Appendix A: Notice of Preparation/Comments

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City of Suisun City Notice of Preparation and Notice of Public Scoping Meeting Suisun Logistics Center Project

Date:	January 6, 2021
То:	Public Agencies and Private Parties
From:	John Kearns, Senior Planner, City of Suisun City
Subject:	Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting

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

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

Because of time limits mandated by State law, public agencies must submit any comments in response to this notice at the earliest possible date but not later than 30 days after receipt of this notice. The City of Suisun City also will accept comments from other interested parties regarding this notice during this time period. Accordingly, please provide your written response to the address shown below by **Thursday, February 4, 2021.** If you wish to be placed on the notification list for this project, or if you have any questions or need additional information, please contact the person below.

John Kearns, Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, CA 94585 Phone: (707) 421-7337 Email: jkearns@suisun.com

Public Scoping Meeting

A virtual public scoping meeting will be held at **3 p.m. Tuesday, January 26, 2021.** Refer to 'Scoping Meeting' portion of this NOP for details. At this meeting, public agencies, organizations, and members of the public will be able to review the proposed project and provide comments on the scope of the environmental review process.

SUISUN LOGISTICS CENTER PROJECT

Project Location

The 167.43-acre project site is located in unincorporated Solano County, California, within the existing Suisun City Sphere of Influence; refer to Exhibit 1. The semi-triangular project site is bounded by an under-construction service station and Walters Road (west), Petersen Road (north), grazing land and Travis Air Force Base (east), and State Route 12 (SR-12) (south); refer to Exhibit 2. The project site is located on the Denverton, California United States Geological Survey 7.5-minute topographic quadrangle, Township 5 North, Range 1 West, Section 33 (Latitude 38° 14' 22" North; Longitude 121° 58' 48" West).

Existing Conditions

1.1.1 - Land Use Activities

The project site is used for cattle grazing and contains grassy vegetation. The project site gently slopes from north to south and the elevation ranges from 18 feet in the northern portion to 10 feet above mean sea level in the southern portion.

Two man-made drainage channels cross the site in a north-south direction. The southern portion of the project site overlaps with a 100-year flood plain. A 16-inch-diameter Pacific Gas and Electric Company (PG&E) underground natural gas transmission pipeline crosses through the project site in an east-west direction within a 15-foot-wide easement. A 100-foot power line easement crosses the project site in an east-west direction. A barbed wire fence surrounds the project site.

1.1.2 - Land Use Designations

The project site is currently designated "Agricultural" by the Solano County General Plan and zoned "Exclusive Agricultural 160 acres (A-160)" by the Solano County Zoning Ordinance.

The project site is currently designated "Special Planning Area" by the City of Suisun City General Plan, which is a non-binding designation. The project site is within the Suisun City Sphere of Influence.

The project site is within the boundaries of the Travis Air Force Base Airport Land Use Compatibility Plan.

Project Description

1.1.3 - Proposed Project

Summary

The applicant, Buzz Oates Construction, Inc., is proposing to annex the project site into the City of Suisun City and develop 2.1 million square feet of warehouse uses on approximately 120 acres. The remaining 47 acres would be permanently preserved as open space.

FirstCarbon Solutions

Https://adecinnovations.sharepoint.com/sites/PublicationsSite/Shared Documents/Publications/Client (PN-JN)/3004/30040007/NOP/wp/30040007 Suisun Logistics Center NOP.docx

Six buildings ranging from 145,397 to 644,782 square feet would be developed onsite in one phase. Each building would provide docks, grade level roll up doors, and trailer parking stalls. The facility would be enclosed with a secure perimeter and access would be restricted to authorized users. The proposed project would employ an estimated 2,843 workers at buildout. Table 1 summarizes the proposed project. Exhibit 3 depicts the preliminary site plan.

Building	Square Feet	End Use / Characteristics	
А	199,784	High Cube Warehouse / 36 feet clear height	
В	199,784	High Cube Warehouse / 36 feet clear height	
С	145,397	High Cube Warehouse / 36 feet clear height	
D	224,138	High Cube Warehouse / 36 feet clear height	
E	644,782	High Cube Warehouse / 42 feet clear height	
F	644,782	High Cube Warehouse / 42 feet clear height	
Total	2,058,667	-	
Source: RMW Architecture Interiors, 2020.			

Table 1: Suisun Logistics Center Project Summary

Roadway Improvements

The project frontages with SR-12, Walters Road, and Petersen Road would be improved. Half width improvements would be installed along the project frontages with Walters Road and Petersen Road. The fourth (east) leg of the existing signalized Walters Road/Walmart Driveway intersection would be improved to provide access to the proposed project.

Petersen Road has an existing stacking lane for vehicles queued at the Travis Air Force Base Southgate. In addition, Petersen Road also has a Class I bike/pedestrian facility that is part of the Central County Bikeway. These existing facilities would be maintained as part of the improvements to Petersen Road.

Vehicular Access

Vehicular access would be taken from one point on Walters Road and three points on Petersen Road. A reciprocal access point may be provided with the under-construction service station at the corner of SR-12 / Walters Road.

Open Space Preservation

The applicant would permanently preserve approximately 47 acres of the project site as open space. This area coincides with the southern portion of the project site where a 100-year flood hazard area is mapped.

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Storm Drainage

The proposed project would provide 323,280 square feet (7.6 acres) of stormwater retention facilities including bioswales and basins.

Utilities

Water

The proposed project would be served with potable water provided by the Suisun-Solano Water Authority. Service laterals would be extended to project buildings from existing facilities in Petersen Road. The City of Suisun City and Solano Irrigation District contemplate a negotiated agreement in which the City would exchange an unperfected State Water Project entitlement for additional water to serve the project.

Wastewater

The proposed project would be served with wastewater collection and treatment service provided by Fairfield-Suisun Sewer District. Service laterals would be extended to project buildings from existing facilities in Petersen Road.

Electricity and Natural Gas

Electricity and natural gas service would be provided by PG&E. Service laterals would be extended to project buildings from existing facilities in Petersen Road. The existing PG&E natural gas transmission pipeline that crosses the project site would remain in place and protected in accordance with federal and state safety standards during construction activities.

Required Discretionary Approvals

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

- General Plan Amendment
- Prezone
- Planned Unit Development
- Tentative Parcel Map
- Use Permit
- Site Plan / Architectual Review

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

- Solano Local Agency Formation Commission Annexation
- Solano County Airport Land Use Commission Land Use Compatibility Review
- Solano Irrigation District Negotiated Agreement for Water
- United States Army Corps of Engineers Section 404 Permit
- California Department of Fish and Wildlife Section 1602 Lake and Streambed Alteration Agreement
- San Francisco Bay Regional Water Quality Control Board Section 401 Water Quality Certification

Environmental Review

1.1.4 - Potential Environmental Effects

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

- Aesthetics, Light, and Glare
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions/Energy
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use
- Noise
- Public Services
- Transportation
- Utilities and Service Systems

1.1.5 - Effects Found not to be Significant

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

Agriculture and Forest Resources

The project site supports grazing land use activities. The California Department of Conservation maps the project site as 'grazing land,' which does not fall under the Important Farmland umbrella. The project site is not encumbered by an active Williamson Act contract. The project site would be prezoned for light industrial use as part of the annexation process, which would eliminate any conflicts with the existing agricultural zoning. The project site does not contain any stands of commercially harvestable trees and, thus, would not convert forestland to non-forest use. No impacts would occur.

Mineral Resources

The project site contains grazing land. No mineral extraction occurs onsite, including natural gas production associated with the Rio Vista natural gas field. This precludes the possibility of conflicts in this regard. No impacts would occur.

