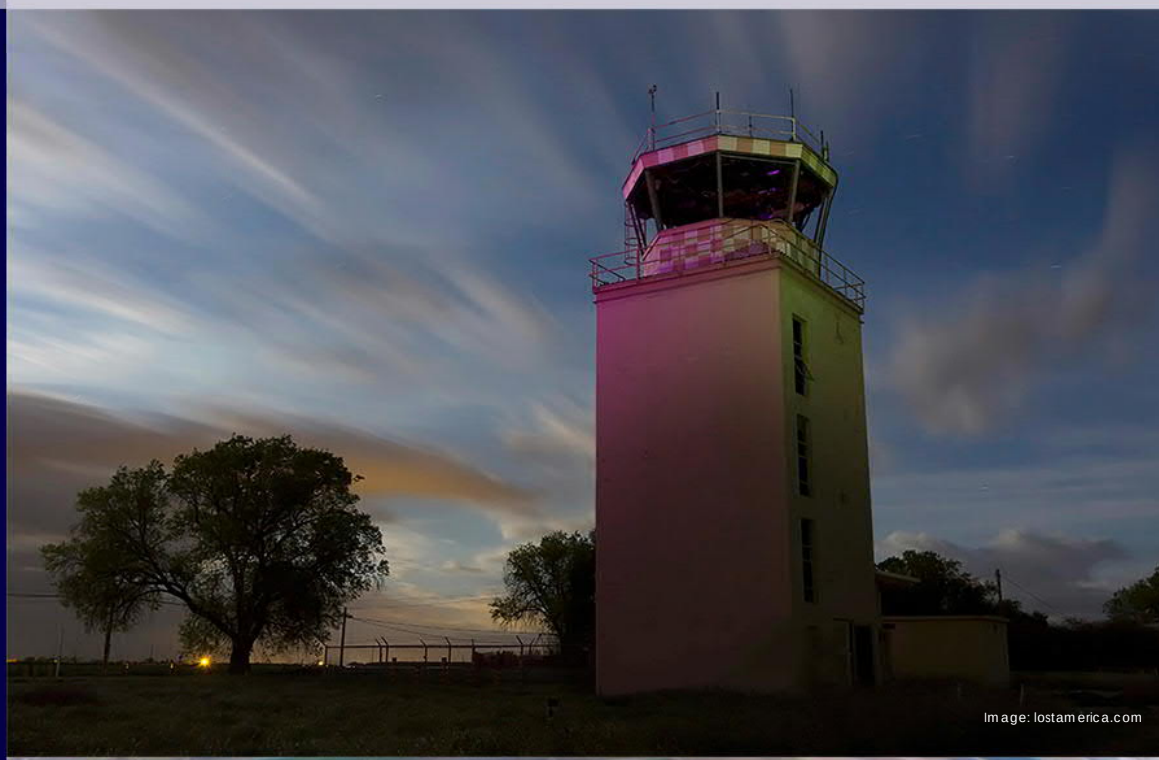
Crows Landing Industrial Business Park Specific Plan Final Environmental Impact Report

October 2018



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Crows Landing
Industrial Business Park
Stanislaus County

Crows Landing Industrial Business Park Specific Plan Final Environmental Impact Report

October 2018

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ACRONYMS AND ABBREVIATIONS

2014 RTP/SCS	2014 Regional Transportation Plan/Sustainable Communities Strategy
ACM	asbestos-containing materials
ADT	average daily traffic
ADWF	average daily wastewater flows
AEP	annual exceedance probability
AFY	acre feet per year
AIA	*Air Impact Assessment*
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
ARARs	Applicable or Relevant and Appropriate Requirements
ARB	California Air Resources Board
ARC	Airport Reference Code
ATCT	air traffic control tower
Bay Area	San Francisco Bay Area
BMPs	Best Management Practices
BRAC	Base Closure and Realignment
C.F.R.	Code of Federal Regulations
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Officers Association
CASGEM	California Statewide Groundwater Elevation Monitoring
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CLIBP	Crows Landing Industrial Business Park
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
COM Standards	City of Modesto Public Works Department Standard Specifications 2006
COM Wastewater Master Plan	City of Modesto Wastewater Collection System Master Plan, March 2000
COP	City of Patterson
County	Stanislaus County
CRHR	California Register of Historical Resources
CSAs	County Service Areas
CUPA	Certified Unified Program Agency
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
dB	decibels
DER	Department of Environmental Resources

