APPENDIX A

Notice of Preparation, Initial Study, and Scoping Comments

Notice of Preparation

Notice of Preparation

Martinez Terminal Rail Restoration Project
Draft Environmental Impact Report

Date:	December 18, 2023
To:	State Clearinghouse, Agencies, Organizations and Interested Parties
Subject:	Notice of Preparation and Scoping Meeting for the Martinez Terminal Rail Restoration Project Environmental Impact Report
Comment Period:	December 18, 2023, to January 19, 2024
Scoping Meeting:	Tuesday, January 9, 2024, 6:00 p.m. – 7:00 p.m.

Purpose of the Notice
The City of Martinez (City) will prepare a Draft Environmental Impact Report (EIR) for the proposed Martinez Terminal Rail Restoration Project (proposed project). The City has prepared this Notice of Preparation in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15082 to notify responsible and trustee agencies, stakeholders, and other interested parties that the City plans to prepare a Draft EIR and to request input regarding the content of the environmental analysis and information to be included in the Draft EIR. The City is the lead agency responsible for compliance with CEQA for the proposed project.

Project Location and Setting
The project site is located at the southern boundary of the existing Martinez Terminal industrial property located at 2801 Waterfront Road in the City of Martinez. The project site comprises approximately 2.7 acres along the southern boundary of the Martinez Terminal and extends south of Waterfront Road to the existing Union Pacific Railroad (UPRR) tracks. The project would be situated within the Martinez Terminal property and within UPRR right-of-way, with Waterfront Road bisecting the project site. The project site is bounded by the Martinez Terminal property on the north, the UPRR right-of-way on the south, industrial and undeveloped lands on the east, and State lands and tidelands on the west. Figure 1 shows the location of the project site.

The 255-acre Martinez Terminal property is currently developed with pipelines, storage tanks, office space, and related facilities associated with its operation as a storage and transportation hub for petroleum and renewable products and related feed and blend stocks.

Project Description
The Project Applicant proposes to implement the proposed project to reestablish a former rail line on the south side of the existing Martinez Terminal in the City of Martinez, connecting to the existing UPRR railroad tracks south of Waterfront Road. The rail spur would be located within the existing Martinez Terminal property and within UPRR right-of-way. The project would include construction of approximately 3,500 linear feet of new track, with a lead track of approximately 2,050 feet, and three operating industry tracks of approximately 475 feet each. These tracks would hold train cars for the transport of a range of petroleum-based and renewable products, feed stocks, and blend stocks commodities, similar to current operations at the terminal. Ancillary improvements would be implemented at the Martinez Terminal to support operation of the reestablished rail spur, including the installation of piping, a pumping system,

and other associated improvements. Additionally, a stormwater drainage and secondary containment system would be installed. No new types of services or operations at the facility are being proposed from those previously permitted, constructed, or used. Construction of the proposed project is anticipated to begin in spring 2025 and take approximately 12 months to complete, concluding in spring 2026.

Potential Environmental Effects
In accordance with CEQA Guidelines Section 15063, an Initial Study has been prepared and the City has determined that the proposed project may potentially result in significant environmental impacts. Therefore, an EIR will be prepared for the proposed project. The potential environmental impacts of the proposed project that will be addressed in the EIR include, but may not be limited to, the following:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation/Traffic
- Tribal Cultural Resources

Reviewing Locations
This Notice of Preparation and the Initial Study may be accessed online at: https://info.haleyaldrich.com/martinez-rail-restoration. Hardcopies are also available for review at the City's office at 525 Henrietta Street during regular business hours.

Public Review and Comment Period
This Notice of Preparation and Initial Study will be circulated for a 30-day public review and comment period commencing on December 18, 2023, and concluding on January 19, 2024. During the 30-day public review and comment period, the City is soliciting comments on the scope of the Draft EIR, including potential environmental impacts of the proposed project and alternatives to be considered.

All comments in response to this notice must be submitted in writing at the address below or via email by **5:00 PM on January 19, 2024**:

Martinez Rail Restoration Comment
City of Martinez
Public Works Department
525 Henrietta Street
Martinez, CA 94533
Attn: Matthew Feske, Haley & Aldrich
MartinezTransMontaigneComment@haleyaldrich.com

Scoping Meeting
The City will hold a virtual (online) scoping meeting to provide an opportunity for agency representatives and the public to provide comments on the scope and content of the EIR.

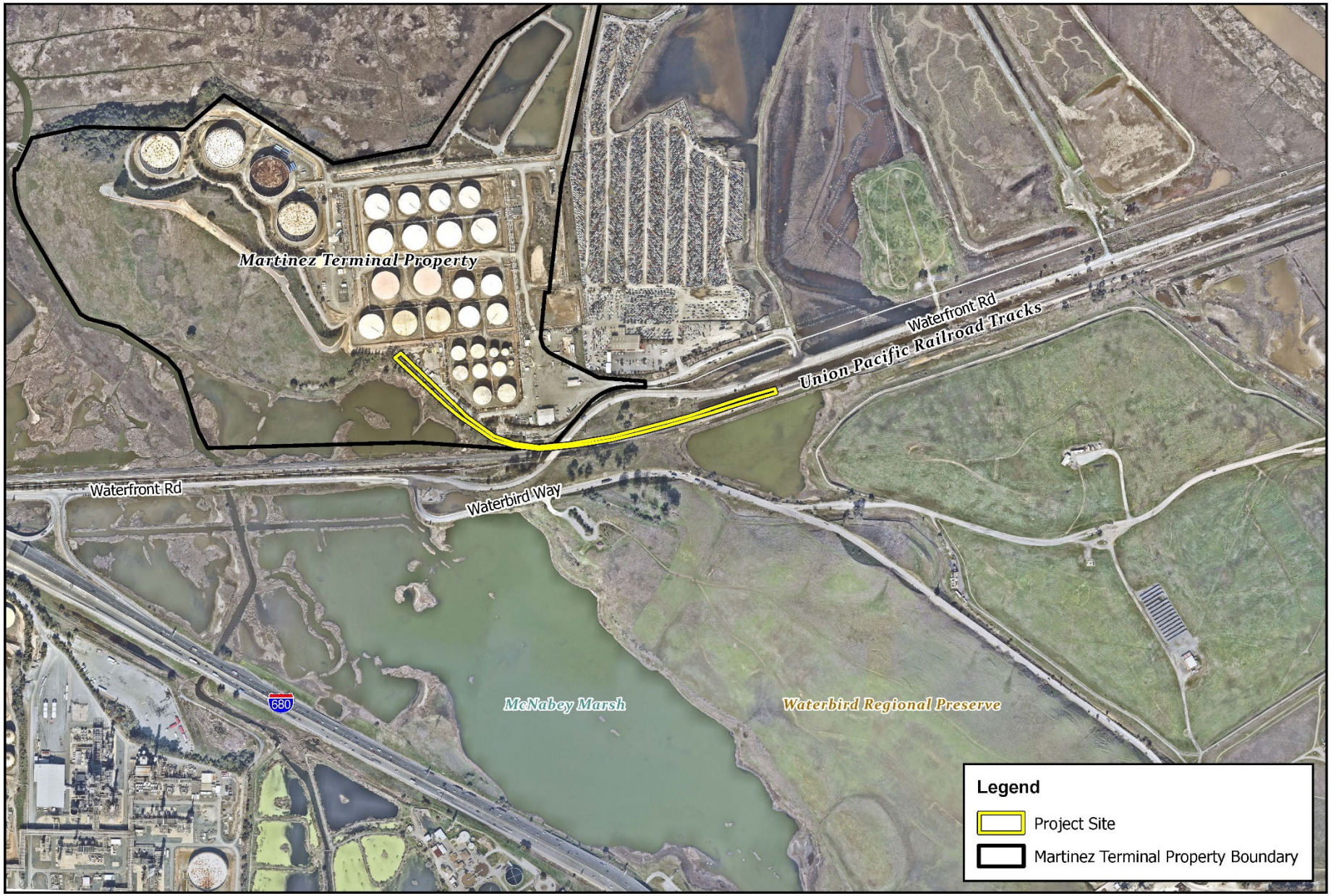
The scoping meeting will be held on **Tuesday, January 9, 2024**, from **6:00 p.m. to 7:00 p.m.** via Zoom. The Zoom meeting link and access information is provided below:

https://haleyaldrich.zoom.us/j/88187409988?pwd=El2DmW2LwTylq4BkFJdGWZNVTnpQps.1

Meeting ID: 881 8740 9988

Passcode: 189996

Or join by phone at +1 (669) 444-9171 / Meeting ID: 881 8740 9988



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Source: ESRI, JMA Civil, TransMontaigne

MARTINEZ TERMINAL RAIL RESTORATION PROJECT

Project Location Map

Figure 1

Initial Study

Initial Study

Martinez Terminal Rail Restoration Project

Lead Agency:

City of Martinez
Public Works Department
525 Henrietta Street
Martinez, CA 94553

Prepared by:

Michael Baker International
801 South Grand Avenue, Suite 250
Los Angeles, CA 90017

December 2023

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ACRONYMS AND ABBREVIATIONS

BAAQMD	Bay Area Air Quality Management District
bbls	barrels
BMP	best management practice
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CH_4	methane
City	City of Martinez
CO_2	carbon dioxide
CONFIRE	Contra Costa County Fire Protection District
EIR	Environmental Impact Report
GHG	greenhouse gas
I-680	Interstate 680
MPD	Martinez Police Department
MRZ	Mineral Resource Zone
MUSD	Martinez Unified School District
N_2O	nitrous oxide
NPDES	National Pollutant Discharge Elimination System
ROW	right-of-way
SF_6	sulfur hexafluoride
SWPPP	Storm Water Pollution Prevention Plan
TCP	Traffic Control Plan
UPRR	Union Pacific Railroad
USFWS	U.S. Fish and Wildlife Service
VHFHSZ	Very High Fire Hazard Severity Zone

1 PROJECT DESCRIPTION

1.1 Project Title

Martinez Terminal Rail Restoration Project

1.2 Lead Agency Name and Address

City of Martinez
Public Works Department
525 Henrietta Street
Martinez, CA 94553

1.3 Contact Person, Email, and Phone Number

Matthew Feske, Senior Technical Specialist
Email: MartinezTransMontaigneComment@haleyaldrich.com
Phone: (650) 504-9404

1.4 Project Applicant

TransMontaigne
2801 Waterfront Road
Martinez, California 94553

1.5 Overview of the Project

The Project Applicant proposes to implement the Martinez Terminal Rail Restoration Project (proposed project) to reestablish a former rail line on the south side of the existing Martinez Terminal in the City of Martinez, connecting to the existing Union Pacific Railroad (UPRR) railroad tracks south of Waterfront Road. The rail spur would be located within the existing Martinez Terminal property and within UPRR right-of-way (ROW). The project would include construction of approximately 3,500 linear feet of new track, with a lead track of approximately 2,050 feet, and three operating industry tracks of approximately 475 feet each. These tracks would hold train cars for the transport of a range of petroleum-based and renewable products, feed stocks, and blend stocks commodities.

1.6 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. The Martinez Terminal Rail Restoration Project constitutes a project as defined by CEQA (California Public Resources Code Section 21000 et. seq.). CEQA Guidelines Section 15367 states that a Lead Agency is “the public agency which has the principal responsibility for carrying out or approving a project.” The City of Martinez (City) is the lead agency responsible for compliance with CEQA for the proposed project, and the City Planning Commission is the approving body for the proposed project.

As the CEQA lead agency, the City must complete an environmental review to determine if implementation of the proposed project would result in significant adverse environmental impacts. This Initial Study has been prepared in compliance with CEQA and to assist in making that determination.