Population and Housing

The proposed project would develop 2.1 million square feet of light industrial uses on a site currently used as grazing land. No direct residential growth would occur and no existing dwelling units would be removed. The proposed project would employ an estimated 910 workers during construction and 2,843 workers when fully operational at buildout. The California Employment Development Department estimated Solano County's labor force at 203,600 in November 2020. As such, the local labor force is sufficiently large enough to allow the project's employment opportunities to be filled locally such that unplanned growth would not occur. Lastly, the project would be served by existing utilities and infrastructure available in Petersen Road and Walters Road and, thus, would not remove a barrier to growth. No impacts would occur.

Recreation

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

Wildfire

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

Scoping Meeting

A virtual public scoping meeting will be held at 3 p.m. Tuesday, January 26, 2021:

The webinar can be accessed at the following link:

https://us02web.zoom.us/j/84335420304?pwd=dUtsM29JNWY3MHZqQXdldjV1TzMxQT09

Passcode: 335524

Or iPhone one-tap:

US: +16699006833, 84335420304# or +12532158782, 84335420304#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 843 3542 0304 International numbers available: https://us02web.zoom.us/u/kcVu8LDqKF

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



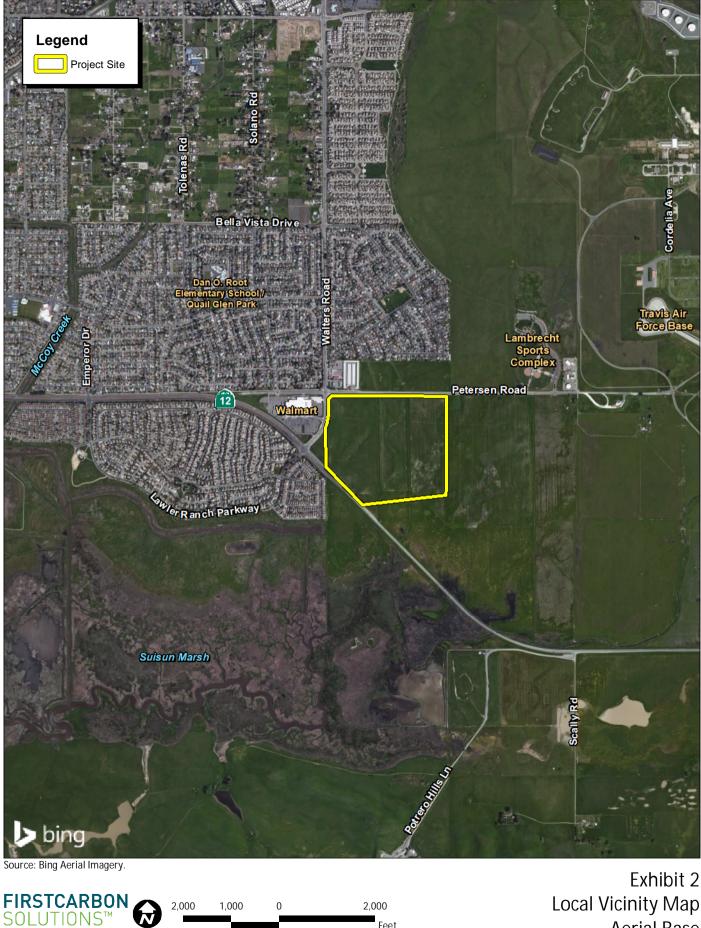
Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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Exhibit 1 Regional Location Map CITY OF SUISUN CITY

SUISUN LOGISTICS CENTER PROJECT NOTICE OF PREPARATION



2,000

Feet

Local Vicinity Map Aerial Base

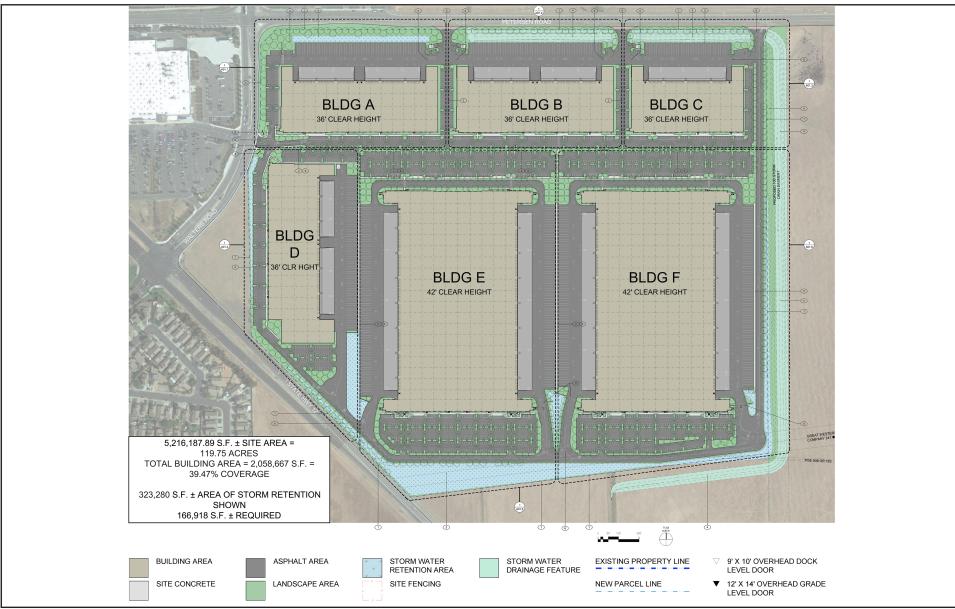
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CITY OF SUISUN CITY SUISUN LOGISTICS CENTER PROJECT NOTICE OF PREPARATION



Source: RMW Architecture Interiors, 11/18/2020.

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Exhibit 3 Preliminary Site Plan

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CITY OF SUISUN CITY SUISUN LOGISTICS CENTER PROJECT NOTICE OF PREPARATION DEPARTMENT OF TRANSPORTATION DISTRICT 4 OFFICE OF TRANSIT AND COMMUNITY PLANNING P.O. BOX 23660, MS-10D OAKLAND, CA 94623-0660 PHONE (510) 286-5528 TTY 711 www.dot.ca.gov



February 4, 2021

SCH #: 2021010044 GTS #: 04-SOL-2021-00190 GTS ID: 21679 Co/Rt/Pm: SM/12/7.613

John Kearns, Senior Planner City of Suisun 701Civic Center Boulevard Suisun City, CA 94585

Re: Suisun Logistics Center + Notice of Preparation (NOP)

Dear John Kearns:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the January 2021 NOP.

Project Understanding

The project proposes to annex the site into the City of Suisun City and develop 2.1 million square feet of warehouse uses on approximately 120 acres. The remaining 47 acres would be permanently preserved as open space. The project site is adjacent to State Route (SR)-12.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Studies, study Guide.

If the project meets the screening criteria established in the City's adopted vehicle miles traveled (VMT) policy to be presumed to have a less-than-

John Kearns, Senior Planner February 4, 2021 Page 2

significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events to be held at the location and how the associated travel demand and VMT will be mitigated.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the proposed project site is identified as a Suburban/ Rural Community where community design is variable and regional accessibility is low.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers John Kearns, Senior Planner February 4, 2021 Page 3

Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Real-time transit information system;
- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities);
- VMT Banking and/or Exchange program;
- Pedestrian and multi-modal network improvements;
- Bus rapid transit;
- Discounted transit programs;
- Increase transit service frequency (rural);
- Provide local shuttles to increase transit outreach (rural);
- Employer-based vanpool;
- Telecommuting programs and alternative work schedules

Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Lead Agency

As the Lead Agency, the City of Menlo Park is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

John Kearns, Senior Planner February 4, 2021 Page 4

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at laurel.sears@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,

Mark Long

MARK LEONG District Branch Chief Local Development - Intergovernmental Review

c: State Clearinghouse



Gavin Newsom, Governor Jared Blumenfeld, CalEPA Secretary Liane M. Randolph, Chair

January 28, 2021

John Kearns Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, California 94585 Submitted via email: jkearns@suisun.com

Dear John Kearns:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the Suisun Logistics Center Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2021010044. The Project consists of the construction of six warehouse buildings totaling 2,058,667 square feet on approximately 120 acres of land. The proposed Project is located within Suisun City (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

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

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

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located approximately 180 feet west of the Project's western boundary. In addition to residences, four schools (Dan O. Root II Health and Wellness Academy, Suisun Elementary School, Crescent Elementary School, and Anna Kyle Elementary School), and three daycares (Little arrows WeeCare, Sonsan's Family Daycare, and Family Values Daycare and Learning Place) are located within two miles of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing vehicular traffic along State Route 12 (SR 12) and aircraft operations at the Travis Air Force Base. Due to the Project's proximity to residences, schools, and daycares, which are already disproportionately burdened by multiple sources of air

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

pollution, CARB is concerned about the potential cumulative health impacts associated with the construction and operation of the Project.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionally impacted by air pollution from traffic on SR 12 and aircraft operations at the Travis Air Force Base.

