review and approval. The plan will incorporate the following measures at a minimum:*

*– Evaluate the level of solar panels that are required to meet the facility's electrical needs, both on buildings and for high mast lighting. Based on the evaluation, TC NO. CAL. Development will install solar unless a technical feasibility issue is identified.*

All this mitigation measure ensures is that an energy audit be prepared. The Delta-Sierra Group is unsure of the goals for the plan to be developed to reduce energy or what "technical feasibility issue" could be identified. The time for energy efficiency projects is at the time of construction rather than when the operation is in full swing and interfering with operations is deemed a hardship creating an "infeasible" finding. Additionally, the language of this mitigation is more open-ended than the mitigation measure related to tree removal and replacement: "TC NO. CAL. Development is required to prepare a planting plan that must be reviewed and approved by the Port prior to planting."

*MM-GHG-2: Waste Reduction (see GHG-1 for more information).*

*MM-GHG-3: Construction Recycling. TC NO. CAL. Development will require construction contractors to recycle construction and demolition debris where feasible.*

Please clarify how this construction recycling is different from non-residential required measures of California Green Building Standards Code. The 2019 California Green Building Standards Code, Title 24, Part 11, Section 5.408[6] includes the following requirements for construction waste reduction, disposal and recycling: "Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste." Section 5.408.1.1 outlines the information for a construction waste management plan if a local jurisdiction does not have a construction and demolition waste management ordinance that is more stringent. Please make available to the public all reports submitted for compliance with the California Green Building Standard Code in effect at the time of construction.

**SUMMARY**

The Port of Stockton's choice to approve projects with an intense trucking component and to make a Statement of Overriding Consideration means that the Port of Stockton is knowingly adding new emission sources which will increase the exposure of our residents to pollution without adequate mitigation.

Mitigation is needed to reduce the impact of the project and should be paid for by the developer not the residents of Stockton. Innovative mitigation measures such as decreasing emissions of local truck owners with the purchasing of newer trucks for residents parking their trucks in residential area around the Port, installing HVAC units that can filter out emissions that enter homes, and increasing vegetation throughout adjacent neighborhoods and train tracks to decrease exposures, and enhancing workplace opportunities for locals are all feasible mitigation measures.

Setting aside undeveloped areas of the Port of Stockton to mitigate for the loss of open space habitat due to site development, will improve our community's climate resiliency. These open spaces can be developed into wetland buffers that help reduce the impacts of increased sea levels on Stockton residents, related to global climate change. The TC NO. CAL Development proposed project is located on Rough and Ready Island within 5.5 miles of non-project levee managed by Reclamation District 403. Reclamation District 403 includes1,451 acres with 102 of those acres encompassing the TC NO. CAL Development proposed project site. The levee around

[6] https://codes.iccsafe.org/content/CAGBSC2019/chapter-5-nonresidential-mandatory-measures

Reclamation District 403 is a non-project levee and is accredited by FEMA as providing protection against a 100-yr flood event, according to the Reclamation District 403 Emergency Operations Plan[7]. According to the Emergency Operations Plan, Reclamation District 403 is to maintain 100-yr certification, but not to seek 200-year flood protection certification.

Reclamation District 403 has experienced minor seepage along Burns Cutoff. A local response to seepage repairs included the following measures: cut-off walls, seepage berms, crown widening, flattening slopes and installing chimney drains, including a levee setback with plantings for habitat mitigation and enhancement[8]. Protection of the residents of Stockton from the effects of sea level rise begins on the west side of the community, with Rough and Ready Island as a first defense. Increasing natural sustainable wetlands will increase our climate resiliency and provide a community benefit.

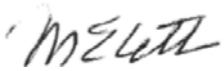
Reclamation District 403 does not have any residents nor are any planned, in accordance with the Navy land transfer agreement. All workers should be briefed at least annually about any emergency evacuation and response activities that can occur on Port of Stockton property. Nearby neighbors along evacuation routes should also receive emergency preparedness material and training opportunities, as a community benefit.

These residential, habitat and emergency preparedness mitigations are examples of innovative community-based mitigation measures that can be part of a community benefits agreement established between private developers such as Trammel Crow Northern California Development and the community. Several agencies have developed guidance information for implementing community benefit agreements including the United States Department of Energy[9], Partnership for Working Families[10], and the California High Speed Rail Authority[11].

The residents of Stockton invested in the Port of Stockton from the beginning and now it is the Port of Stockton's turn to invest in the Community.

If you have any questions, you may contact me by email at mebeth@outlook.com.

Sincerely,



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California Naturalist

[7] http://www.sjmap.org/oesfcm/eops/RD%20403%20Rough%20and%20Ready%20Island%20EOP.pdf
[8] https://ceqanet.opr.ca.gov/2010042073/3
[9] https://www.energy.gov/diversity/community-benefit-agreement-cba-toolkit
[10] https://www.forworkingfamilies.org/page/community-benefits-101
[11] https://hsr.ca.gov/wp-content/uploads/docs/communication/info_center/factsheets/CBA_Factsheet.pdf