The potential for significant adverse environmental impacts will be determined based on the

nature and scope of the proposed project, the preliminary evaluation of the environmental factors in the Initial Study environmental checklist (contained in Section 2 of this document), and any comments received from public agencies, other stakeholders, and members of the public during the scoping period. Those factors will become the focus of detailed analysis in the Environmental Impact Report (EIR) to determine the nature and extent of any potential environmental impacts and establish appropriate mitigation measures for those impacts determined to be significant. The EIR will also include an evaluation of alternatives to the proposed project that would reduce or avoid significant impacts, including a No Project Alternative. Based on the Initial Study analysis and NOP review, factors for which no significant adverse environmental impacts are expected to occur will not be carried forward for further evaluation in the EIR.

1.7 Project Location and Setting

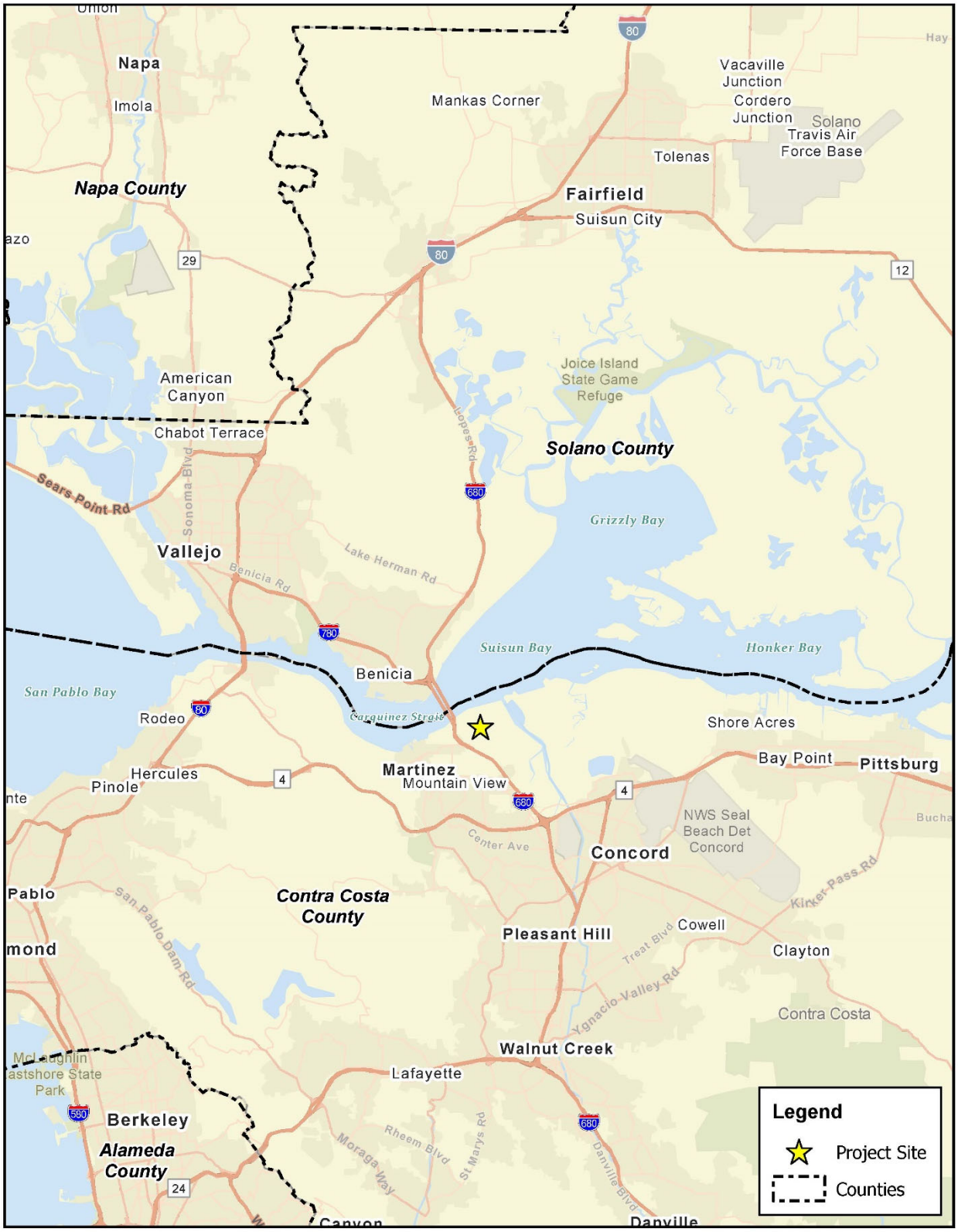
1.7.1 City of Martinez

The project site is located in the City of Martinez in northern Contra Costa County. The City is located approximately nine miles northeast of Oakland and approximately 20 miles northeast of San Francisco. The City is located on the southern shore of the Carquinez Strait, a tidal waterway that connects Suisun Bay on the east with San Pablo Bay on the west. Industrial uses associated with petroleum product refinery and rail and ship transportation infrastructure are concentrated in the northeastern portion of the City adjacent to the Carquinez Strait, as this waterway provides access to shipping routes in and out of the San Francisco Bay. The Martinez Terminal is located within the industrial properties at the eastern boundary of the City on the southern shore of the Carquinez Strait. The commercial center of downtown Martinez is located in the northwestern portion of the City, bordered on the north and west by natural open space areas. Low-density residential neighborhoods are located in the central portion of the City and contain neighborhood-serving retail and commercial uses, as well as schools and parks. Higher density retail and commercial development is concentrated around major roadways, such as Howe Road and John Muir Parkway, which runs east-west through the center of the City. The southern portion of the City contains lower density residential neighborhoods interspersed with open space areas. Martinez is generally bounded by the Carquinez Strait on the north; the unincorporated communities of Avon, Maltby, and Vine Hill on the east; the City of Pleasant Hill on the south; and the unincorporated communities of Glen Frazer and Alhambra Valley on the west. Figure 1 shows the project site in a regional context.

1.7.2 Project Site

The project site is located at the southern boundary of the existing Martinez Terminal industrial property. The project site comprises approximately 2.7 acres along the southern boundary of the Martinez Terminal and extends south of Waterfront Road to the existing UPRR tracks. The project would be situated within the Martinez Terminal property and within UPRR ROW, with Waterfront Road bisecting the project site. The project site is bounded by the northern portion of the Martinez Terminal property on the north, industrial and undeveloped lands on the east, the UPRR ROW on the south, and State lands and tidelands on the west. Figure 2 shows the location of the project site.

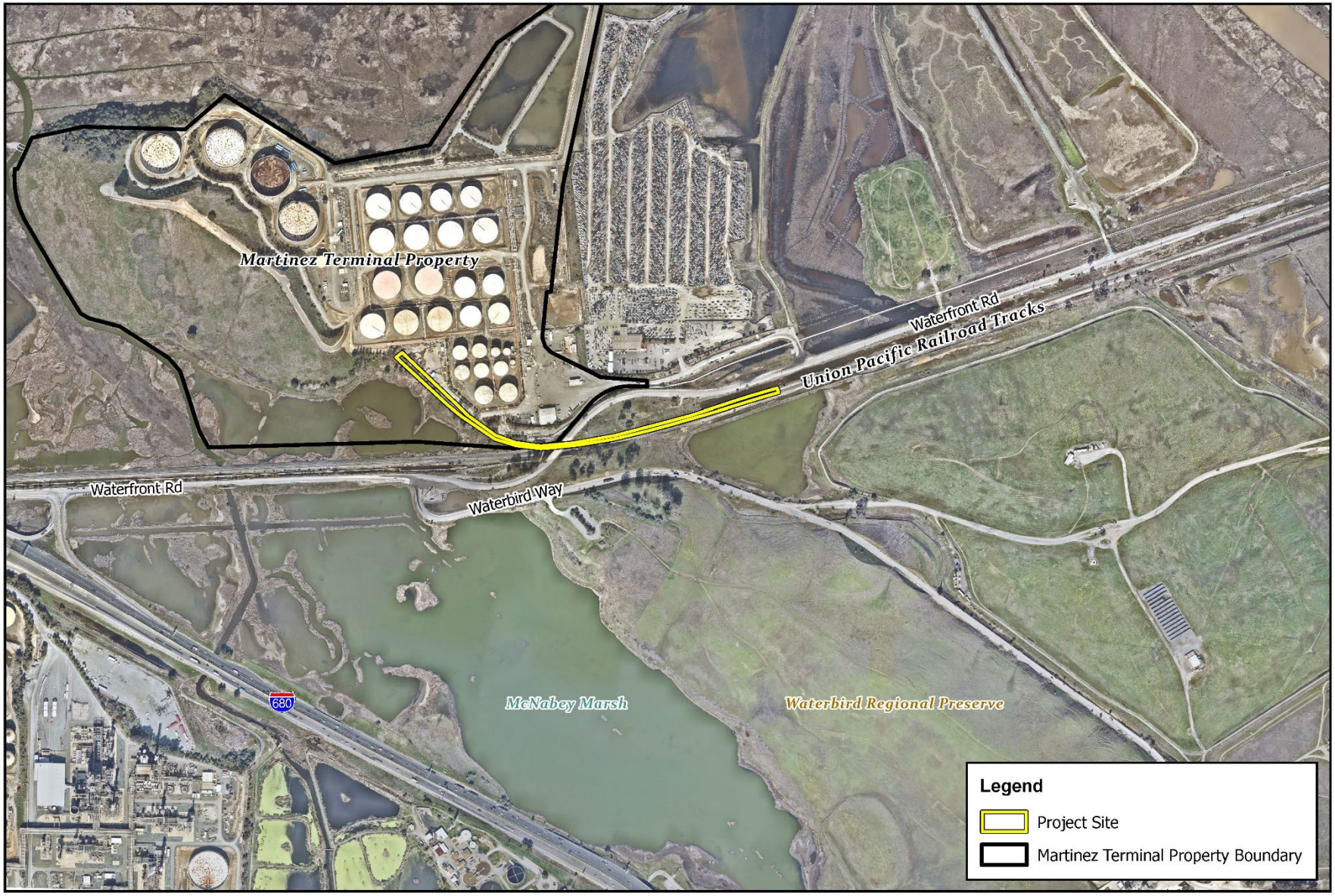
The 255-acre Martinez Terminal property is currently developed with pipelines, storage tanks, office space, and related facilities associated with its operation as a storage and transportation hub for petroleum and renewable products and related feed and blend stocks. The Martinez Terminal operates 24 hours per day, seven days per week with 16 employees. The terminal is divided into four distinct tank farms and pumping areas, which are connected to each other by



MARTINEZ TERMINAL RAIL RESTORATION PROJECT

Regional Location Map

Figure 1



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Source: ESRI, JMA Civil, TransMontaigne

MARTINEZ TERMINAL RAIL RESTORATION PROJECT

Project Location Map

Figure 2

piping manifolds. The tank farms contain a total of 29 above ground storage tanks of varying sizes and capacities, depending on the types of products stored. Several electric powered pumps are located throughout the Martinez Terminal property to move products to and from the above ground storage tanks via pipelines that connect the terminal to the dock and to other customers. Currently, products arrive at the Martinez Terminal via wharf or pipeline. At the wharf, products are received from vessels and barges, which contain pumping capabilities to convey products into the above-ground storage tanks. Products received via pipeline arrive from other area terminals or refineries through one of the three existing facility products pipelines. Products are stored and aggregated onsite until scheduled batch shipments, at which time they are either pumped from the storage tank(s) to a vessel at the wharf or to one the three existing facility products pipelines.

The portion of the project site within the UPRR corridor contains the UPRR Mococo Rail Line, which consists of a single spur of track on a raised gravel bed. This rail line provides service to 14 regular trains, primarily commuter trains.

The existing Martinez Terminal has a single wharf at the northern end of the property, where marine vessels dock. Current operations at the wharf consist of ships arriving up to five times per week on average for delivery and receipt of products. Deliveries and receipts at the wharf are from both domestic and international sources, with the majority of deliveries from the wharf going to California and Washington state.