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

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

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

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

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk

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

Assessments).³ The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

III. Conclusion

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

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

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

Sincerely,

1 1-

Heather Arias, Chief Transportation and Toxics Division

Attachment

cc: See next page.

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

cc: State Clearinghouse state.clearinghouse@opr.ca.gov

> Carlo De La Cruz Senior Campaign Representative Sierra Club carlo.delacruz@sierraclub.org

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Continued next page.

cc: (continued)

Morgan Capilla NEPA Reviewer U.S. Environmental Protection Agency Air Division, Region 9 capilla.morgan@epa.gov

Stanley Armstrong Air Pollution Specialist Exposure Reduction Section Transportation and Toxics Division stanley.armstrong@arb.ca.gov

ATTACHMENT A

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

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

Recommended Construction Measures

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

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

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

Recommended Operation Measures

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

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

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

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

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

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

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

Carpenters and Joiners of America

CARPENTERS LOCAL NO. 180 404 NEBRASKA STREET, VALLEJO, CALIFORNIA 94590 (707) 644-1040

By Email and U.S. Mail

February 3, 2021

Mr. John Kearns Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, CA 94585 Email: jkearns@suisun.com

Re: Suisun Logistics Center

Dear Mr. Kearns:

The members and officers of Carpenters Local Union 180 ("Local 180") appreciate the opportunity to offer comment regarding the scope of environmental review for the Suisun Logistics Center project ("the Project"). The United Brotherhood of Carpenters and Joiners of America is proud to count about 2,200 Solano County residents among its membership ranks, including hundreds of members who live and/or work in the vicinity of the Project. Due to our union's deep and enduring connection to the communities of Solano County, Local 180 and its members take great interest in the City's analysis of both the construction and operational phases of the Project.

We request that we be put on the list of interested parties who receive notices regarding the issuance of environmental review documents or project-related public hearings.

The Project presents tremendous economic opportunities if properly implemented, but also presents the potential for significant avoidable environmental impacts. Local 180 intends to participate in the CEQA process to ensure that the City complies with CEQA's mandate to minimize the Project's avoidable environmental impacts while maximizing its benefits for the community and skilled trades workers. In particular, we request that the City analyze all impacts required by CEQA, including, but not limited to the following:

- Environmental impacts of construction
- Impacts resulting from construction related employment
- Impacts resulting from building operation
- Impacts resulting from the urban growth

1. Construction Impacts

Workers, including members of Local 180, and nearby residents will be exposed to these impacts for the entire construction phase of the project. The EIR should analyze measures to minimize construction impacts, including the impacts of construction worker commutes. In particular, the EIR should analyze the impacts of whether or not the Project applicant and implements local employment preferences for construction workers (in particular the use of local hiring halls) that will greatly reduce vehicle emissions from worker commutes to and from the Project site.

2. Economic Impacts of the Project's Construction Employment.

Since the Project will undoubtedly have significant, unmitigated environmental impacts, a statement of overriding considerations will be required (14 Cal.Code Regs. §15093(b)). The agency must make "a fully informed and publicly disclosed" decision that "specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project." (14 Cal.Code Regs. §15043(b)) Key among the findings that the lead agency must make is that:

"Specific economic, legal, social, technological, or other considerations, including the provision of **employment opportunities for highly trained workers**, make infeasible the mitigation measures or alternatives identified in the environmental impact report... [and that those] benefits of the project outweigh the significant effects on the environment."

- Pub. Res. Code §21081(a)(3), (b)), emphasis added

The EIR must analyze the likelihood that the Project will provide "employment opportunities for highly trained workers." The Notice of Preparation (NOP) notes that Solano County's labor force is "sufficiently large enough to allow the project's employment opportunities to be filled locally..." The NOP fails to note that many projects in Suisun City and surrounding communities have been constructed with lower-wage, out-of-area workers, while failing to offer meaningful training opportunities for the region's future construction workforce. Further, the NOP fails to note that a significant portion of the County's construction workforce commutes to San Francisco and other Bay Area communities. The EIR and/or any Statement of Overriding Considerations must analyze the employment impacts, and compare the economic impacts of the Project with and without a local hiring preference, commitment to utilization of local apprentices, or other mechanism to increase the likelihood of local employment and training for skilled craft workers. Also, the EIR and/or any Statement of Overriding Considerations must set for the underlying hourly-wage assumptions. In particular, does the analysis assume that workers will be paid prevailing wages, and if so, on what facts is that assumption based?

Finally, if the applicant does not impose local-hiring preferences on its contractors, what will be the impact on the jobs-housing balance for the area? In particular, will there be impacts on overcrowding and blight conditions and on public services from an increase of low-wage workers in lower-cost residential neighborhoods in Suisun City, Solano County, and throughout the region?



3. Impacts of Building Operation

Buildings are recognized significant users of energy and other resources, both in their construction as well as their operation. New construction will result in an increase of ongoing environmental impacts and resource depletion. Thus the EIR should evaluate the environmental impacts of building operations and consider the adoption of a LEED gold or platinum standard, or another similar standard that achieves the performance objectives of these standards but does not have their same documentation requirements, for all construction in the project area.

4. Cumulative Growth Impacts on Workforce, Population and Housing

Cumulative impacts are defined in State CEQA Guidelines Section 15355. A cumulative impact occurs from "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (State CEQA Guidelines Section 15355[b]).

The individual Project will be associated with the addition of over 2,800 permanent jobs. This represents 5% of total projected 2015-2050 job growth for the North Solano County "super district" in the Final Blueprint for Plan Bay Area 2050. The Notice of Preparation's claim that "the local labor force is sufficiently large enough to allow the project's employment opportunities to be filled locally such that unplanned growth would not occur" is made without any evaluation of potential <u>cumulative</u> demand on workforce and population impacts <u>in</u> <u>conjunction with other projects</u> in North Solano County.

In particular, the NOP does not mention that the Project applicant has another major project pending that will require environmental review (the "Highway 12 Logistics Center" project). The Project EIR should study and analyze potential cumulative impacts on Population and Housing of the Suisun Logistics Center's *incremental* impact when added to all other closely related projects such as the Highway 12 Logistics Center project.

The EIR should address:

- How much will the Project individually and when considered together with incrementally increase demand for area workers and housing? If it will increase demand for housing, at what levels of affordability?
- How will increased jobs and demand for housing interact with local, regional, and State plans, including but not limited to the City's current and future Housing Element, Plan Bay Area 2050, and the Solano Transportation Authority's Congestion Management Plan.

Conclusion

The Project potentially will have impacts on Suisun City. We hope that the City uses the CEQA process to minimize the Project's environmental impacts while maximizing the economic and

other benefits that the Project presents to the City, area workers, and the region. We look forward to reviewing the Draft Environmental Impact Report.