DMGS	Delta-Mendota Groundwater Subbasin
DOF	California Department of Finance
Draft EIR	Draft Environmental Impact Report
DSOD	Division of Safety of Dams
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
EDD	Employment Development Department
EIR	environmental impact report
ETL	Engineering Technical Letter
FAA	Federal Aviation Administration
Final EIR	Final Environmental Impact Report
FSEIR	Final Subsequent EIR
GHG	greenhouse gas
GRIA	Groundwater Resources Impact Assessment
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
HC	hydrocarbon
HI	hazard indices
HRA	health risk screening assessment
I-	Interstate
ILRP	Irrigated Lands Regulatory Program
ISR	Indirect Source Review
JJ&A	Jacobson James & Associates, Inc.
kBtu	thousand British thermal unit
kWh	kilowatt-hours
KDSA	Kenneth D. Schmidt and Associates
LAFCO	Stanislaus Local Agency Formation Commission
LID	Low Impact Development
LOS	level-of-service
LTO	landing and take-off
LUCs	Land use controls
MCAG	Merced County Association of Governments
mgd	million gallons per day
MMBtu	million British thermal units
MMRP	Mitigation Monitoring and Reporting Program
MOU	Memorandum of Understanding
MS4	Municipal Separate Storm Sewer System
MSA	Modesto Metropolitan Statistical Area
MT CO_2e	metric tons of carbon dioxide equivalent
MT CO_2e/yr	metric tons of carbon dioxide equivalent per year
NOP	notice of preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OSHA	federal Occupational Safety and Health Administration
OVP	Old Valley Pipeline

PFF	Public Facilities Fees
PG&E	Pacific Gas & Electric Company
PM_{10}	particulate matter less than or equal to 10 microns in diameter
$PM_{2.5}$	particular matter less than or equal 2.5 microns in diameter
proposed project	Crows Landing Industrial Business Park Specific Plan
Recycled Water Policy	Water Quality Control for Recycled Water
ROD	Record of Decision
ROG	reactive organic gases
RTIF	Regional Transportation Impact Fee Program
RTP	Regional Transportation Plan
RWDs	reports of waste discharge
SCS	Sustainable Communities Strategy
SGMA	Sustainable Groundwater Management Act
SJCOG	San Joaquin Council of Governments
SJVAPCD	San Joaquin Valley Air Pollution Control District
SLDMWA	San Luis & Delta-Mendota Water Authority
SO_X	sulfur oxides
Specific Plan	Crows Landing Industrial Business Park Specific Plan
SPTS	South Patterson Trunk Sewer
SR	State Route
STAA	Surface Transportation Assistance Act
StanCOG	Stanislaus Council of Governments
StaRT	Stanislaus Regional Transit
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TAOC	Tidewater Associated Oil Company
TAZs	traffic analysis zones
TDM	Transportation Demand Management
TID	Turlock Irrigation District
TIP	Transportation Infrastructure Plan
TIS	Traffic Impact Studies
TP	Transportation Policy
ULDC	Urban Levee Design Criteria
USACE	U.S. Army Corps of Engineers
VERA	Voluntary Emission Reduction Agreement
VMT	vehicle miles traveled
vpd	vehicles per day
Wallace Kuhl	Wallace Kuhl & Associates
WDRs	Waste Discharge Requirements
WHWD	Western Hills Water District
WQCF	Water Quality Control Facility
WSA	water supply assessment
WWTP	Wastewater Treatment Plant

1 INTRODUCTION

Stanislaus County (County) directed the preparation of an environmental impact report (EIR) to evaluate the potential environmental effects of the proposed Crows Landing Industrial Business Park Specific Plan (hereafter "the proposed CLIBP," the "proposed project," or "the Specific Plan"), in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

1.1 INPUT ON THE DRAFT EIR

The County asked for input from federal, State, and local agencies; organizations; and members of the public regarding the issues that should be evaluated in the EIR. Prior to notice of preparation (NOP) circulation, the County held meetings with the Stanislaus County Alliance Worknet, local developers, regulatory agencies, districts, and stakeholders to gain input and help inform the project description included in the NOP. Issues explored during the meetings included an overall site vision, project-related challenges, and opportunities for regional infrastructure planning and other synergies.

The County issued the NOP for the Specific Plan on October 13, 2014, and comments were accepted for a 30-day period ending on November 13, 2014. The County held two public scoping meetings during the comment period. One meeting was held at the Crows Landing Fire Station, 22012 G Street in Crows Landing on October 23, 2014. An additional scoping meeting was held at the Patterson City Hall Council Chambers, 1 Plaza in Patterson, on October 30, 2014.