Vehicular access to the Martinez Terminal property is provided via an automated slide gate driveway located off of Waterfront Road. Local roadway access to the project site is provided via Waterfront Road, which bisects the project site, and Marina Vista Avenue, which is the western continuation of Waterfront Road. Regional access to the project site is provided via Interstate 680 (I-680), approximately 0.6 miles west of the project site. Other access to the property is provided at the wharf where material is moved via ships.

The project site is designated IM for industrial and manufacturing uses in the City's General Plan 2035 and zoned H-I (Heavy Industrial) in the City's Zoning Code.[1] The H-I Zone allows for petroleum and petroleum products refining including gasoline, kerosene, naphtha, and oil; petroleum products storage; and railroad freight stations, repair shops, and yards.[2] The project site is also zoned ECD (Environmental Conservation District) Zone because of its location near the Carquinez Strait. The ECD Zone has been established to implement the provisions of the open space, conservation, seismic safety and scenic roadway elements of the General Plan; to provide for the accommodation of a level of development consonant with the protection of environmental values in those portions of the City with high natural environmental qualities; and to protect the health, safety and welfare of residents of the City through the protections and preservation of the community environment.[3]

1.7.3 Surrounding Land Uses

The project site is located in an industrial area in the northeastern portion of the City that is surrounded by extant, remnant, and former marshlands connected to the Peyton Slough to the north, Pacheco Slough delta to the east, and Peyton Marsh/McNabney Marsh to the west. This

1 City of Martinez Planning Department, CommunityView Maps, available at: http://maps.digitalmapcentral.com/production/vecommunityview/cities/Martinez/index.aspx, accessed January 18, 2023.

2 City of Martinez Municipal Code, Title 22 (Zoning Code), Section 22.18.040 HI Heavy Industrial District – Permitted Uses.

3 City of Martinez Municipal Code, Title 22 (Zoning Code), Chapter 22.24 ECD Environmental Conservation Districts, Section 22.24.020 Purposes.

area also contains several wildlife areas including the Waterbird Regional Preserve approximately 380 feet to the south, Point Edith Wildlife Area approximately 1.5 miles northeast, and Grizzly Island Wildlife Area approximately 9.2 miles northeast.

North of the project site on the northern shore of the Carquinez Strait is the City of Benicia. The southern portion of Benicia close to the shore contains similar industrial uses to those at and directly adjacent to the project site, including rail and ship transportation and petroleum product refinery, storage, and transportation.

Located west of the project site, north of Waterfront Road and east of I-680 is a 120-acre industrial property that contains the ECO Services Plant and Process Unit, which processes, uses, and handles regulated substances associated with petroleum product refinery and gasoline manufacturing processes. Southwest of the project site and west of I-680 is the 860-acre Martinez Refinery, an oil and gas refinery owned and operated by PBF Energy. The area west of the refinery contains the residential and commercial properties that make up downtown Martinez approximately two miles west of the project site. West of Martinez is an area of unincorporated farmlands and small residential communities surrounded by natural open spaces, such as Briones Regional Park, Kennedy Grove Regional Recreation Area, Sobrante Ridge Regional Park, and Wildcat Canyon Regional Park. Further west are the communities on the east side of the San Francisco Bay, including the cities of Richmond, Berkeley, Emeryville, and Oakland.

South of Martinez are the unincorporated communities of Pacheco and Pleasant Hill, and the City of Concord. These areas are characterized by low-density residential neighborhoods and neighborhood-serving commercial, retail, institutional, and public facility uses. Additionally, the Buchanan Field Airport is located approximately 2.8 miles southeast of the project site.

East of the project site are undeveloped lands and industrial uses, including the Tesoro Golden Eagle Refinery. East of the refinery, along the southern shore of the Carquinez Strait is the 761-acre Point Edith Wildlife Area, which is a tidal area consisting of sloughs and small ponds.[4] East of the wildlife area is a rail yard; further to the east is the eastern extent of Suisun Bay, which is fed by the outlets of the Sacramento River and the San Joaquin River.

1.8 Proposed Project Characteristics

The proposed project would reestablish the former rail line on the south side of the existing Martinez Terminal, connecting it to the existing UPRR railroad tracks south of Waterfront Road. The proposed project would include construction of approximately 3,500 linear feet of new track, with a lead track of approximately 2,050 feet, and three operating industry tracks of approximately 475 feet each. These tracks would accommodate 21 railcars for transportation of a range of petroleum-based and renewable products, feed stocks, and blend stocks commodities, similar to current operations at the terminal. Trains would deliver material to, or ship from the Martinez Terminal for distribution, and facilities at the Martinez Terminal would be installed and/or upgraded to accommodate these shipments. Material that is unloaded would be transferred from the railcars into storage tanks within the terminal, where it would be aggregated for shipment by marine wharf or pipeline. No new types of services or operations at the facility are being proposed from those previously permitted, constructed, or used.

The rail spur would cross under the existing Waterfront Road overpass and then head northwesterly into the Martinez Terminal property. The new track would be positioned between

[4] California Department of Fish and Wildlife, Point Edit Wildlife Area, Description, available at https://wildlife.ca.gov/Lands/Places-to-Visit/Point-Edith-WA, accessed January 24, 2023.

the existing bridge columns with applicable pier protection provided. A standard UPRR railroad ditch would be constructed along the new track outside of the terminal to capture and infiltrate storm water runoff from the proposed rail spurs and retain existing drainage patterns. The proposed project would involve the installation of piping, headers, and hose connections at the operating spur area, a pumping system, and an upgraded heating plant with thermal oil and railcar steam generation equipment; conversion of two existing aboveground storage tanks to heated product service; and construction of additional pipeline shipping modifications within the existing terminal. Figure 3 shows the conceptual site plan for the proposed project.

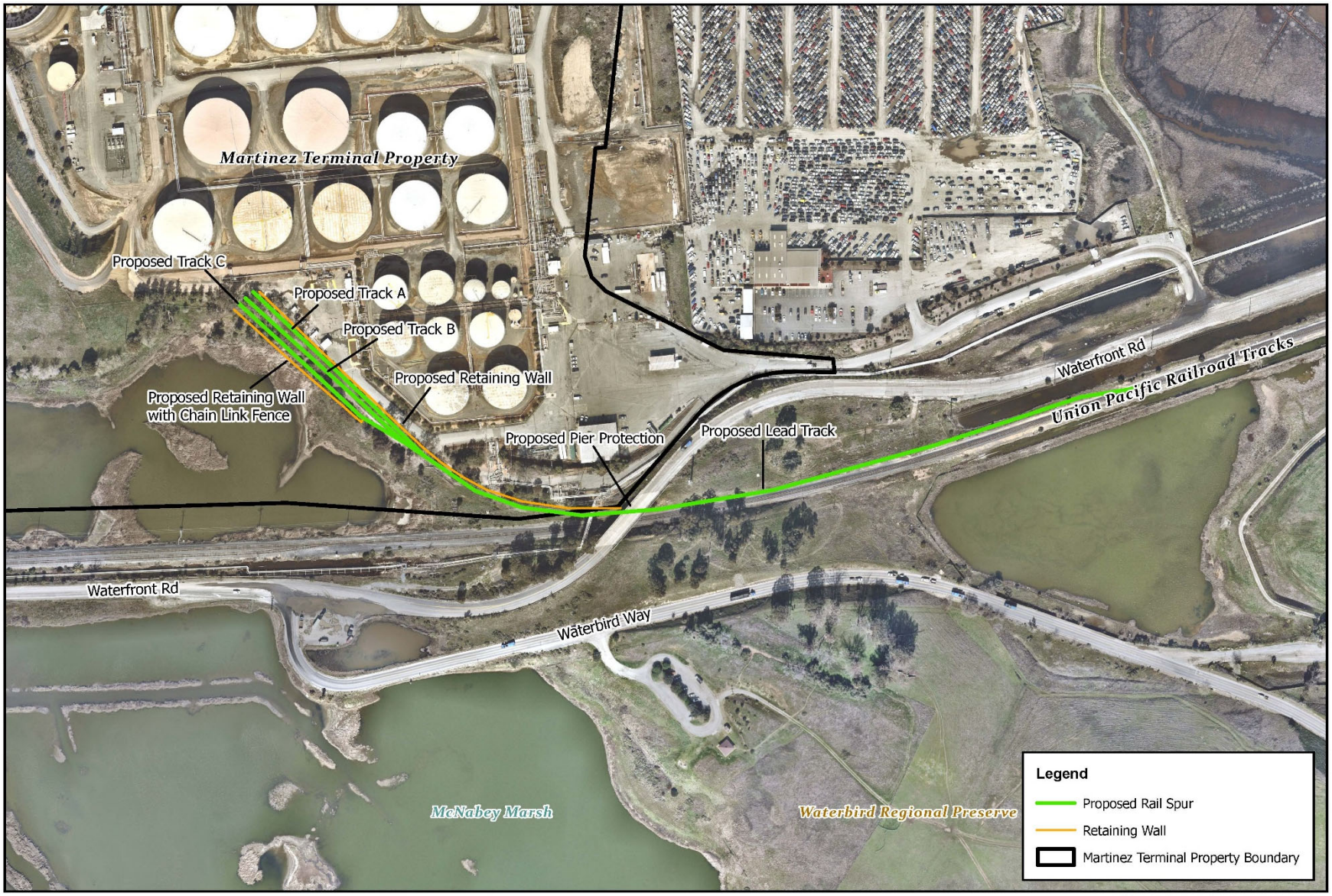
1.8.1 Construction Schedule and Procedures

Construction of the proposed rail spur is anticipated to begin in spring 2025 and take approximately 12 months to complete, concluding in spring 2026. In accordance with the City Noise Ordinance, construction activities would occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on weekends and holidays. No work outside of these hours is anticipated.

All of the contractor parking, stockpiles, equipment staging, and lay-down areas would be located within the existing Martinez Terminal property. Construction vehicles would access the site from I-680 from the Marina Vista interchange and Waterfront Road to avoid traversing downtown Martinez.

Site preparation activities would include excavation and grading of existing soil. Approximately 16,000 cubic yards of soil would be excavated from the project site. The maximum depth of construction related excavation would be approximately 16 feet below the ground surface, with average excavation depths for track areas of five feet below the ground surface. Approximately 2,100 cubic yards of excavated soils would be used as fill material to prepare the site for placement of the tracks. Soils would then be compacted using graders, trucks, and compactors in preparation of installing the new track. The remaining excavated materials would be placed within the Martinez Terminal property.

Following site preparation, existing utilities would be located and protected in place or relocated, if necessary. Pier protection would be installed at the existing bridge columns where the track would cross under the existing Waterfront Road overpass. Additionally, retaining walls would be constructed on either side of the proposed rails spurs.



Michael Baker INTERNATIONAL

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Source: ESRI, JMA Civil, TransMontaigne

MARTINEZ TERMINAL RAIL RESTORATION PROJECT

Conceptual Site Plan

Figure 3

Track construction would include grading, soil compaction and stabilization, placement of sub-ballast material, and installation of rail, ties, and ballast. Track ballast is used to form the rail track bed to allow drainage and to bear the weight of the rail cars.

Best Management Practices

Resource impact avoidance would be employed during construction of the proposed project, including implementation of the following best management practices (BMPs):

- The proposed project would develop and implement an Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP) for construction activities. BMPs associated with these plans may include, but would not be limited to, the following:
  - Minimizing the extent of disturbed areas and duration of exposure;
  - Stabilizing and protecting disturbed areas;
  - Keeping runoff velocities low;
  - Retaining sediment within the construction area;
  - Use of silt fences or straw wattles;
  - Temporary soil stabilization;
  - Temporary drainage inlet protection;
  - Temporary water diversion around the immediate work area; and
  - Minimizing debris from construction vehicles on roads providing construction access.
- In accordance with City of Martinez Municipal Code Section 8.34.030(B), construction activities shall only occur between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays, and holidays.
- The existing emergency response plan and spill prevention plan that covers the Martinez Terminal would be updated to include the project site and operations associated with the proposed project. As part of the emergency response plan and spill prevention plan project personnel would have available adequate spill containment and cleanup resources on-site at all times and be prepared to contain, control, clean up, and dispose of any potential fuel spill quickly and completely.
- In order to meet the Bay Area Air Quality Management District (BAAQMD) fugitive dust thresholds, the following BAAQMD Basic Construction Mitigation Measures[5] shall be implemented:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.