Sincerely,

Fidel Chavez Senior Field Representative Carpenters Local 180



State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Bay Delta Region 2825 Cordelia Road, Suite 100 Fairfield, CA 94534 (707) 428-2002 www.wildlife.ca.gov GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director



January 29, 2021

Mr. John Kearns City of Suisun 701 Civic Center Boulevard Suisun City, CA 94585 jkearns@suisun.com

Subject: Suisun Logistics Center Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021010044, City of Suisun, Solano County

Dear Mr. Kearns:

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

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

PROJECT DESCRIPTION AND LOCATION

The Project is the development of an agricultural lot into six warehouse facilities covering approximately 2.1 million square feet. The City of Suisun (City) is the Lead Agency and Buzz Oates Construction, Inc., is the Project proponent. The Project is located in unincorporated Solano County immediately southeast of the City's border. The area is considered within the City's sphere of influence and will be annexed into the City as part of the Project. The Project is bounded by Walters Road to the west, Petersen Road to the north, State Route 12 to the south, and Travis Air Force Base with grazing land to the east. The Project area is approximately 167 acres, of which 120 acres will be developed and 47 acres will be permanently preserved as open space.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 and 15378). Please

Conserving California's Wildlife Since 1870

Mr. John Kearns City of Suisun January 29, 2021 Page 2 of 8

include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.
- Include the above information for any Project activities proposed on the 47 acres to be designated as open space.
- Clarify if the open space designation would change the types of future activities allowed on the land compared to its existing designation.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take¹ of plants or animals listed under CESA, either during construction or over the life of the Project. The Project is within potential upland habitat of the California tiger salamander (*Ambystoma californiense*), a CESA and federal Endangered Species Act (ESA) listed as threatened species. The Project's ground disturbing activities have the potential for take of California tiger salamander. In addition, tricolored blackbird (*Agelaius tricolor*), a CESA listed as threatened species, may nest on or near the Project site. The Project's noise-generating or vegetation-disturbing activities could result in take of nesting tricolored blackbirds. If the Project will impact CESA listed species, including but not limited to California tiger salamander and tricolored blackbird, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

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

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

Lake and Streambed Alteration

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

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

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL SETTING

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

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

- California tiger salamander, CESA and ESA listed as threatened
- Tricolored blackbird, CESA listed as threatened
- Swainson's hawk (Buteo swainsoni), CESA listed as threatened
- Burrowing owl (Athene cunicularia), California Species of Special Concern (SSC)
- Northern harrier (Circus hudsonius), SSC
- Saltmarsh common yellowthroat (Geothlypis trichas sinuosa), SSC
- Short-eared owl (Asio flammeus), SSC
- Suisun song sparrow (Melospiza melodia maxillaris), SSC
- White-tailed kite (Elanus leucurus), Fully Protected Species
- Suisun shrew (Sorex ornatus sinuosus), SSC
- Western pond turtle (Emys marmorata), SSC
- Conservancy fairy shrimp (*Branchinecta conservatio*), ESA listed as endangered, California Terrestrial and Vernal Pool Invertebrate of Conservation Priority (ICP)²
- Vernal pool tadpole shrimp (Lepidurus packardi), ESA listed as endangered, ICP
- Delta green ground beetle (Elaphrus viridis), ESA listed as threatened, ICP
- Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), ESA listed as threatened, ICP
- Vernal pool fairy shrimp (Branchinecta lynchi), ESA listed as threatened, ICP
- Monarch (Danaus plexippus pop.1), ICP
- Hairy water flea (Dumontia oregonensis), ICP

² The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process: <u>https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline</u>

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- Western bumble bee (Bombus occidentalis), ICP
- Contra Costa goldfields (*Lasthenia conjugens*), ESA listed as endangered, California Rare Plant Rank (CRPR) 1B.1
- Soft salty bird's-beak (*Chloropyron molle* ssp. *molle*), ESA listed as endangered, California rare, CRPR 1B.2
- Suisun thistle (*Cirsium hydrophilum* var. *hydrophilum*), ESA listed as endangered, CRPR 1B.1
- Two-fork clover (Trifolium amoenum), ESA listed as endangered, CRPR 1B.1
- Baker's navarretia (Navarretia leucocephala ssp. bakeri), CRPR 1B.1
- Carquinez goldenbush (Isocoma arguta), CRPR 1B.1
- Congdon's tarplant (Centromadia parryi ssp. congdonii), CRPR 1B.1
- Coulter's goldfields (Lasthenia glabrata ssp. coulteri), CRPR 1B.1
- Mason's lilaeopsis (*Lilaeopsis masonii*), California rare, CRPR 1B.1
- Mt. Diablo buckwheat (*Eriogonum truncatum*), CRPR 1B.1
- Alkali milk-vetch (Astragalus tener var. tener), CRPR 1B.2
- Brittlescale (*Atriplex depressa*), CRPR 1B.2
- California alkali grass (*Puccinellia simplex*), CRPR 1B.2
- Delta tule pea (Lathyrus jepsonii var. jepsonii), CRPR 1B.2
- Heartscale (*Atriplex cordulata* var. *cordulata*), CRPR 1B.2
- Long-styled sand-spurrey (Spergularia macrotheca var. longistyla), CRPR 1B.2
- Marsh microseris (Microseris paludosa), CRPR 1B.2
- Pappose tarplant (Centromadia parryi ssp. parryi), CRPR 1B.2
- Saline clover (*Trifolium hydrophilum*), CRPR 1B.2
- San Joaquin spearscale (*Extriplex joaquinana*), CRPR 1B.2
- Suisun marsh aster (Symphyotrichum lentum), CRPR 1B.2
- Vernal pool smallscale (*Atriplex persistens*), CRPR 1B.2
- Bolander's water-hemlock (Cicuta maculate var. bolanderi), CRPR 2B.1
- Dwarf downingia (*Downingia pusilla*), CRPR 2B.2
- Slender-leaved pondweed (*Stuckenia filiformis* ssp. *alpina*), CRPR 2B.2

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

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://wildlife.ca.gov/Conservation/Survey-Protocols.

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

IMPACT ANALYSIS AND MITIGATION MEASURES

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

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

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The draft EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less than significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4, and 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. The City should also review the draft Solano Habitat Conservation Plan avoidance, minimization, and mitigation measures to inform and guide the Project impacts and measures. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

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

ENVIRONMENTAL DATA

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

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Mr. John Kearns City of Suisun January 29, 2021 Page 8 of 8

If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at <u>Amanda.Culpepper@wildlife.ca.gov</u>; or Ms. Melanie Day, Acting Senior Environmental Scientist (Supervisory), at <u>Melanie.Day@wildlife.ca.gov</u>.

Sincerely,

DocuSigned by: Stacy Sherman For Gregg Erickson **Regional Manager** Bay Delta Region

cc: State Clearinghouse (SCH No. 2021010044)

Because life is good.



February 3, 2021

Sent via email and FedEx

John Kearns Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, CA 94585 jkearns@suisun.com

RE: Comments on Notice of Preparation of an Environment Impact Report for the Suisun Logistics Center Project, SCH # 2021010044

Dear Mr. Kearns,

These comments are submitted on behalf of the Center for Biological Diversity ("the Center") regarding the Notice of Preparation of an Environmental Impact Report ("EIR") for the Suisun Logistics Center Project ("the Project"). The Center urges the City to undertake a thorough and comprehensive environmental review of the Project as required under the California Environmental Quality Act ("CEQA"), prior to considering approval. It is essential that the EIR adequately consider the risks the Project might create for local biodiversity and air quality as well as statewide goals to fight climate change. By replacing open space currently designated for agricultural use with over two million square feet of warehouses, the Project will significantly increase traffic and greenhouse gas emissions for surrounding residents while also substantially changing the character of the area. The EIR should fully disclose and address at a minimum the Project's impacts to traffic, air quality, greenhouse gas emissions, sensitive species and habitat before thoroughly analyzing all reasonable alternatives and mitigation measures.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 81 thousand members and online activists throughout California and 1.7 million across the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Solano County.