The Draft EIR (State Clearinghouse Number 2014102035) was received by the State Clearinghouse and circulated for a 45-day public review period from January 22 through March 12, 2018. After a request from the City of Patterson, the County extended the public review period by another 45 days, which concluded on April 26, 2018.

In accordance with Section 15088 of the CEQA Guidelines, the County, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed project and has prepared written responses to the comments received.

1.2 ORGANIZATION OF THE FINAL EIR

The County prepared this Final EIR, which includes:

- A full list of agencies, organizations, and individuals that provided comments on the Draft EIR;
- Verbatim comments on the Draft EIR;
- Responses to comments on the Draft EIR; and
- Minor revisions to the Draft EIR detailed in Chapter 3 of this Final EIR.[1]

Chapter 2, "Comments and Responses to Comments on the Draft EIR" of this Final EIR includes Master Responses to address common themes repeated in the comment letters received on the Draft EIR. Chapter 2 of this Final EIR also includes the written and verbal comments received on the Draft EIR and responses to these

[1] Chapter 3, "Errata," includes only pages of the Draft EIR where revisions have been made, not the entire Draft EIR.

comments (as required by the CEQA Guidelines Section 15132). The range of responses include providing clarification on the Draft EIR, making factual corrections, explaining why certain comments may not warrant further response, or simply acknowledging the comment for consideration by decision makers when the comment does not relate to the adequacy of the EIR for addressing potential adverse physical environmental effects of the project.

In some instances, responses to comments may warrant modification of the text of the Draft EIR. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, "Errata" of this Final EIR. The text deletions are shown in strikeout (~~strikeout~~) and additions are shown in underline (underline). The revisions summarized in Chapter 3 of this Final EIR do not change the findings presented in the Draft EIR.

This document and the Draft EIR together constitute the Final EIR that the County Board of Supervisors will consider.

1.3 USE OF THE FINAL EIR

The Final EIR allows the public and the County decision makers an opportunity to review revisions to the Draft EIR and the Responses to Comments. The Final EIR serves as the environmental document to inform the Board of Supervisor's consideration of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090(a)(1)-(3) of the CEQA Guidelines, a lead agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.

2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.

3. The Final EIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

2 COMMENTS AND RESPONSES TO COMMENTS

This section of the Final EIR contains comment letters received during the public review period for the Draft EIR.

The Final EIR contains comment letters received during the 90-day public review period for the Draft EIR, which concluded on April 26, 2018. In conformance with CEQA Guidelines Section 15088(a), the County has prepared written responses to all comments that address environmental issues related to the Draft EIR. The County's responses to comments focus on the disposition of significant environmental issues, as specified by Section 15088(c) of the CEQA Guidelines.

2.1 LIST OF COMMENTERS

Table 2-1 identifies a number for each comment letter received, the author of the comment letter, and the date received. Each comment letter is included in its entirety for decision maker consideration before each response.

Table 2-1 Comments Received on the Draft EIR

Letter #	Commenter	Date Received
1	California Northern Railroad	February 23, 2018
2	Central Valley Regional Water Quality Control Board #1	February 28, 2018
3	Covanta Stanislaus	February 28, 2018
4	Central Valley Regional Water Quality Control Board #2	March 5, 2018
5	City of Patterson #1	March 6, 2018
6	City of Patterson #2	April 26, 2018
7	Chevron	March 6, 2018
8	San Joaquin Valley Air Pollution Control District	March 6, 2018
9	California Department of Transportation	March 7, 2018
10	Sierra Academy of Aeronautics	March 9, 2018
11	Stanislaus County Environmental Review Committee	March 9, 2018
12	City of Modesto	March 23, 2018
13	Del Puerto Health Care District	April 17, 2018
14	City of Newman	April 24, 2018
15	Northern Delta Mendota	April 26, 2018
16	Ken Mustoe	Date Not Provided

Each comment related to the adequacy of the Draft EIR for addressing potential adverse physical environmental effects is addressed either in one of the master responses, provided below in Section 2.2, or in the individual responses, provided below in Section 2.3, or both.

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2.2 MASTER RESPONSES

The County has identified some subjects that were raised in multiple comment letters or more than once in the same comment letter. Rather than provide individual responses to each of these comments, and in addition to cross-referencing between letters, the Final EIR provides "master responses" that address all aspects of frequently mentioned topics. By responding in this manner, the County is better able to address all aspects of the topic by:

- Avoiding unnecessary repetition in individual responses, and
- Addressing issues in a broader context than might be provided in response to by individual comments.