[5] Bay Area Air Quality Management District, California Environmental Quality Act, Air Quality Guidelines, May 2017, available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed August 24, 2023.

  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - A publicly-visible sign shall be posted with the telephone number and person to contact at City of Martinez regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- The project applicant shall incorporate the following best management practices to reduce GHG emissions, in accordance with the BAAQMD guidance:
  - Use alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment for at least 15 percent of the fleet;
  - Use local building materials (within 100 miles) of at least 10 percent; and
  - Recycle or reuse at least 50 percent of construction waste or demolition materials.
- Prior to construction, the project contractor will be required to develop and implement a Traffic Control Plan (TCP) prepared by a registered Traffic Engineer for all locations where construction activities would affect the existing transportation system. Input and approval of the TCP will be obtained from the City of Martinez prior to construction. Temporary speed limit restrictions will be considered within the construction zone. The TCP will define the use of flaggers, warning signs, lights, barricades, and cones, etc., according to standard guidelines required by the City of Martinez. Further, the contractor will maintain the work site, including traffic control, in a safe condition at all times, even outside of normal work hours. Construction activities completed within public street rights-of-way would require the use of a traffic control service, and any lane closures or traffic control measures would be consistent with those published in the California Joint Utility Traffic Control Manual. Implementing measures contained within the California Joint Utility Traffic Control Manual would facilitate safe passage of both construction vehicles and private vehicles.

1.8.2 Operation

As previously discussed, the proposed project would not result in new types of services or operations at the existing facility from those previously permitted, constructed, or used. The reestablished rail spur would be used to bring train cars to the Martinez Terminal property for transfer of contents to and from the above-ground storage tanks. The three approximately 475-linear-feet operating industry tracks would store a total of approximately twenty-one cars within the Martinez Terminal property. The railcars could vary in size but would average approximately 60 feet in length with a capacity of approximately 700 barrels (bbls).[6] Rail cars would typically be on the site for 24 hours at a time before being switched out for a new set. Establishment of the rail service to the project site would not affect existing rail traffic, as the cars

[6] Barrels, abbreviated bbls, are the units of volume used to measure oil and petroleum products in the oil industry. One barrel is equivalent to approximately 42 U.S. gallons of liquid volume.

would be added to the existing local trains currently operating in the area.

Operation of the proposed project is not anticipated to alter the existing operating hours, and the terminal would continue to operate 24 hours per day, seven days per week. However, the reestablishment of the rail spur and storage of rail cars would require an additional two employees over existing conditions, resulting in a total of 18 employees at the site.

1.9 Required Permits and Approvals

Permits and other use authorizations that may be required to implement the proposed project may include, but may not be limited to, the following:

California Public Utilities Commission

- Review in accordance with General Order 88-B: Modifications of an Existing Rail Crossing

Contra Costa County Fire Protection District

- Plan Review

United States Army Corps of Engineers

- Clean Water Act Section 404 - Nationwide Permit 14 Linear Transportation Project

Regional Water Quality Control Board

- Clean Water Act Section 401 – Water Quality Certification

2 ENVIRONMENTAL DETERMINATION

2.1 Environmental Factors Potentially Affected

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

☐ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials
☒ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☒ Transportation/Traffic	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the project. To each question, there are four possible responses:

- **No Impact.** The project would not have any measurable environmental impact on the environment.
- **Less Than Significant Impact**. The project would have the potential for impacting the environment, although this impact would be below established thresholds that are considered to be significant.
- **Less Than Significant Impact With Mitigation Incorporated**. The project would have the potential to generate impacts which may be considered a significant effect on the environment, although measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact**. The project would have impacts which are considered significant, and additional analysis is required to identify measures that could reduce these impacts to less than significant levels.

2.2 Environmental Determination

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Joe Enke, City Engineer — 12-12-2023

Printed Name and Signature — Date

3 INITIAL STUDY CHECKLIST

3.1 Aesthetics

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) Except as provided in Public Resources Code Section 21099, would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. Scenic views or vistas are defined as panoramic public views of various natural features, including the ocean, striking or unusual natural terrain, or unique urban or historic features. Public access to these views may be from park lands, private and publicly owned sites, and public rights-of-way.

According to the City of Martinez General Plan Update EIR, scenic vistas in the City include views of Mount Diablo, Alhambra Valley, Carquinez Strait Shoreline, agricultural lands to the south and west of the City, wildlife habitat areas and natural riparian areas along Alhambra Creek, rolling hillsides with natural grasslands, and oak tree habitats to the west of the City.[7] Although the project site is located within the vicinity of the Carquinez Strait, the proposed project would reestablish a former rail line at the existing Martinez Terminal, within an area already heavily characterized by rail and industrial development. Thus, the proposed project would not have a substantial adverse effect on views of the Carquinez Strait compared to existing conditions, and impacts would be less than significant. This issue will not be further analyzed in the EIR.

b) Except as provided in Public Resources Code Section 21099, would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Scenic Highway Mapping System administered by

[7] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

Caltrans, there are no officially designated State Scenic Highways in the vicinity of the City of Martinez.[8] There are two officially designated scenic highway corridors in Contra Costa County: Interstate 680, from the Alameda County line to the junction with State Route 24; and State Route 24 from the east portal of the Caldecott tunnel to Interstate 680 near Walnut Creek. Neither of these officially designated scenic highway corridors provide views of the City or the immediate surrounding areas. Therefore, no impact related to scenic resources within a state scenic highway would occur, and this issue will not be further analyzed in the EIR.

c) Except as provided in Public Resources Code Section 21099, would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The project site is located within an urban area that is developed with industrial uses, but also contains undeveloped lands and tidelands. The project site is designated IM for industrial and manufacturing uses in the City's General Plan 2035 and zoned H-I (Heavy Industrial) in the City's Zoning Code. The H-I Zone allows for petroleum and petroleum products refining including gasoline, kerosene, naphtha, and oil; petroleum products storage; and railroad freight stations, repair shops, and yards.[9] The project site is also zoned ECD (Environmental Conservation District) Zone because of its location near the Carquinez Strait. The ECD Zone has several purposes related to scenic quality, such as implementing the provisions of the scenic roadway element of the General Plan and to provide for the accommodation of a level of development consonant with the protection of environmental values.[10] The proposed project would adhere to the standards of the ECD Zone, which aims to preserve scenic quality. Furthermore, the project would reestablish a former rail line within an area that has existing railroad and industrial uses, and thus, would not change the uses on-site, or conflict with the existing zoning or regulations governing scenic quality. Therefore, impacts related to consistency with regulations governing scenic quality would be less than significant. This issue will not be further analyzed in the EIR.

d) Except as provided in Public Resources Code Section 21099, would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. In accordance with the City Noise Ordinance, project construction activities would occur between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on weekends and holidays. Although construction activities would occur within the hours allowed by the City Noise Ordinance, lighting may be needed after sunset within those hours. Should night lighting be necessary, all lighting would be focused on the construction zone. Upon completion of construction activities, there would be no permanent, new sources of light and glare. The project site and adjacent area has existing ambient lighting from passing trains and the Martinez Terminal, which operates 24 hours a day,

8 California Department of Transportation, California State Scenic Highway System Map, available at: https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa, accessed July 28, 2023.

9 City of Martinez Municipal Code, Title 22 (Zoning Code), Section 22.18.040 HI Heavy Industrial District – Permitted Uses.

10 City of Martinez Municipal Code, Title 22 (Zoning Code), Chapter 22.24 ECD Environmental Conservation Districts, Section 22.24.020 Purposes.

7 days a week. The project would reestablish a rail spur for train car storage within an area that has existing and similar sources of light and glare. No new permanent lighting would be installed as part of the project. Therefore, the proposed project would not create a new source of light or glare that would adversely affect day or nighttime views and the impact would be less than significant. This issue will not be further analyzed in the EIR.

3.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. Neither the project site nor the surrounding area is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the "Important Farmland in California" map prepared by the California Resources Agency pursuant to the Farmland Mapping and Monitoring Program.[11] Therefore, the proposed project would not convert Farmland to a non-agricultural use and no impact would occur. This issue will not be further analyzed in the EIR.

[11] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, California Important Farmland Finder, available at: https://maps.conservation.ca.gov/DLRP/CIFF/, accessed July 31, 2023.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site and surrounding area are not zoned for agricultural use. Additionally, the project site and surrounding area are not under a Williamson Act contract.[12] Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur. This issue will not be further analyzed in the EIR.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is not zoned or used for forestland, timberland, or timberland production.[13] Therefore, the proposed project would not conflict with existing zoning for or cause a rezoning of forest land or timberland. No impact would occur, and this issue will not be further analyzed in the EIR.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is not developed for forest land use or located adjacent to forest lands. Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur and this issue will not be further analyzed in the EIR.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As discussed in response to checklist question 3.2(a) above, no portion of the project site or surrounding area is identified as farmland or used for agricultural purposes. Additionally, as stated in response to checklist question 3.2(c), no portion of the project site or surrounding area is designated as forest land. Therefore, the proposed project would not change the existing environment in a way that would result in the conversion of Farmland to non-agricultural use or forest land to non-forest use, and no impact would occur. This issue will not be further analyzed in the EIR.

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[12] California Department of Conservation, Division of Land Resource Protection, Williamson Act, Reports and Statistics, Williamson Act Enrollment Finder, available at: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/, accessed August 15, 2023.

[13] City of Martinez Planning Department, CommunityView Maps, available at: http://maps.digitalmapcentral.com/production/vecommunityview/cities/Martinez/index.aspx, accessed January 18, 2023.

3.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☒	☐	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Potentially Significant Impact. The Bay Area Air Quality Management District (BAAQMD) monitors air quality within the San Francisco Bay Area Air Basin, which includes the City of Martinez. The proposed project would reestablish a former rail spur, implement facility improvements at the existing Martinez Terminal, and install a stormwater system., Construction of the proposed project would generate air quality emissions. The proposed project would not result in new types of services or operations at the existing facility from those previously permitted, constructed, or used at the site. Operation of the proposed project is anticipated to require approximately 18 employees, an increase of approximately 2 employees over existing conditions. An air quality assessment will be prepared to analyze the proposed project's potential air quality impacts and consistency with the air quality management plan. A detailed analysis of this issue will be included in the EIR.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Potentially Significant Impact. Implementation of the proposed project would generate air pollutants as a result of construction and operation-related activities. Short-term impacts may result from construction equipment emissions, such as graders, dump trucks, worker vehicle exhaust, and from fugitive dust during site preparation activities. Long-term operational impacts may result from the operation and maintenance of the proposed project. An air quality assessment will be prepared for the proposed project and will address the potential for cumulative air quality impacts. A detailed analysis of this issue will be included in the EIR.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Some populations and land uses are considered more sensitive to air pollutants than others. The California Air Resources Board has identified the following groups who are most likely to be affected by air pollution: children less than 14 years of age, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors may include residences, schools, playgrounds, childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes., The project site is located in an industrial area that is surrounded by extant, remnant, and former marshlands and wildlife areas. No sensitive uses are located adjacent to the project site or in the surrounding area. As such, the project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant. This issue will not be further analyzed in the EIR.

d) Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

Less Than Significant Impact. Potential sources that may produce objectionable odors during construction activities include equipment exhaust, application of asphalt and architectural coatings, and other interior and exterior finishes. Although not anticipated, potential odors from these sources would be localized and generally confined to the immediate area surrounding the project site. The proposed project would be implemented utilizing standard construction techniques and odors would be typical of most construction sites, would be temporary in nature, and would not persist beyond the termination of construction activities.