Under CEQA, an EIR must provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant effects of a project might be minimized, and to indicate alternatives to the project. (Pub. Res. Code § 21002.2.) The proposed Project will build a high traffic, warehouse facility on 167 undeveloped, grassy acres that are currently zoned for agricultural use. (Notice of Preparation at 2.). The EIR must fully disclose the impacts of this change, so that the public can fully understand the publicly-born costs associated with the Project.

Arizona . California . Colorado . Florida . N. Carolina . Nevada . New Mexico . New York . Oregon . Washington, D.C. . La Paz, Mexico

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

CEQA requires that the EIR fully assess the impact the Project will have on transportation and traffic. (Pub. Res. Code § 21099.) Completion of the Project will bring substantial additional traffic to the area from trucks picking-up goods and employees who will work in the warehouses. (Betancourt et al. at 4). Trucks serving facilities often idle on public streets and clog local roads when warehouses are at capacity, creating traffic congestion and hazards to local drivers who depend on these roads. (*See id.* at 5.) The City must assess how the traffic increases associated with this project will affect the surrounding neighborhoods and species in the area. (Pub. Res. Code § 21099.). Even if substantial increased congestion would not result from the Project, the EIR should assess the Project's impact on Vehicle Miles Traveled. (14 CCR § 15064.3(a).).

In addition to potential traffic impacts from the operation of the Project, the EIR must also carefully and completely assess the impacts from construction of 2.1 million square feet of warehouse facilities will have on traffic, transportation, and road safety in the local community. Construction of such a large warehouse will require substantial quantities of construction materials, such as concrete. Cement and concrete manufacture is extremely energy intensive and produces a large amount of greenhouse gas emissions. (Masanet et al. at 89). The manufacture of concrete accounts for roughly 3 percent of California's greenhouse gas emissions. (*Id.*). This and other sources of greenhouse gas and particulate emissions—such as dust and emissions from heavy machinery used during construction—should be thoroughly examined and mitigated in the EIR.

After assessing the Project's impact on transportation and traffic, the EIR must fully comply with CEQA's strict mandates for mitigating the harms associated with increased traffic in the area. Mitigation of a project's environmental impacts is one of the "most important" functions of CEQA and it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (*Sierra Club v. Gilroy City Council* (1990) 222 Cal. App. 3d 30, 41; Pub. Res. Code § 21002.).

If the Project is to move forward, it should at a minimum be designed to avoid congestion caused by truck staging on local roads and limit the number of trucks travelling during normal commuting hours to avoid serious harm to residents.

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

In addition to assessing the impact on traffic, the EIR should carefully consider the Project's direct and indirect effects on statewide goals for reducing greenhouse gas emissions. Where a project will generate greenhouse gas emission—either directly or indirectly—the EIR should describe the expected increase in emissions and discuss mitigation measures. (*Sierra Club*

v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41; Cleveland National Forest Foundation v. San Diego Association of Governments (2017) 17 Cal.App.5th 413, 430-34; Pub. Res. Code §§ 21002; 21083.5.). Major warehouse projects have the documented effect of substantially increasing construction, operation, and vehicle-related emissions, all of which produce climate change-causing greenhouse gases. (*Id.* at 4-5; Sources of Greenhouse Gas Emissions.). The EIR must carefully and completely address the impacts on emissions from construction and operation of the plant as well as vehicle miles traveled by trucks transporting goods to and from the warehouse and employees commuting potentially long distances to work.

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

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

The EIR must also carefully consider the effects of a project of this scale on air quality for local communities. Warehouse projects are well-documents sources of air quality degradation that can create serious, negative health outcomes for communities. (Betancourt et al. at 4-5.). Particulate emissions from diesel vehicles that carry freight to and from warehouses contribute to "cardiovascular problems, cancer, asthma, decreased lung function and capacity, reproductive health problems, and premature death." (*Id.* at 5.). This is particularly worrisome in a region where, based on data collected through CalEnviroScreen, residents already rank in the 92nd percentile for incidence of asthma and the 82nd percentile for Cardiovascular disease.¹ The likelihood that this Project could contribute to serious harm to the already precarious public health of area residents is substantial and must be thoroughly considered in the creation of the EIR.

The site of the Project, which is currently zoned for agricultural use, is mere feet from residential neighborhoods. Some of the proposed warehouses will be located less than 500 feet from homes located off Lawler Ranch Parkway and Walters Road. (Notice of Preparation at 9-11.). This means the warehouses will be located far closer than the recommended 1500 feet buffer from the nearest residences. (Betancourt et al. at 5; Notice of Preparation at 9-11.). Moreover, the site is located less than half a mile from the Lambrecht Sports Complex, a public sports complex used for both youth and adult sports; participants may be harmed by increased

¹ CalEnviroScreen 3.0, Data for Census Tract 6095252702 (Updated June 2018, Accessed Jan. 26, 2021).

emissions-created air pollution in an area they use for recreation. (Notice of Preparation at 9-11; Lambrecht Sports Complex.) Transitioning to industrial use will be a major change for the site, which is adjacent to two-lane Highway 12, a road that will almost certainly face much more intense use upon completion of the Project. (Notice of Preparation at 9-11.). The Project potentially threatens air quality for residents, and particularly the athletes who regularly use the adjacent Lambrecht Sports Complex.

The effects the Project will have on the air quality for many residents must be fully and carefully considered in the EIR, and mitigation measures must be clearly described and adopted should this Project move forward.

IV. The Lead Agency Should Ensure that Through Mapping of Biological Resources are Performed in Production of the EIR

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

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

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

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

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

⁴ CDFW, California Natural Diversity Data Base, Online Field Survey Form,

https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data

⁵ *Id.* see "User Guide."

V. The EIR Should Completely Assess and Take All Possible Steps to Mitigate the Project's Impact on Biological Resources

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

A fully CEQA-compliant EIR must contain a complete and up-to-date plant and wildlife survey of the potentially impacted habitats. (2020 CEQA Guidelines, 14 CCR § 15125.). The adequacy of a Project's EIR will depend in part on properly describing the physical environmental conditions in and around the Project site; this must include a full accounting of the biological resources that may be affected by the Project. (14 CCR § 15125; Pub. Res. Code § 21060.5; *San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus*, 27 Cal. App. 4th 713, 723, 729 (1994) [finding EIR analysis inadequate without "accurate and complete information pertaining to the setting of the project and surrounding uses[,]" particularly pertaining to a nearby wildlife preserve].).⁶ A number of species utilize habitat around the Project site; a complete survey is necessary to allow decision-makers and the public to fully comprehend the scope of the Project's impacts.

Rare plant species that have been documented in or near the Project site include the following species and rare communities and need to be addressed in the DEIR:⁷

⁶ Id.

⁷ CNDDB accessed Jan. 26, 2021.