By addressing comments in this broader context, the County is able to provide a more comprehensive response, identify relationships among some of the topics raised, and offer greater clarification than would be possible by addressing only individual comments. The following topics are addressed by the master responses:

- Master Response 1, EIR Analysis
- Master Response 2, Future Mitigation Requirements

2.2.1 MASTER RESPONSE 1, EIR ANALYSIS

Some commenters raised concerns that the project description of the Draft EIR inadequately described the Specific Plan land uses and objectives. Some commenters expressed the belief that the Draft EIR did not use the most recent and applicable data available, which caused the County to: underestimate impacts to wastewater treatment, air quality, and traffic; inadequately analyze the impacts of increased groundwater use, wastewater generation and treatment, water supply demand, air quality and greenhouse gas emissions, aircraft operations and noise exposure, and local and regional traffic; and inadequately specify feasible mitigation for those impacts.

Some commenters stated that the Draft EIR did not evaluate a reasonable range of feasible alternatives to reduce the severity of impacts due to implementation of the Specific Plan. Some commenters raised concerns that the Draft EIR did not address the cumulative and growth-inducing impacts from the potential creation of 14,000 to 15,000 jobs.

The County sought input on the Draft EIR through issuance of a Notice of Preparation (NOP) of a DEIR, as discussed on pages 1-4 through 1-7 of the Draft EIR. The NOP was circulated to solicit input on the scope of analysis for the Draft EIR from responsible and trustee agencies, federal agencies and the public. The NOP included a project description, and requested that affected agencies and the public provide input regarding the overall scope and content of the Draft EIR. Prior to NOP circulation, the County held meetings with the Stanislaus County Alliance Worknet, local developers, regulatory agencies, districts, and stakeholders to gain input and help inform the project description included in the NOP. Issues explored during the meetings included an overall site vision, project-related challenges, and opportunities for regional infrastructure planning and other regional benefits.

The County also held two public scoping meetings during the NOP comment period – one in Crows Landing (near the project site) and one at Patterson City Hall. In preparing the EIR, the County reviewed all of the comments received as a part of this outreach and all of the comments received during the NOP comment period are included in the Draft EIR as Appendix A and summarized on pages 1-5 through 1-7 of the Draft EIR. Each

comment that relates to a potentially significant adverse physical environmental impact of the project is addressed in the Draft EIR.

The project scope is presented and discussed throughout Draft EIR Chapter 2, "Project Description," as required by CEQA Guidelines Section 15124(a)–(d). The Draft EIR project description contains detailed text and exhibits to illustrate the proposed project location (page 2-1, Exhibits 2-1 and 2-2); project background and history (pages 2-1 and 2-4); project objectives (pages 2-4 and 2-5); a summary of the project's technical, economic, and environmental characteristics including supporting infrastructure (pages 2-5 through 2-21, Exhibits 2-3 and 2-4); and project phasing (pages 2-21 through 2-24, Exhibit 2-5).

Pursuant to the CEQA Guidelines, an EIR project description should contain the location and boundaries of the proposed project by way of a map; a description of the project's technical, economic, and environmental characteristics; and a statement briefly describing the intended use of the EIR (CEQA Guidelines Section 15124[a]-[d]). The project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (CEQA Guidelines Section 15124). A general conceptual discussion of the main features of the project is sufficient (CEQA Guidelines Section 15124[a], [c]).

Chapter 2, "Project Description" of the Draft EIR contains extensive detail in an accurate, stable, and finite project description that presents the scope of the proposed project and includes all of the components identified in CEQA Guidelines Section 15124. Chapter 2 includes maps to identify the location of the proposed project and a description of the project components. The project description identifies the long background and history of the proposed project, project objectives, the Specific Plan Area and surrounding land uses, proposed land uses, their location and phasing, substantial detail on planned infrastructure improvements to serve buildout of the Specific Plan Area, and the actions required to implement the Specific Plan. Appendices to the Draft EIR contain the proposed airport facilities and airport-land use compatibility plan.

The Draft EIR evaluates the full range of environmental topics areas, including the checklist questions identified in Appendix G of the CEQA Guidelines (DEIR Sections 3.1 through 3.15). These consist of Aesthetics (Section 3.1), Air Quality (Section 3.2), Agricultural Resources (Section 3.3), Biological Resources (Section 3.4), Cultural Resources (Section 3.5), Energy (Section 3.6), Greenhouse Gas Emissions (Section 3.7), Geology/Soils/Minerals/ Paleontological Resources (Section 3.8), Hazards and Hazardous Materials (Section 3.9), Hydrology and Water Quality (Section 3.10), Land Use and Planning/Population/Housing/Employment (Section 3.11), Noise and Vibration (Section 3.12), Public Services (including Recreation) (Section 3.13), Traffic and Transportation (Section 3.14), and Utilities and Service Systems (Section 3.15).