Additionally, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. In addition, odors are regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states:

> No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property.

BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants.[14] None such uses would be developed as part of the proposed project. Operation of the proposed project would continue to involve the storage and transportation of petroleum and renewable products and related feed and blend stocks), similar to existing uses at the site. Therefore, impacts related to odors would be less than significant and this issue will not be further analyzed in the EIR.

[14] Bay Area Air Quality Management District, May 2017, California Environmental Quality Act Air Quality Guidelines.

3.4 Biological Resources

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

Discussion

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Potentially Significant Impact. Sensitive plants include those listed as threatened or endangered, proposed for listing, or candidate for listing by the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) or those listed by the California Native Plant Society. Sensitive wildlife species are those species listed as threatened or endangered, proposed for listing, or candidate for listing by USFWS and/or CDFW, or considered special status by CDFW. Sensitive habitats are those that are regulated by USFWS, U.S. Army Corps of Engineers, and/or those considered sensitive by CDFW.

The project site is located in an industrial area that is surrounded by extant, remnant, and former marshlands connected to the Peyton Slough to the north, Pacheco Slough delta to the east, and

Peyton Marsh/McNabney Marsh to the west. This area also contains several wildlife areas including the Waterbird Regional Preserve approximately 380 feet to the south, Point Edith Wildlife Area approximately 1.5 miles northeast, and Grizzly Island Wildlife Area approximately 9.2 miles northeast. Previous surveys conducted at the project site have indicated the potential for sensitive and/or special-status plant and wildlife species. As such, the proposed project could affect sensitive species at the project site and surrounding area. A biological resources assessment will be prepared to evaluate potential impacts to sensitive and special status species. A detailed analysis of this issue will be included in the EIR.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Potentially Significant Impact. The project site does not contain riparian habitat; however, the surrounding area may contain sensitive natural communities due to presence of wetlands and other similar habitats adjacent to project site and in the surrounding area.[15] A biological resources assessment will be prepared for the proposed project to assess the project's potential to result in impacts to riparian habitat or other sensitive natural communities. A detailed analysis of this issue will be included in the EIR.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Potentially Significant Impact. The area surrounding the project site contains a range of wetland habitat types.[16] An assessment of jurisdictional waters will be prepared for the proposed project to assess the project's potential to result in impacts to wetlands. A detailed analysis of this issue will be included in the EIR.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Potentially Significant Impact. In an urban context, a wildlife migration corridor can be defined as a linear landscape feature of sufficient width and buffer to allow animal movement between two comparatively undisturbed habitat fragments, or between a habitat fragment and some vital resources, thereby encouraging population growth and diversity. The area surrounding the project site contains several wildlife areas. The biological resources assessment prepared for the proposed project will assess the project's potential to affect wildlife movement in the area. A detailed analysis of this issue will be included in the EIR.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Potentially Significant Impact. The City of Martinez Municipal Code Title 8, Chapter 8.08, Trees and Shrubs – Planting and Maintenance, and Chapter 8.12, Trees on Private Property – Preservation Protection, and Removal, set to establish policies, regulations, and standards to

[15] United States Fish and Wildlife Service, National Wetlands Inventory Mapper, available at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/, generated August 4, 2023.

[16] Ibid.

protect and to preserve existing trees and plantings on private and public property. There are several existing trees adjacent to the proposed rail spur alignment; however, no tree removal is anticipated as part of the project. The biological resources assessment prepared for the proposed project will assess the project's potential to affect protected trees within the project site. A detailed analysis of this issue will be included in the EIR.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The only applicable conservation plan in Contra Costa County is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan, which does not coincide with the City of Martinez, or the project site.[17] Therefore, no impact related to such plans would occur with implementation of the proposed project, and this issue will not be further analyzed in the EIR.

[17] California Department of Fish and Wildlife, April 2019, Natural Community Conservation Plans Map.

3.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☒	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☒	☐	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☒	☐	☐	☐

Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Potentially Significant Impact. The Martinez Terminal property is currently developed with pipelines, storage tanks, office space, and related facilities associated with its operation as a storage and transportation hub for petroleum and renewable products and related feed and blend stocks. The Martinez Terminal property has historically been served by the existing abandoned rail spur at the project site, which would be reestablished with implementation of the proposed project. A Cultural Resources Study previously prepared for the property indicates that there are no historic properties within the boundaries of the project site.[18] A cultural resources technical analysis will be prepared for the proposed project, which will review the findings of the previously prepared study and will assess potential impacts to historical resources. A detailed analysis of this issue will be included in the EIR.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Potentially Significant Impact. The previously prepared Cultural Resources Study indicates that, although the project site has previously contained an operational rail spur, the site has the potential to contain archaeological resources due to its location within Holocene-age estuarine soil deposits and its location near a historical farmstead site.[19] The proposed project would require ground disturbing activities during construction, including grading and excavation. Therefore, a cultural resources technical analysis will be prepared for the proposed project, which will review the findings of the previously prepared study and will assess the potential impacts on archaeological resources. A detailed analysis of this issue will be included in the EIR.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Potentially Significant Impact. The project site is developed with heavy industrial uses and does not contain cemeteries or known human burial sites. However, although unlikely, ground-disturbing activities during construction may result in the disturbance of unknown human remains. The previously prepared Cultural Resources Study includes recommendations for the potential

[18] LSA, *Cultural Resources Study, Transmontaigne Railroad Spur Project*, November 2021.
[19] Ibid.

discovery of human remains during ground-disturbing activities, such as notifying the Contra Costa County Coroner and an archaeologist to assess the discovery.[20] A cultural resources technical analysis will be prepared for the proposed project, which will review the findings of the previously prepared study and will assess potential impacts related to disturbance of human remains. Additionally, the project would be required to comply with California health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 related to discovery of human remains. A detailed analysis of this issue will be included in the EIR.

[20] LSA, *Cultural Resources Study, Transmontaigne Railroad Spur Project*, November 2021.

3.6 Energy

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☒	☐	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☒	☐	☐	☐

Discussion

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Potentially Significant Impact. Sources of energy use associated with construction and operation of the proposed project include electricity, natural gas, and transportation fuel for vehicle trips and off-road construction equipment. An energy analysis will be prepared for the proposed project to assess energy consumption during short-term construction and long-term operational activities and identify the potential for wasteful, inefficient, or unnecessary consumption of resources. A detailed analysis of this issue will be included in the EIR.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Potentially Significant Impact. The energy analysis prepared for the proposed project will evaluate the project's consistency with applicable energy plans. A detailed analysis of this issue will be included in the EIR.

3.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☒	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐
iv) Landslides?	☒	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☒	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☒	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐

Discussion

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. The project site is not located within a state-designated Alquist-Priolo Fault Hazard Zone.[21] The Concord Valley Fault is the closest fault zone to the

[21] California Geological Survey, Earthquake Zones of Required Investigation Data Viewer, Search by Location, available at: https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed July 2, 2023.

project site, located approximately one mile east of the project site. The proposed project does not include the construction of any habitable structures, nor would the use of the project site change following implementation of the proposed project. Thus, implementation of the proposed project would not increase the risk at the project site associated with known faults. The proposed project would be constructed in accordance with the latest version of the California Building Code and other applicable federal, state, and local codes associated with seismic criteria. Compliance with existing regulations would ensure that impacts related to fault rupture would be less than significant, and this issue will not be further analyzed in the EIR.

ii. Strong seismic ground shaking?

Potentially Significant Impact. The proposed project is located within the seismically active northern California region, and like all locations within the area, is subject to strong seismic ground shaking. As discussed in Section VI(a)(i) above, the proposed project would be constructed in accordance with applicable federal, state, and local codes associated with seismic criteria. Nonetheless, the geotechnical investigation prepared for the proposed project will provide site-specific recommendations for geotechnical seismic design. A detailed analysis of this issue will be included in the EIR.

iii. Seismic-related ground failure, including liquefaction?

Potentially Significant Impact. Liquefaction occurs when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. The project site is located with an area with very low liquefaction susceptibility; however, the surrounding area has moderate liquefaction susceptibility.[22] The geotechnical investigation prepared for the proposed project will evaluate site-specific recommendations for geotechnical seismic design and liquefaction risk at the project site. A detailed analysis of this issue will be included in the EIR.

iv. Landslides?

Potentially Significant Impact. Landslides occur with the movement of a mass of rock, debris, or earth down a slope. The project site varies from low to moderate landslide susceptibility.[23] As such, a geotechnical investigation will be prepared for the proposed project, which will evaluate site-specific recommendations for geotechnical seismic design and landslide risk at the project site. A detailed analysis of this issue will be included in the EIR.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Potentially Significant Impact. Construction of the proposed project would include ground-disturbing activities, such as grading and excavation, which could result in the potential for erosion to occur at the project site. The geotechnical investigation prepared for the proposed project will evaluate geologic and soil conditions at the project site. A detailed analysis of this

[22] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

[23] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

issue will be included in the EIR.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Potentially Significant Impact. As discussed in response to checklist question 3.7(a)(iii) and (a)(iv), the project site and surrounding area range from very low to moderate for liquefaction potential and landslide susceptibility.

Subsidence is the lowering of surface elevation due to changes occurring underground, such as the extraction of large amounts of groundwater. According to the Martinez General Plan Update EIR, the greatest potential for subsidence is in the northern portion of the City, where modern sediments include soft, water saturated muds, peat and loose sands.[24] As the project site is located within this area, the project site is potentially susceptible to subsidence.

Ground shaking, especially when inducing liquefaction, may cause lateral spreading toward unsupported slopes. The greatest potential for lateral spreading in the City is in the hilly terrain to the west and east that has a moderate potential for liquefaction.[25] The project site is not located within such hilly terrain, and therefore, would not be susceptible to lateral spreading.

Collapsible soils occur predominantly at the base of mountain ranges, where Holocene age alluvial fan and wash sediments have been deposited during rapid run-off events. Existing alluvium within the City may be susceptible to collapse and excessive settlements. The geotechnical investigation prepared for the proposed project will evaluate soil conditions at the project site. A detailed analysis of this issue will be included in the EIR.

d) Would the project be located on expansive soil, creating substantial direct or indirect risks to life or property?

Potentially Significant Impact. Expansive soils are clay-based soils that tend to expand (increase in volume) as they absorb water and shrink (lessen in volume) as water is drawn away. If soils consist of expansive clays, foundation movement and/or damage can occur if wetting and drying of the clay does not occur uniformly across the entire area. The project site and area have a very high shrink-swell potential, and therefore, would be expected to contain expansive soils.[26] The geotechnical investigation prepared for the proposed project will evaluate soil conditions relative to expansive soils at the project site. A detailed analysis of this issue will be included in the EIR.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. No septic tanks or alternative wastewater disposal systems are included as part of the proposed project. Therefore, no impact associated with the use of such systems would occur

[24] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

[25] Ibid.

[26] Ibid.

and this issue will not be further analyzed in the EIR.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Impact. The proposed project would include ground disturbing activities during construction, which have the potential to uncover previously unknown paleontological resources. An analysis of paleontological resources will be prepared for the proposed project, which will include a paleontological resources sensitivity analysis, as well as assess the potential for impacts to such resources. A detailed analysis of this issue will be included in the EIR.

3.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

Discussion

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

Potentially Significant Impact. Greenhouse gas (GHG) emissions refer to a group of emissions that are generally believed to affect global climate conditions. GHGs, such as carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), keep the average surface temperature of the Earth close to 60-degrees Fahrenheit. In addition to CO_2, CH_4, and N_2O, GHGs include hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride (SF_6), black carbon (the most strongly light-absorbing component of particulate matter emitted from burning fuels such as coal, diesel, and biomass), and water vapor. CO_2 is the most abundant pollutant that contributes to climate change through fossil fuel combustion.