Scientific Name	Common Name	Taxonomic Group	Element Code		Returned Occs	Federal Status	State Status	Global Rank		CA Rare Plant Rank	Other Status	Habitats
Chloropyron molle ssp. molle	soft salty bird's-beak	Dicots	PDSCR0J0D2	27	9	Endangered	Rare	G2T1	S1	1B.2	nuli	Marsh & swamp, Salt marsh, Wetland
Cirsium hydrophilum var. hydrophilum	Suisun thistle	Dicots	PDAST2E1G1	3	2	Endangered	None	G2T1	S1	1B.1	SB_CalBG/RSABG- California/Rancho Santa Ana Botanic Garden	Marsh & swamp, Salt marsh, Wetland
Lasthenia conjugens	Contra Costa goldfields	Dicots	PDAST5L040	36	5	Endangered	None	G1	S1	1B.1	SB_UCBG-UC Botanical Garden at Berkeley	Alkali playa, Cismontane woodland, Valley & foothill grassland, Vernal pool, Wetland
Lilaeopsis masonii	Mason's lilabopsis	Dicots	PDAP119030	198	8	None	Rare	G2	S2	1B.1	null	Freshwater marsh, Marsh & swamp, Riparian scrub, Wetland
Sidalcea keckii	Keck's checkerbloom	Dicots	PDMAL110D0	50	2	Endangered	None	G2	S2	1B.1	SB_CalBG/RSABG- California/Rancho Santa Ana Botanic Garden	Cismontane woodland, Ultramafic, Valley & foothill grassland

CNDDB	Element	Query	Results	

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

In particular, whether the *Sidalcea keckii* and *Lasthenia conjugens* are present on the proposed Project site should receive close attention in the EIR.⁸ Both these rare plants thrive on the kind of grasslands like those currently present at the Project site.⁹ The construction of warehouses on the majority of the existing open space could significantly impact potential habitat for these species—both of which are seriously threatened in California and elsewhere.¹⁰ Should a biological survey identify these plants on the property, an adequate significance analysis and if necessary, all feasible mitigation measures should be adopted in the EIR.

Beyond posing a risk to habitat for the rare plant species in the area, the Project risks encroaching on the critical vernal pool habitat for several species of endangered or threatened

⁸ Id.

⁹ Id.

¹⁰ CNDDB accessed Jan. 26, 2021; Metadata Description of CNDBB Fields (accessed Jan. 26, 2021), https://apps.wildlife.ca.gov/rarefind/view/RF_FieldDescriptions.htm#CA_RARE_PLANT_RANK.

branchiopods. The Project is located in the critical habitat of two endangered species—the Vernal Pool tadpole shrimp (*Lepidurus Packard*)¹¹ and Conservancy Fairy Shrimp (*Branchianecta conservatio*)¹²—and one threatened species—the Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)¹³. Moreover, the project site is situated in one of the core regions in need of protection under the Fish and Wildlife Service's vernal pools recovery plan. (Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, Fig. III-13c.). As noted in the recovery plan, habitat protection is essential to restoring vernal pools and species that rely on them. (*Id.* at IX.). In preparing the EIR, the City must take careful steps to fully assess and take all feasible measures to mitigate any harm to these special-status branchiopods and vernal pool habitats that the Project may cause, including potential harm to water quality, habitat reduction due to construction, or any other harm that can be identified through study. (*See* Pub. Res. Code § 21001(c); 14 CCR 15126.4.). Moreover, the City should carefully ensure compliance with the guidelines of the Vernal Pool Recovery Plan. (*See* Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.).

Additional attention to other special-status species that may currently rely on the Project site or be harmed by the development of a warehouse nearby should also be considered. First, the Project is sited in the current range of the endangered salt marsh harvest mouse (*Reithrodontomys raviventris*).¹⁴ Careful attention should be paid to determining whether it occurs or has the potential to occur on or in the vicinity of the Project site. Further, the Project is sited near Union Creek, which drains into the San Francisco Bay. (Notice of Preparation at 9-11.). The San Francisco Bay Estuary is "one of the nation's six most important biodiversity hotspots" and serves as habitat for over 90 endangered or threatened species of animal and plant. (Center for Biological Diversity). In particular, the EIR should outline the full anticipated effects of changes to hydrology and increased noise, light, and traffic on not only species that occur or have the potential to occur on or in the vicinity of the Project site, but also the impacts to species and habitats downstream of the Project site. This analysis should include a focus on migratory birds and waterfowl that rely on nearby wetlands as well as fish populations, which are at serious risk in the Sacramento-San Joaquin Delta watershed region where the Project is located. (*Id.*; San Francisco Bay Delta: About the Watershed.).

Finally, the Notice of Preparation states that 47 acres of the Project site will be permanently designated as open space. (Notice of Preparation at 2.). Once the biological resource survey is conducted for the Project site, the EIR should provide an impact assessment, and management guidance for the privately held open space. This inquiry should detail at a minimum the municipal control over activities on privately held land, associated impacts on sensitive biological resources and the efficacy of proposed mitigation measures.

VI. The EIR Must Thoroughly Consider All Reasonable and Prudent Alternatives

¹¹ https://ecos.fws.gov/ecp/species/2246

¹² https://ecos.fws.gov/ecp/species/8246

¹³https://ecos.fws.gov/ecp/species/498

¹⁴ https://ecos.fws.gov/ecp/species/613

The EIR must present and consider "a range of reasonable alternatives . . . which would feasibly attain most of the basic objectives of the project" in order to facilitate "informed decision-making and public participation." (2020 CEQA Guidelines, 14 CCR § 15126.6(a).). The EIR's alternative analysis should assess the proposed size and location of the Project. With other major warehouse projects planned in the nearby areas, it is not clear that there is enough unserved demand for a facility of this size and nature. (*See, e.g.*, City of Suisun City Development Services Department; City of American Canyon.).

VII. Other Impacts Must Be Analyzed in the EIR

In addition to those issues raised above, the EIR must also address thoroughly a variety of other related issues. For example, the EIR must fully disclose and analyze the Project's impacts on aesthetics and noise, and discuss alternatives and effective mitigation measures to avoid, reduce, and mitigate these impacts. The EIR must also address the Project's impacts on water quality considering the site's proximity to sloughs that drain into the San Francisco Bay estuary, a site of immensely important biological diversity. Finally, it is essential that the EIR consider the cumulative effects of the Project in light of the planned, concurrent construction of the nearby Highway 12 Logistics Center. (*See* City of Suisun City Development Services Department.)

VIII. Conclusion

Thank you for the opportunity to submit comments on the Notice of Preparation of an Environmental Impact Report for the Suisun City Logistics Center. The environmental effects of the proposed Suisun Logistics Center will include direct and indirect impacts on the character of the neighborhoods surrounding it, traffic, climate change, local air quality, and biodiversity. Evaluation of each of these impacts as well as analysis of reasonable and prudent alternatives and mitigation measures must be included in the EIR.

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

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

Sincerely,

Tiffany Yap, Staff Scientist Mary Rassenfoss, Legal Fellow 1212 Broadway, Suite #800 Oakland, CA 94612 Tel: 510-847-5838 tyap@biologicaldiversity.org

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Referenced Documents Available at: https://centerforbiologicald-

my.sharepoint.com/:f:/g/personal/mrassenfoss_biologicaldiversity_org/EtGJI101lN1NnpGMfcQ 7pQYBaW8SyyfY1gS-UVPMDpZ1Dg?e=Mk9q3Y TERRY SCHMIDTBAUER Director (Interim)

ALLAN CALDER Planning Services Manager





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Planning Services Division

January 29, 2021

John Kearns, Senior Planner City of Suisun City 701 Civic Center Blvd. Suisun City, CA 94585

Re: Suisun Logistics Center, Notice of Preparation Comments

John,

The Planning Services Division would like to submit the following comments on the above referenced NOP.

- The project description in the NOP describes the site as a 167 acre project site. However, the vicinity map and site plan identify a project boundary considerably less of about 120 acres. The entire parcel is approximately 169 acres. It appears that the area proposed to be permanent open space is not included in the project site boundary. It should be. The project site should encompass the entire parcel.
- 2. Any portions of the project, including the developed footprint, stormwater infrastructure, and open space lands, should be included within the project boundary, with all facilities ultimately annexed to the city. There should be no project related uses or infrastructure remaining in the unincorporated county after annexation.
- 3. It appears that the full Petersen Road right-of-way, abutting the project site, is currently owned and maintained by the City. However, if this is incorrect, annexation should include the full ROW.

We recognize that these comments are related more to the proposed project description and less to the potential environmental impacts. However, addressing any project description deficiencies early will better inform the DEIR.

Thank you for considering these comments. We look forward to reviewing the DEIR. Should you have any questions please feel free to contact me at (707) 784-6765 or by email at: <u>mwalsh@solanocounty.com</u>.

Sincerely,

Matt Walsh Principal Planner

SAEED IRAVANI Building Official Building & Safety ALLAN CALDER JAG SAHOTA Program Manager Planning Services Environmental SARAH PAPPAKOSTAS Administrative Services Manager

MATT TUGGLE Engineering Manager Public Works CHARLES BOWERS Operations Manager Public Works CHRIS DRAKE Parks Services Manager MISTY KALTREIDER Water & Natural Resources Program



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Original via USPS, copy via email

February 4, 2021

John Kearns, Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City CA 94585 jkearns@suisun.com

Subject: Suisun Logistics Center Project – Notice of Preparation of an Environmental Impact Report

Dear Mr. Kearns:

Thank you for sending the Solano Local Agency Formation Commission (LAFCO) the City of Suisun City's (City) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Suisun Logistics Center Project (Project). The Project is located south and west of the City's existing city limit lines and within the City's Sphere of Influence (SOI).

LAFCO is a responsible agency per the California Environmental Quality Act (CEQA) and CEQA Guidelines (Article 7 15096(d)). As a responsible agency, LAFCO will rely on the City's EIR when considering the boundary changes required for the Project. To be legally adequate, the EIR must include environmental information and analysis needed by responsible agencies such as LAFCO.

The City's EIR will have to provide information relevant to LAFCO's annexation requirements. These requirements are set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) and Solano LAFCO's policies, authorized under CKH. Including analyses of LAFCO's annexation requirements will facilitate LAFCO's review and process. Not including analyses of LAFCO's requirements may violate CEQA and require additional information to be prepared at the LAFCO processing stage. This would likely increase the annexation processing time.

The Project will require LAFCO approval of a reorganization, including concurrent annexations to the City, Solano Irrigation District (SID), and Fairfield Suisun Sewer District (FSSD) and detachments from the Suisun Fire Protection District (SFPD) and the County Service Area. Given that LAFCO's approval is a critical component of the entitlements required for the Project, the EIR must reference LAFCO's actions in the Project Description, list LAFCO as "Other Public Agency Whose Approval is Required," and evaluate LAFCO's actions and various factors in the environmental document.

Commissioners Nancy Shopay, Chair • Ron Rowlett, Vice-Chair • Harry Price • Jim Spering • John Vasquez <u>Alternate Commissioners</u> Ron Kott • Mitch Mashburn • Shawn Smith <u>Staff</u>

Rich Seithel, Executive Officer • Michelle McIntyre, Sr. Analyst • Jeffrey Lum, Analyst II • P. Scott Browne, Legal Counsel

Our 17 comments below will focus on the most relevant factors, including the City's SOI, CKH Factors, and local policies:

The City's SOI- In November 2017, the Commission approved, with conditions, a SOI update for the City (LAFCO Resolution 17-06). The potential logistics center was a topic of significant discussion during the Commission's consideration of the SOI, and specific conditions were included in the SOI plan that needs to be addressed in this EIR. These include the SOI Conditions of Approval, with emphasis on the six conditions below.

- 1) <u>Condition No. Two:</u> "The City shall consider establishing a buffer zone adjacent to and parallel to the flight path of Runway 3L prior to reorganization application submission."
- 2) <u>Condition No. Three:</u> "The City's proposed reorganization applications and pre-zoning shall demonstrate consistency and compatibility with the Travis Air Force Land Use Compatibility Plan/Airport Land Use Commission."
- 3) <u>Condition No. Five:</u> "The City shall adopt a General Plan Amendment establishing a Travis Reserve Area designation, similar to Solano County's 2008 General Plan designation, prior to any consideration of reorganizations by LAFCO."
- 4) <u>Condition No. Six:</u> "The City shall demonstrate reliable water capacity and service capability to any annexation areas prior to any consideration of proposed reorganizations by LAFCO."
- 5) <u>Condition No. Seven:</u> "Any roadway segments adjoining and contiguous with the SOI line are included within the sphere amendment to allow subsequent annexation of the roads into the City."
- 6) <u>Condition No. Eight:</u> "The open space area identified in SOI Area B (355 Suisun/Logistics Center), Zone B-1 by the Solano County Airport Land Use Commission shall be designated within Suisun City's Long-Term Sphere of Influence."

Factors per Government Code (GC) Section 56668- LAFCO is required to consider a variety of elements when evaluating a proposal pursuant to GC Section 56668(a-q). The EIR should include discussion regarding all Factors with emphasis on those below.

- 7) <u>GC Section 56668(c):</u> "The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county." The EIR should specifically examine the effects of the development of a major commercial and employment center adjacent to Travis Air Force Base (AFB) on the continuing viability of the Base.
- 8) <u>GC Section 56668(e)</u> The effect of the proposal on maintaining the physical and economic integrity of agricultural lands. LAFCO objects to the premature determination in the NOP that the impact on agricultural resources is not a significant impact that does not need to be addressed in the EIR. LAFCO will have to address

agricultural and prime agricultural lands as defined by GC Section 56064, and it requires the EIR to address it.¹

The EIR needs to address the potential conflict between the Project and other Land Use Plans and Policies. It should address the conflict between the County General Plan designation of agriculture for this property and County and LAFCO policies intended to preserve agriculture and the City's plan to convert the property to urban uses. It should also address the potential conflict with the Travis AFB Land Use Compatibility Plan and policies.

- 9) <u>GC Section 56668(f):</u> "The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries." The EIR should identify the definite boundary of the proposal. Note that absent compelling reason, LAFCO requires the annexation of entire parcels. Also, see SOI Condition of Approval Seven above and Standard 7 below, which involves annexation of adjacent roads to cities.
- 10) <u>GC Section 56668(g):</u> "A regional transportation plan adopted pursuant to Section 65080." The Project is likely at build-out to generate significant traffic. The EIR should discuss impacts on Highways 12, 80, and 113 and the roads accessing Travis AFB.
- 11) <u>GC Section 56668(I):</u> "Timely availability of water supplies adequate for projected needs as specified in Section 65351.5." See SOI Condition of Approval Six above concerning the Solano Irrigation District.

Local policies - The Commission has adopted eleven Standards (local policies) according to GC Section 56375(g). The EIR should include discussion regarding all of Solano LAFCO's Standards and emphasize the five Standards below.

- 12) <u>Standard Three:</u> The proposal's consistency with the City's general plan and zoning ordinance.
- 13) <u>Standard Seven:</u> The proposal's boundary. The Commission's policy requires cities to annex entire street sections whenever possible and favors annexing entire parcels.

¹ GC Section 56301 states that "Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands..." Section 56064 sets forth the LAFCO definition of "prime agricultural land." That Section establishes a much broader definition of such lands than may be used in other land-use processes. LAFCO must use that standard in its analysis of the Project, so the EIR should apply that definition in its consideration of lands proposed for this annexation. If the lands qualify as "prime agricultural land under §56064, then LAFCO will have to consider what can be done to preserve such lands. Section 56377(b) applies which states, "Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency."

Note that the annexation area identified in the City's NOP is slightly less than the acreage of the entire parcel. The proposal area should be the entire parcel and adjacent streets.