Temporary GHG emissions would be generated from use of off-road equipment and truck and worker vehicle trips during construction activities. During operations, the majority of permanent GHG emissions associated with development are typically related to vehicle trips and energy consumption. A GHG technical report will be prepared for the proposed project, which will assess the GHG emissions associated with project construction and operations. A detailed analysis of this issue will be included in the EIR.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Potentially Significant Impact. As discussed in response to checklist question 3.8(a), the proposed project would generate GHG emissions during construction and operations. The GHG technical report prepared for the proposed project will evaluate the project's compliance with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. A detailed analysis of this issue will be included in the EIR.

3.9 Hazards and Hazardous Materials

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

Discussion

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Potentially Significant Impact. The proposed project would reestablish a rail spur that would hold train cars for the transport of a range of petroleum-based and renewable products, feed stocks, and blend stocks commodities. The Martinez Terminal property is currently developed with pipelines, storage tanks, office space, and related facilities associated with its operation as a storage and transportation hub for petroleum and renewable products and related feed and blend stocks. An Environmental Site Assessment will be prepared for the project, which will evaluate potential impacts related to hazardous materials during project construction and operations. A detailed analysis of this issue will be included in the EIR.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Potentially Significant Impact. As discussed in response to checklist question 3.9(a), the proposed project would transport a range of petroleum-based and renewable products, feed stocks, and blend stocks commodities for a terminal that operates as a storage and transportation hub for petroleum and renewable products and related feed and blend stocks. The Environmental Site Assessment prepared for the project will evaluate the project's potential impacts related to hazardous materials. A detailed analysis of this issue will be included in the EIR.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The closest school to the project site is Las Juntas Elementary School, located at 4105 Pacheco Boulevard, approximately 1.3 miles south of the project site. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and there would be no impact. This issue will not be further analyzed in the EIR.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Potentially Significant Impact. The Environmental Site Assessment prepared for the proposed project will disclose whether the project site is included on a list of hazardous materials sites. A detailed analysis of this issue will be included in the EIR.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The City of Martinez does not contain any airport facilities. Although residents are subject to small aircraft overflights from operations at Buchanan Field Airport in the eastern area of the City, the project site would not be located within the safety zones of Buchanan Field Airport.[27] Therefore, no impact would occur related to safety hazards or excessive noise for people residing or working in the project area within an airport land use plan. This issue will not be further analyzed in the EIR.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The Martinez Terminal facility has an existing emergency response plan and spill prevention plan that would be updated to include the project site and operations associated with the proposed project. As part of the emergency response plan and

[27] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

spill prevention plan, project personnel would have available adequate spill containment and cleanup resources on-site at all times and be prepared to contain, control, clean up, and dispose of any potential fuel spill quickly and completely.

The City of Martinez Emergency Operations Plan identifies the City's emergency planning, organization, and response policies and procedures. The City's Emergency Operations Plan addresses the City's responsibilities in emergencies associated with an "all hazards" approach in managing natural disasters and human-caused emergencies; and provides a framework for coordination of response and recovery efforts within the City in coordination with local, State, and federal agencies, while maintaining the flexibility needed to adapt to various situations that arise. The existing Martinez Terminal adheres to the City's Emergency Operations Plan and the proposed project would be required to adhere to the plan.

As discussed in checklist question 3.15(a)(i), during the proposed project's construction, notice to and coordination with the Contra Costa County Fire Protection District (CONFIRE) would be ongoing and emergency access to the project site would be maintained. A Traffic Control Plan (TCP) would be prepared by a registered Traffic Engineer for all locations where construction activities would affect the existing transportation system. Input and approval of the TCP will be obtained from the City of Martinez prior to construction. Furthermore, the project would be required to go through the plan review process with CONFIRE to ensure that adequate emergency processes would be maintained. The proposed project would adhere to the Martinez Terminal's existing emergency response plan and the City's Emergency Operations Plan during emergency situations throughout implementation of the proposed project, and the proposed project would not impair implementation of such plans. Therefore, impacts would be less than significant, and this issue will not be further analyzed in the EIR.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The project site and surrounding area are not located within a Fire Hazard Severity Zone in a State Responsibility Area, as defined by the California Department of Forestry and Fire Protection.[28] Furthermore, the project site and surrounding area are not located within a Very High Fire Hazard Severity Zone (VHFSZ) in a Local Responsibility Area, according to the City of Martinez General Plan Update EIR.[29] As such, no impacts related to risk of wildland fires would occur, and this issue will not be further analyzed in the EIR.

[28] California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, Fire Hazard Severity Zone Viewer, available at: https://egis.fire.ca.gov/FHSZ/, accessed August 2, 2023.

[29] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

3.10 Hydrology and Water Quality

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

Discussion

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Potentially Significant Impact. Water quality standards and waste discharge requirements including the federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act) and the California Porter-Cologne Water Quality Control Act (Section 13000 et seq. of the California Water Code) are intended to protect the quality of waters within the State of California and require comprehensive water quality control plans be developed.

The City of Martinez and the project site are within the jurisdiction of the San Francisco Bay Regional Water Quality Board. Impacts related to water quality would fall under two general categories: short-term construction-related impacts and long-term operational impacts. Construction activities have the potential to degrade water quality through the exposure of surface runoff to exposed soils, dust, and other debris, as well as from runoff from construction equipment.

Operational impacts may result from the loading, unloading, and storage of rail cars, which could affect stormwater runoff quality. The proposed project would reestablish a former rail spur, implement facility improvements at the existing terminal, and install a stormwater drainage and containment system, the construction and operation of which may have the potential to degrade surface of groundwater quality. A detailed analysis of this issue will be included in the EIR.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The City currently has no active groundwater well sources. All of the City's raw water supply is from surface water provided by the Contra Costa Water District's Contra Costa Canal.[30] The City has no major groundwater production facilities for water supply, and there are no major groundwater basins underlying the City.[31] The nearest significant groundwater basin is the Ygnacio Valley groundwater basin (Basin 2-6) on the east side of Interstate 680 and Taylor Road, located approximately 8 miles south of the project site.[32] Thus, the proposed project would use surface water sources and would not use or decrease groundwater supplies, and no impact to groundwater supplies or recharge would occur. This issue will not be further analyzed in the EIR.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Potentially Significant Impact. As discussed in response to checklist question 3.7(b), construction of the proposed project would include ground-disturbing activities, such as grading and excavation, which could result in the potential for erosion to occur at the project site. The proposed project would be required to implement standard temporary construction controls for erosion and sediment control. Additionally, as construction of the proposed project would disturb more than one acre of land, a Storm Water Pollution Prevention Plan with erosion control measures in compliance with National Pollutant Discharge Elimination System (NPDES) permit requirements will be required for the proposed project. The proposed project would install a comprehensive stormwater drainage and secondary containment system to control drainage at the site during project operation. A detailed analysis of this issue will be included in the EIR.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Potentially Significant Impact. As discussed in response to checklist question 3.10(c)(i), construction and operation activities could result in changes in drainage patterns. A detailed analysis of this issue will be included in the EIR.

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30 City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

31 Ibid.

32 Ibid.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Potentially Significant Impact. Stormwater from the project site is currently accommodated by connection to the City's public stormwater drainage system. Implementation of the proposed project would involve installation of a new stormwater drainage and secondary containment system. A detailed analysis of this issue will be included in the EIR.

iv. Impede or redirect flood flows?

Potentially Significant Impact. A 100-year flood is a flood defined as having a 1.0 percent chance of occurring in any given year. According to the Federal Emergency Management Agency, National Flood Hazard Layer Viewer, portions of the project site and surrounding area are located within either an Area of Minimal Flood Hazard (Zone X) or a Special Flood Hazard Area (Zone AE).[33] A detailed analysis of this issue will be included in the EIR.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Potentially Significant Impact. As discussed in response to checklist question 3.10(c)(iv), portions of the project site and surrounding area are located within either an Area of Minimal Flood Hazard (Zone X) or a Special Flood Hazard Area (Zone AE).

Tsunamis are large ocean waves that are generated by major earthquakes, undersea landslides, volcanic eruptions, or other similar seismic activity. Factors influencing the size and speed of a tsunami include the source and magnitude of the triggering event, as well as off-shore and on-shore topography. The project site is located in the vicinity of the waterfront of the Carquinez Strait, which is at risk of inundation from tsunamis. Seiches are large waves generated in enclosed bodies of water in response to ground shaking. The project site's proximity to the Carquinez Strait and Suisun Bay (semi-confined water body) could pose a significant risk from a seiche.[34] As such, the proposed project may risk release of pollutants due to project inundation, and a detailed analysis of this issue will be included in the EIR.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Potentially Significant Impact. A Storm Water Pollution Prevention Plan with erosion control measures in compliance with NPDES permit requirements would be prepared for the proposed project. The proposed project would install a comprehensive stormwater drainage and secondary containment system to control drainage at the site during project operation. Construction and operation of the proposed project could affect water quality runoff from the project site. As previously discussed, the proposed project would not use or decrease groundwater supplies. Therefore, the proposed project would not conflict with or obstruct implementation of a groundwater management plan. A detailed analysis of the project's potential to conflict with or

[33] Federal Emergency Management Agency, National Flood Hazard Layer Viewer, Flood Insurance Rate Map, search by location, available at: https://hazards-fema.maps.arcgis.com/, accessed August 3, 2023.

[34] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

obstruct implementation of the water quality control plan will be included in the EIR.

3.11 Land Use and Planning

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Discussion

a) Would the project physically divide an established community?

No Impact. The project site is located in an industrial area that is surrounded by extant, remnant, and former marshlands and wildlife areas. There are no residential uses or established communities at the project site or in the surrounding area. Additionally, the proposed project would reestablish a rail spur from the existing UPRR tracks into the existing Martinez Terminal property on a previously established alignment. Therefore, the proposed project would not physically divide an established community, and no impact would occur. This issue will not be further analyzed in the EIR.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. As discussed in checklist question 3.1(c), the project site is designated IM for industrial and manufacturing uses, zoned H-I (Heavy Industrial), and also zoned ECD (Environmental Conservation District) Zone. The H-I Zone allows for petroleum and petroleum products refining; petroleum products storage; and railroad freight stations, repair shops, and yards. No changes to the existing land use designation are required or proposed with the project. Additionally, the proposed project would result in a continuation of the existing industrial use of the site and would not conflict with the intended use of the project site or with surrounding land uses. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There would be no impact, and this issue will not be further analyzed in the EIR.

3.12 Mineral Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. California's Surface Mining and Reclamation Act of 1975 requires the State Geologist to classify land into mineral resource zones (MRZ) based on the known or inferred mineral resource potential of that land. The California Department of Conservation's Mineral Resources Program provides data about California's varied non-fuel mineral resources (such as metals and industrial minerals), naturally occurring mineral hazards (such as asbestos, radon, and mercury), and information about active and historic mining activities throughout the state.[35] Classification is completed by the State Geologist, wherein lands classified MRZ-1 are areas where geologic information indicates no significant mineral deposits are present, lands classified MRZ-2 are areas that contain identified mineral resources, lands classified MRZ-3 are areas of undetermined mineral resource significance, and lands classified MRZ-4 are areas of unknown mineral resource potential.[36]

According to the California Geological Survey's Updated Mineral Land Classification Map, the project site is located within on lands classified MRZ-4.[37] Additionally, the project site does not contain any oil wells, and no oil extraction occurs within the project site.[38] The project site does not currently involve mineral extraction activities and no such activities are included as part of the proposed project. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state, and no impact would occur. This issue will not be further analyzed in the EIR.