- 14) <u>Standard Eight:</u> The likelihood of significant growth and effect on other incorporated and unincorporated territory. As noted in the policy, Standard Eight is designed to discourage urban sprawl and encourage orderly growth. It also requires the applicant to identify all lands currently within the City's jurisdiction intended for or committed to similar land uses and how the proposal relates to them. This Standard also requires the applicant to submit a market study that: defines the market area for the Project, anticipated demand over the next ten years within the market area, identify the supply of land which can be used within the market area, and show the consistency of the proposal with the City's growth strategy and infill goals.
- 15) <u>Standard Nine</u>: Protection of prime agricultural land. The EIR should identify all prime agricultural lands within the Project site as defined in GC Section 56064 and address the impacts of the Project on those lands, see discussion above, comment number 8.
- 16) <u>Standard Eleven:</u> The effect of the proposed action on: adjacent areas, mutual social and economic interests, and local governmental structure. The EIR should discuss the Project's effect on adjacent areas, both within and outside of the City's boundary, and discuss the overall beneficial aspects compared to the potential negative impacts. Per the SOI Conditions of Approval, the Commission is mostly concerned with the potential impacts to Travis AFB.
- 17) <u>Plan for Providing Services (Plan)</u>: The Commission requires applicants to submit a thorough Plan as part of their reorganization application per GC Section 56653. The Plan should include the following information: a description of the services to be extended by the City to the affected territory such as sewer, water, police protection, fire protection, adequate roadways, and other municipal services; the anticipated demand for those services; how the services will be financed; and an indication of when the City can extend services to the territory.

We appreciate the opportunity to comment on the City's Project NOP. We hope you consider our comments to address LAFCO's annexation needs so that the EIR is more useful during the LAFCO decision-making process. Please contact LAFCO staff should you have any questions.

Sincerely,

Michelle McIntyre, MPA LAFCO Sr. Analyst (707) 439-3898 mmcintyre@solanolafco.com



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STATE OF CALIFORNIA

NATIVE AMERICAN HERITAGE COMMISSION

January 6, 2021

John Kearns, Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, CA 94585 Governor's Office of Planning & Research

Jan 08 2021

STATE CLEARINGHOUSE

Re: 2021010044, Suisun Logistics Center Project, Solano County

Dear Mr. Kearns:

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

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

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

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

<u>AB 52</u>

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.

b. The lead agency contact information.

c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. <u>Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report</u>: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. <u>Mandatory Topics of Consultation If Requested by a Tribe</u>: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- **b.** Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. <u>Discretionary Topics of Consultation</u>: The following topics are discretionary topics of consultation:
 - **a.** Type of environmental review necessary.
 - **b.** Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.

d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. <u>Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:</u> With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. <u>Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:</u> If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. <u>Conclusion of Consultation</u>: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. <u>Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document</u>: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. <u>Required Consideration of Feasible Mitigation</u>: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- **a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

- i. Protecting the cultural character and integrity of the resource.
- ii. Protecting the traditional use of the resource.
- iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. <u>Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource</u>: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: <u>http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf</u>

<u>SB 18</u>

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

Some of SB 18's provisions include:

1. <u>Tribal Consultation</u>: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a)(2)).

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. <u>Confidentiality</u>: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. <u>Conclusion of SB 18 Tribal Consultation</u>: Consultation should be concluded at the point in which:

a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (<u>http://ohp.parks.ca.gov/?page_id=1068</u>) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- c. If the probability is low, moderate, or high that cultural resources are located in the APE.
- d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: <u>Nancy.Gonzalez-Lopez@nahc.ca.gov</u>.

Sincerely,

Nancy Gonzalez-Lopez Cultural Resources Analyst

cc: State Clearinghouse



February 3, 2021

John Kearns, Senior Planner City of Suisun City 701 Civic Center Boulevard Suisun City, CA 94585 Email: jkearns@suisun.com

Re: Response to Notice of Preparation for the Suisun Logistics Center Project:

Dear Mr. Kearns:

On behalf of the Solano County Orderly Growth Committee (SCOGC) I submit the following comments in response to the Notice of Preparation (NOP) for the Suisun Logistics Center Project.

Land Use Designations and Agricultural Land

The NOP correctly states that the project site's land use is designated as "Agriculture" in the Solano County General Plan. Furthermore, the NOP states, "The project site supports grazing land use activities. The California Department of Conservation maps the project site as 'grazing land', which does not fall under the Important Farmland umbrella." This seems to be incorrect. The following website of CA Dept of Conservation indicates that "Grazing Land" is one of the categories within "Important Farmland": https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx

In addition, that same website states: "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)."

For all these reasons, we request that the EIR evaluate the project's effect on agricultural resources. If significant, the EIR should recommend mitigation. Options for mitigation could include the applicant funding conservation easements on other agricultural parcels.

Furthermore, the NOP fails to mention that the project site appears to be designated as "High Value Vernal Pool Conservation Area", as shown on the map of Priority Habitat Areas within Solano County's General Plan: <u>https://www.solanocounty.com/civicax/filebank/blobdload.aspx?blobid=6494</u>.

The EIR should determine whether the proposed project would damage vernal pool habitat. If so, the EIR should include options for mitigating the effect on vernal pool habitat. Mitigation options could include the applicant funding conservation easements on other vernal pool habitat.

Mr. John Kearns, February 3, 2021 Page 2

Open Space Preservation

The NOP states, "The applicant would permanently preserve approximately 47 acres of the project as open space. The area coincides with the southern portion of the project site where a 100-year flood hazard area is mapped."

The EIR should include:

- A map of this open space, including its location relative to the larger "High Value Vernal Pool Conservation Area".
- Determine whether this open space will be accessible to the public.
- Determine how this open space will be protected from potential runoff of contaminated water or spills at the developed project site.

Population and Housing

The NOP states, "... the project would be served by existing utilities and infrastructure available in Peterson Road and Walters Road and, thus, would not remove a barrier to growth. No impacts would occur."

This is an overly simplistic analysis of local growth policy. The reality is that, until now, there has effectively been a barrier to eastward growth: land east of Walters Road was outside of Suisun City limits and zoned for agriculture. The proposal to annex the property site into City of Suisun City, and prezone it for light industrial use as part of the annexation process, would create a precedent that eliminates that barrier. This could open the door to additional growth in the future.

The EIR should evaluate the potential effect on future growth. If significant, the EIR should recommend mitigation. Options for mitigation could include establishment of an Urban Growth Limit at the eastern edge of the proposed annexation. Though not explicitly stated in the NOP, it may be that the proposed annexation will extend eastward as far as the existing Lambrecht Sports Complex, an isolated "island" east of Walters Road that City of Suisun City already has annexed: <u>https://www.suisun.com/wp-content/files/Zoning_Map_-_Suisun_City_2017.pdf</u>.

Furthermore, the NOP states that the local labor force is sufficiently large that the estimated 2,843 workers would be filled locally so that no unplanned growth would occur. Since no analysis was provided in the NOP it is difficult to understand how this conclusion was developed. An additional nearly 3,000 jobs would clearly put pressure on the need for additional housing in Suisun City. In addition, depending on the wages of these workers, it is likely that would be a demand for moderate, low-and very-low income housing. To fully understand the population and housing impacts the EIR should discuss the timing and wages of the anticipated jobs. The Population and Housing issues should be evaluated in the EIR.

Cumulative Impacts

The NOP does not make mention of how and to what detail cumulative impacts will be analyzed.

Mr. John Kearns, February 3, 2021 Page 3

It is understood that in addition to the proposed project considered in this NOP a second Logistics Center is proposed for property south of State Route 12 and west of Pennsylvania Avenue/Cordelia Road. It appears that nearly four million square feet of building space would be developed under this proposal. It is assumed that an EIR will be prepared for this second project,

Rather than prepare a separate cumulative impact analysis for each of the projects we request that a single, comprehensive cumulative impact analysis be prepared for the two projects. Both projects are similar and would be located along the same highway (State Route 12). Cumulative impacts to be considered in this comprehensive analysis would include air quality, climate change (greenhouse gas emissions), traffic and other transportation impacts, and impacts to Travis Air Force Base. This single comprehensive cumulative analysis could then be included into each of the two separate EIRs.

Please let me know if you have any questions regarding the above.

Bob Berman 250 West K Street Benicia, CA 94510 bob@nicholsberman.com