[35] California Department of Conservation, 2019, The California Mineral Resources Program, available at: https://www.conservation.ca.gov/cgs/minerals/program, accessed August 1, 2023.
[36] California Department of Conservation, n.d., Guidelines for Classification and Designation of Mineral Lands.
[37] California Department of Conservation, 2013, Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the North San Francisco Bay Production-Consumption Region, Marin, Napa, Sonoma, and Southwestern Solano Counties, California.
[38] California Department of Conservation, Geologic Energy Management Division's (CalGEM) Well Finder, available at: https://maps.conservation.ca.gov/doggr/wellfinder/, accessed August 1, 2023.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As described in response to checklist question 3.12(a), the project site is not located on lands classified as MRZ-2. Additionally, the project site does not contain any oil wells, and no oil extraction occurs within the project site. According to the City of Martinez General Plan EIR, the City does not contain any locally important mineral resource recovery sites.[39] As such, no impact would occur, and this issue will not be further analyzed in the EIR.

[39] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

3.13 Noise

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

Discussion

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact. Construction activities have the potential to generate noise levels that exceed applicable standards in the project area. The proposed project would reestablish a former rail spur, implement facility improvements at the existing terminal, and install a stormwater system. A noise and vibration technical report will be prepared for the proposed project to assess the potential for short-term and long-term increases in noise levels and any associated impacts. A detailed analysis of this issue will be included in the EIR.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Potentially Significant Impact. Construction activities associated with the proposed project may generate ground-borne vibration from use of heavy equipment. The noise and vibration technical report prepared for the proposed project will evaluate the potential for groundborne noise and vibration, as well as any associated impacts. A detailed analysis of this issue will be included in the EIR.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The City of Martinez does not contain any airport facilities. Although residents are subject to small aircraft overflights from operations at Buchanan Field Airport in the eastern area of the City, the project site would not be located within the safety zones of Buchanan Field

Airport.[40] Therefore, no impact would occur related to excessive noise for people residing or working in the project area. This issue will not be further analyzed in the EIR.

[40] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

3.14 Population and Housing

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. Given the temporary nature of construction industry jobs, the relatively large regional construction industry, and the relatively nominal total number of construction workers needed during any construction phase, the labor force from within the region would be sufficient to complete project construction without an influx of new workers and their families. Therefore, construction of the proposed project would not directly induce population growth.

The proposed project would reestablish a former rail spur, implement facility improvements at the existing terminal, and install a stormwater system in an industrial area that is surrounded by extant, remnant, and former marshlands and wildlife areas. The project does not include the construction of new homes, businesses, or changes to the existing land uses on-site. The project would reestablish the former rail spur and additional railroad track to serve as a lead track from the existing UPRR tracks into the Martinez Terminal property. Additionally, the project site and surrounding area is currently served by existing rail infrastructure. The new track would extend the existing rail infrastructure; however, the proposed project would allow the operational capacity to be restored to the permitted capacity historically available for the project site. Thus, the installation of the new lead track and rail spur would reestablish the allowed and permitted capacity of the project site and would not generate new population growth.

Although the proposed project would result in the addition of two employees above existing conditions for a total of 18 employees, this increase in employee population would be relatively nominal and the new employees would be anticipated to come from the region. Therefore, there would be no substantial direct or indirect increases in population growth resulting from project implementation, and impacts would be less than significant. This issue will not be further analyzed in the EIR.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site is currently developed with industrial uses and does not contain any housing. Therefore, the proposed project would not involve the removal or relocation of any

housing and therefore, would not displace any people or necessitate the construction of any replacement housing. No impact would occur, and this issue will not be further analyzed in the EIR.

3.15 Public Services

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
ii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Discussion

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

i. Fire Protection?

Less Than Significant Impact. CONFIRE provides fire and emergency medical services to nineteen communities (including the City of Martinez), and the unincorporated areas of the County. CONFIRE operates 34 fire stations with over 400 employees, and provides service to business, residents, and industry, including several petroleum refineries and chemical manufacturing plants.[41] The closest fire station to the project site is Station 14, located at 521 Jones Street, approximately 2.1 miles southwest of the project site.

During the proposed project's construction, notice to and coordination with CONFIRE would be ongoing and emergency access to the project site would be maintained. As discussed in checklist question 3.17(d), a TCP would be prepared by a registered Traffic Engineer for all locations where construction activities would affect the existing transportation system. Input and approval of the TCP will be obtained from the City of Martinez prior to construction. The proposed project would be subject to current fire code and CONFIRE requirements for emergency access. Compliance with fire code standards would be ensured through plan review with CONFIRE and would

[41] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

minimize hazards to life and property in the event of a fire.

Following project implementation, the existing emergency response plan and spill prevention plan that covers the Martinez Terminal would be updated to include the project site and operations associated with the proposed project. In addition, an increase in demand for fire protection services is typically associated with an increase in population. The proposed project does not include the development of new housing or businesses that would substantially increase the residential or employee populations in the area. Additionally, implementation of the proposed project would not introduce any new land uses at the project site from those previously permitted, constructed, or used. Thus, the demand for fire protection services would not substantially increase. Therefore, the proposed project would not require the construction of additional fire protection facilities or expansion of existing facilities. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

ii. Police protection?

Less Than Significant Impact. The Martinez Police Department (MPD) provides law enforcement and police protection services throughout the City. The MPD has one police station, staffed by approximately 60 employees.[42] The MPD station is located at 525 Henrietta Street, located approximately 2 miles southwest of the project site.

During construction of the proposed project, notice to and coordination with the MPD would be ongoing and emergency access to the project site would be maintained. Active construction areas would be fenced and would remain secured outside of work hours. The existing Martinez Terminal has existing security measures, including security guards, nighttime lighting, and fencing, that would also apply to the proposed project.

Similar to checklist question 3.15(a)(i), an increase in demand for police protection services is typically associated with an increase in population. The proposed project would not include residential development or introduce new types of services or operations at the facility that could increase the permanent population in the surrounding area. The project site and surrounding area are currently served by the MPD and the reestablishment of the rail spur would not result in an additional need for police protection services. Therefore, the proposed project would not require the provision of new or physically altered police protection facilities to maintain acceptable service ratios, response times, or other performance objectives such that environmental impacts would result. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

iii. Schools?

Less Than Significant Impact. The City of Martinez is primarily served by the Martinez Unified School District (MUSD). MUSD operates one preschool, four elementary schools, three high schools, and one adult education school.[43] The closest school to the project site is Las Juntas Elementary School, located at 4105 Pacheco Boulevard, approximately 1.3 miles south of the

[42] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

[43] Martinez Unified School District, Campus List, available at: https://www.martinezusd.net/, accessed August 2, 2023.

project site.

The demand for new or expanded school facilities is generally associated with an increase in housing or population. As the proposed project does not include development of any residential uses, no direct increase in residential population would occur. Construction workers are anticipated to be drawn from the existing workforce throughout the region. As such, construction of the proposed project would not generate new permanent residents that would increase the demand for schools. Two additional workers would be employed for project operations; however, this increase in employees is nominal and would not substantially impact MUSD school capacity. Additionally, as discussed previously, the proposed project would not introduce new types of services or operations at the facility, and it would not indirectly induce population growth. Therefore, no increase in demand for local schools would result, and impacts would be less than significant. This issue will not be further analyzed in the EIR.

iv. Parks?

Less Than Significant Impact. The City's Community and Recreation Services Department manages the 17 parks and Martinez Marina within the City.[44] The closest City park to the project site is Highland Avenue Park, located at 1356 Merrithew Street, approximately 1.5 miles southwest of the project site.

As previously stated, the proposed project does not include development of any residential uses. Construction and operation of the proposed project would not generate a substantial number of new permanent residents that would increase the demand for parks and recreational facilities. Therefore, impacts would be less than significant, and this issue will not be further analyzed in the EIR.

v. Other public facilities?

Less Than Significant Impact. Demand for other public facilities (e.g., libraries, community centers, and wellness centers) is generally associated with increased housing or population. As previously discussed, the proposed project does not include a component that would generate housing or result in a substantial increase in population. The proposed project would not result in indirect population growth that could increase demand for other public facilities. Therefore, the proposed project would result in substantial adverse physical impacts associated with the provision of new or expanded public facilities. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

[44] City of Martinez, n.d., Martinez Parks, available at: https://www.cityofmartinez.org/departments/recreation/parks, accessed August 2, 2023.

3.16 Recreation

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

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

Less Than Significant Impact. As discussed in checklist question 3.15(a)(iv), the City's Community and Recreation Services Department manages the 17 parks and Martinez Marina within the City. The closest City park to the project site is Highland Avenue Park, located at 1356 Merrithew Street, approximately 1.5 miles southwest of the project site.

The proposed project would restore the rail spur and associated facilities at the project site to bring the Martinez Terminal to the operational functionality historically available and permitted at the site. The proposed project would not result in new types of services or operations at the existing facility from those previously permitted, constructed, or used. Construction workers are anticipated to be largely drawn from the existing workforce in the region, and a nominal number of workers (two additional employees) would be required for operation of the proposed project. Therefore, substantial physical deterioration of these facilities would not occur or be accelerated with implementation of the proposed project. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The proposed project does not include development of any recreational facilities. Further, the proposed project would not induce growth that could require the construction or expansion of recreational facilities. Therefore, no impact would occur, and this issue will not be further analyzed in the EIR.

3.17 Transportation

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?	☒	☐	☐	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☒	☐	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Discussion

a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?

Potentially Significant Impact. The proposed project would reestablish a rail spur in the southern portion of the Martinez Terminal property by installing new rail tracks and reconnecting the spur with the existing UPRR tracks. Additional ancillary improvements would also be implemented at the project site. A transportation impact assessment will be prepared for the proposed project to evaluate the potential for the proposed improvements to conflict with a program plan, ordinance or policy addressing the circulation system. A detailed analysis of this issue will be included in the EIR.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Potentially Significant Impact. Construction of the proposed project would generate vehicle trips from the mobilization of workers, equipment, and haul trucks to and from the campus, resulting in a temporary increase in traffic. The proposed project would not change the land use at the project site or substantially increase the number of employees on-site. The transportation impact assessment will evaluate the proposed project's potential to generate vehicle miles traveled and its impact on vehicle miles traveled. A detailed analysis of this issue will be included in the EIR.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Potentially Significant Impact. During construction, vehicles associated with construction personnel commute trips would be a compatible use on the local road networks. Implementation of the proposed project would include reestablishment of the rail spur, which would change existing conditions for rail traffic. The transportation impact assessment will evaluate the potential for increased hazards due to a geometric design feature. A detailed analysis of this issue will be included in the EIR.

d) Would the project result in inadequate emergency access?

Less Than Significant Impact. Prior to construction, a TCP prepared by a registered Traffic Engineer will be developed and implemented for the proposed project. The TCP would require approval from the City. The TCP would define the use of flaggers, warning signs, lights, barricades, cones, etc., according to standard guidelines required by the City of Martinez. Traffic control would be maintained at the project site at all times, and construction activities completed within public street rights-of-way would require the use of a traffic control service. Any lane closures, if required, or traffic control measures would be consistent with those published in the California Joint Utility Traffic Control Manual, facilitating safe passage of both construction vehicles and private vehicles. Furthermore, notice to and coordination with emergency service providers, including the CONFIRE and MPD, would be ongoing regarding the construction schedule and the TCP so as to coordinate emergency response routing and maintain emergency access.

Implementation of the proposed project includes the reestablishment of a defunct rail spur, which would not impact the existing roadways utilized for emergency access. As such, emergency access to the project would remain similar to existing conditions. Therefore, construction and operation of the proposed project would result in less than significant impacts related to inadequate emergency access. This issue will not be further analyzed in the EIR.

3.18 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☒	☐	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☒	☐	☐	☐

Discussion

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

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

Potentially Significant Impact. The proposed project would involve ground disturbing activities, including excavation and grading, during construction. The cultural resources assessment prepared for the proposed project will assess potential impacts to tribal cultural resources. A detailed analysis of this issue will be included in the EIR.

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

Potentially Significant Impact. Pursuant to Assembly Bill 52, California Native American tribes known to have interest in the area will be notified to determine project impacts and mitigation

measures. The cultural resources assessment prepared for the proposed project will assess potential impacts to tribal cultural resources and will outline the Assembly Bill 52 consultation efforts conducted for the proposed project. A detailed analysis of this issue will be included in the EIR.

3.19 Utilities and Service Systems

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

Discussion

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact.

Water

Water is supplied to the project site by the Contra Costa Water District via the Contra Costa Canal, which is part of the Central Valley Project developed by the U.S. Bureau of Reclamation. This represents 100 percent of the water supply for the City's water service area. The City's surface water supply is from the San Joaquin River Delta, and recycled water is supplied by the Central Contra Costa Sanitary District.[45]

[45] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

Wastewater

Wastewater collection and treatment for the project site is provided by the Central Costa Contra Sanitary District. The City is primarily served by two wastewater treatment plants, the Central Costa Contra Sanitary District Wastewater Treatment Plant and the Mountain View Sanitary District Wastewater Treatment Plant. The Central Costa Contra Sanitary District Wastewater Treatment Plant has a current NPDES permitted capacity of 53.8 million gallons per day, with an average dry weather flow of about 34 million gallons per day.[46]

Stormwater

The City owns and operates most of the smaller storm drainage systems within the City. The Alhambra Creek Watershed covers approximately 16.5 square miles in north central Contra Costa County and encompasses a portion of the City. The combined branches flow through Briones Valley, valleys containing open space, wildlife habitat, residential and commercial areas, through downtown Martinez and then discharge into the Carquinez Straits through a tidal wetland at the Martinez Regional Shoreline.[47]

Electricity, Natural Gas, and Telecommunications

Residents of the City of Martinez have the option of choosing between two different electricity providers: Marin Clean Energy and Pacific Gas & Electric Company. As the primary power provider in the City, Marin Clean Energy is the default electricity provider for residents and businesses in the City, while Pacific Gas & Electric Company continues to provide electric delivery, billing services, and power line maintenance. Pacific Gas & Electric Company also provides natural gas service for the City. The City is served by multiple telecommunications providers and the two largest providers are Xfinity and AT&T, which both provide internet access, telephone, and television services within the City.[48]

Impact Analysis

The proposed project would reestablish a former rail spur, implement facility improvements at the existing terminal, and install a stormwater system. Although the project would result in the construction of a new stormwater drainage system, the comprehensive stormwater drainage and secondary containment system would ensure rail loading and unloading operations do not pose a risk to water quality. Furthermore, drainage from the proposed rail spur would also enter the facility's existing drainage system and drainage flow directly outside the facility's property line would be avoided. As such, the proposed project would not require the construction of new stormwater drainage facilities that would result in a physical impact to the environment. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

The project site and existing Martinez Terminal are already served by existing utilities. Although the proposed project would result in an increase of two employees compared to the existing employee population, this increase would be nominal and would not result in substantial additional water demand or wastewater generation that would necessitate the construction of new water or wastewater facilities. Furthermore, the proposed project would not result in new types of services or operations at the existing facility from those previously permitted, constructed, or used. As

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46 City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

47 Ibid.

48 Ibid.

such, the amount of water demand and wastewater generation would be anticipated to be similar to existing conditions. Thus, the proposed project would not require the construction of new water or wastewater facilities that would result in a physical impact to the environment. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

No electric power, natural gas, or telecommunications facilities would be relocated, constructed, or expanded as a result of the proposed project. No impact would occur related to these facilities and this issue will not be further analyzed in the EIR.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. Construction of the proposed project would require nominal amounts of water for activities, such as dust suppression and washing equipment. These activities would not result in significant water demand and would cease after construction is complete.

During operation, the proposed project would not result in substantially more water demand than existing conditions as the proposed project would only require two additional employees above the existing workforce. According to the City of Martinez General Plan Update EIR, the Contra Costa Water District's water supply within the City's water service area is expected to meet water demand through 2045 with the implementation of water contingency planning efforts. Water deliveries would be reduced during multiple dry years from Contra Costa Water District. As such, the City has adequate water supply to meet projected demand through 2040 during normal, dry, and multiple dry years.[49] Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. The proposed project would continue to be provided sanitary sewer service by the Central Costa Contra Sanitary District through its wastewater collection and treatment system, similar to existing conditions. As the project would result in a nominal increase of employees and no change in the types of uses or operations on-site, the proposed project would not result in substantially greater wastewater collection and treatment demand than the current operations at the project site. Therefore, impacts would be less than significant, and this issue will not be further analyzed in the EIR.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. The City is responsible for all solid waste collection within the City limits. Republic Services has a franchise agreement with the City for the collection and

[49] City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

disposal of solid waste and recyclable items. Republic Services operates both the Contra Costa Transfer Station and the Keller Canyon Landfill, which is projected to cease operation in 2050.

During construction, the proposed project would generate solid waste from demolition and excavation activities. However, the proposed project is required to comply with the Martinez Municipal Code including Chapter 8.16 (Solid Waste Management), Chapter 8.18 (Source Reduction and Recycling), and Chapter 8.19 (Construction and Demolition Debris Recycling) that aim to reduce the amount of solid waste being diverted to the landfill.

During operation, as the employee population would only increase by two additional employees, the proposed project would not significantly increase the amount of solid waste already generated by the existing terminal. Solid waste would continue to be disposed of at the Contra Costa Transfer Station and/or the Keller Canyon Landfill. According to the City of Martinez General Plan Update EIR, the City's increase in solid waste generation resulting from the new growth associated with the General Plan Buildout is within the daily permitted capacity of the Keller Canyon landfill.[50] Therefore, the existing landfills would have sufficient capacity to accommodate the relatively minor amounts of waste that would be generated by the proposed project. Impacts would be less than significant, and this issue will not be further analyzed in the EIR.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The proposed project would comply with all federal, state, and local statutes regarding solid waste. As discussed in checklist question 3.19(e), the proposed project would comply with the Martinez Municipal Code including Chapter 8.16 (Solid Waste Management), Chapter 8.18 (Source Reduction and Recycling), and Chapter 8.19 (Construction and Demolition Debris Recycling) that aim to reduce the amount of solid waste being diverted to the landfill. The proposed project would also incorporate the source reduction techniques and recycling measures in accordance with California Assembly Bill 939 and CALGreen, which requires that at least 65 percent of nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. Therefore, the proposed project would comply with all applicable federal, state, and local solid waste regulations, and impacts would be less than significant. This issue will not be further analyzed in the EIR.

[50] Ibid.

3.20 Wildfire

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

Discussion

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The project site and surrounding area are not located within a Fire Hazard Severity Zone in a State Responsibility Area, as defined by the California Department of Forestry and Fire Protection.[51] Furthermore, the project site and surrounding area are not located within a VHFHSZ in a Local Responsibility Area, according to the City of Martinez General Plan Update EIR.[52] Therefore, no impact related to an emergency response plan or evacuation plan within a VHFHSZ would occur, and this impact will not be further analyzed in the EIR.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The project site is not located within or near a VHFHSZ within a Local or State Responsibility Area. Therefore, no impact related to increased pollutant concentrations from wildfire within a VHFHSZ would occur, and this impact will not be further analyzed in the EIR.

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51 California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, Fire Hazard Severity Zone Viewer, available at: https://egis.fire.ca.gov/FHSZ/, accessed August 2, 2023.

52 City of Martinez, Community Development Department, Draft Environmental Impact Report for the Martinez General Plan Update, October 2022, available at: https://www.cityofmartinez.org/home/showpublisheddocument/2716/637955490203230000, accessed August 1, 2023.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The project site is not located within or near a VHFHSZ within a Local or State Responsibility Area. Therefore, no impact related to the installation or maintenance of associated infrastructure within a VHFHSZ would occur, and this impact will not be further analyzed in the EIR.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The project site is not located within or near a VHFHSZ within a Local or State Responsibility Area. Therefore, no impact related to the exposure of people or structures to significant risks within a VHFHSZ would occur, and this impact will not be further analyzed in the EIR.

3.21 Mandatory Findings of Significance

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

Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Potentially Significant Impact. As previously discussed, a biological resources assessment will be prepared for the proposed project, which will evaluate potential impacts to special status and/or sensitive species. Additionally, a cultural resources assessment will be prepared for the proposed project, which will evaluate potential impacts to historical and archaeological resources, including tribal cultural resources. A detailed analysis of these issues will be included in the EIR.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potentially Significant Impact. Pursuant to CEQA Guidelines Section 15130, the EIR will include an evaluation of the proposed project's potential to contribute to cumulative impacts when considered in combination with the effects of other related projects. A detailed analysis of this issue will be included in the EIR.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact. The proposed project could potentially result in environmental effects that may cause adverse effects on human beings with regard to the following environmental areas discussed in this Initial Study: air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, transportation, and tribal cultural resources. A detailed analysis of the project's potential direct and indirect effects on human beings will be included in the EIR.

4 REFERENCES

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December 19, 2023

Matthew Feske
City of Martinez Public Works Department
525 Henrietta Street
Martinez, CA 94553

Re: 2023120466, Martinez Terminal Rail Restoration Project, Contra Costa County

Dear Mr. Feske:

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

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

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

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

AB 52

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

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

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

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

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

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

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

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

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

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

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

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

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

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

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

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

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

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

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

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

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

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

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

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

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

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

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

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

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

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) 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: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

California Department of Transportation

DISTRICT 4
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January 19, 2024

SCH #: 2023120466
GTS #: 04-CC-2023-00736
GTS ID: 31529
Co/Rt/Pm: CC/680/23.7

Matthew Feske, Senior Technical Specialist
City of Martinez
535 Henrietta Street
Martinez, CA 94533

Re: Martinez Terminal Rail Restoration Project – Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR)

Dear Matthew Feske:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Martinez Terminal Rail Restoration 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 Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the December 2023 NOP.

Project Understanding
The Martinez Terminal Rail Restoration Project would reestablish a former rail line on the south side of the existing Martinez Terminal near Interstate (I)-680, connecting to the existing Union Pacific Railroad tracks south of Waterfront Road.

Freight
Caltrans commends the development of this project as shifting goods from trucks to rail effectively reduces Greenhouse Gas (GHG) emissions and number of freight trucks on the State Transportation Network (STN).

Please consider including zero emissions fueling infrastructure for locomotives and other equipment as part of the project, which can reduce air pollution and emissions.

Construction-Related Impacts
Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits *(link)*. Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Wilton Rancheria

9728 Kent Street, Elk Grove, CA 95624

Inadvertent Discovery Treatment Plan

If potential tribal cultural resources (TCRs), archaeological artifacts, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work will cease within 100 feet of the find (based on the apparent distribution of the resources. Examples of potential cultural materials include but are not limited to midden soils, artifacts, chipped or worked stone, baked clay, shell, or bone.)

A Native American Representative from the federally recognized, Wilton Rancheria will assess the significance of the find and make recommendations for further evaluation and treatment if necessary. Culturally appropriate treatment that preserves or restores the cultural qualities and integrity of a Tribal Cultural Resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of any further activities by a tribal representative, and or returning the objects to a location within the project area where they will not be subject to future impacts.

Wilton Rancheria does not consider curation of TCRs to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.
If any human remains are discovered during construction activities, the County Coroner and the Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the remains are Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) (MLD) who will work the project proponents to define proper treatment and disposition.

After review of the find and consultation with the MLD, the authority to proceed may be accompanied by the addition of development requirements which provide for protection and preservation of the site and/or additional measures necessary to address the sensitive and unique nature of the site. All treatment recommendations made by the tribe and other cultural resources specialists will be documented in the confidential portion of the project record. Work in the area(s) of the cultural find may only proceed after authorization from the lead agency in coordination with the Tribe.

Please reach out to the tribe by using the contact information listed below. We appreciate your compliance and understanding in our endeavors to protect and preserve our tribal cultural resources.

Cultural Resources
Wilton Rancheria- Cultural Preservation Department
Tel: 916.683.6000 ext. 2023
cpd@wiltonrancheria-nsn.gov