Draft EIR Section 3.11, "Land Use and Planning and Population, Housing, and Employment," contains an extensive discussion of anticipated growth in the region, including temporary and permanent population growth related to buildout of the proposed Specific Plan and other planned development in the region following the creation of 14,000 to 15,000 jobs (see, in particular, pages 3.11-18 through 3.11-21). As described in Section 3.11, it is not possible to determine the specific locations or extent of possible future residential development associated with project-related employment; however, the mitigation measures presented in Section 3.11 and throughout the Draft EIR directly and thoroughly address the environmental issues associated Specific Plan buildout and specifically identify how potential impacts can be avoided or minimized. However, the Draft EIR concluded that no feasible mitigation is available to reduce the impacts associated with temporary and permanent

population growth to a less-than-significant level without changing the purposes of the proposed Specific Plan; therefore, the impact is considered significant and unavoidable (page 3.11-2 of the Draft EIR).

Draft EIR Chapter 4, "Alternatives," evaluates a range of reasonable alternatives to the project, as required by CEQA Guidelines Section 15126.6, and Chapter 5, "Other CEQA Considerations" included a comprehensive analysis of cumulative impacts (CEQA Guidelines Section 15130), growth-inducing impacts (CEQA Guidelines Section 15126.2[d]), significant irreversible environmental changes (CEQA Guidelines Section 15126.2[c] and 15127), and significant and unavoidable effects (CEQA Guidelines Section 15216.2[b]) that could be associated with the proposed project.

Draft EIR Section 5.1, "Cumulative Impacts," addresses the cumulative impacts associated with Specific Plan implementation for each resource topic included in Chapter 3, considered on a geographic scale that extends beyond the project site (see pages 5-1 through 5-42 of the Draft EIR). The Draft EIR used a "plan approach," as provided for in CEQA Guidelines Section 15130(b)(1)(B), to evaluate the cumulative effect of environmental impacts associated with the proposed project when combined with the environmental impacts associated with a summary of projections identified in adopted local, regional or statewide plans, or planning documents.

The Stanislaus Council of Governments (StanCOG) prepared an EIR to examine the impacts of land use change assumed under the 2014 Regional Transportation Plan/Sustainable Communities Strategy (2014 RTP/SCS; State Clearinghouse Number 2013012012). The StanCOG EIR helped to establish the cumulative context for the proposed project. The cumulative analysis in this EIR considers the 2014 RTP/SCS land use change assumptions that were developed at the regional level, and includes land use changes in San Joaquin, Merced, and Stanislaus counties (both incorporated and unincorporated areas) (see pages 5-2 and 5-3 of the Draft EIR).[1] The Stanislaus County General Plan, which identifies land use changes throughout the county, including areas around cities and in the unincorporated communities, was also used to establish a context for the cumulative analysis (see page 5-3 of the Draft EIR). The cumulative impact analysis is presented on pages 5-5 through 5-42 of the Draft EIR. Consistent with CEQA Guidelines Section 15064(h), the Draft EIR:

- explains the context for the cumulative impact analysis,
- identifies whether there are significant cumulative impacts associated with implementing the referenced regional plans,
- evaluates the project's incremental contribution to significant cumulative impacts, and
- determines whether the project's incremental contribution to any significant impact is cumulatively considerable.

Draft EIR Section 5.2, "Growth Inducing Impacts," considers growth inducement associated with Specific Plan implementation (see pages 5-42 and 5-43). The Section 5.2 analysis considers the direct and indirect growth that would result from project-related temporary and permanent employment opportunities; the need for additional housing and services to support the new temporary employment demand; and whether the project would remove obstacles to additional growth and development, such as expanding public utilities or other public services to an area that was previously not served.

[1] After publication of the Draft Crows Landing Specific Plan and Draft EIR, StanCOG developed and released for public review a 2018 update to the RTP/SCS and programmatic EIR. This plan has not been adopted as of the writing of this document.

The Draft EIR contains an extensive discussion of the potential indirect growth inducement from the potential creation of 14,000 to 15,000 jobs within the Specific Plan Area. The Draft EIR analysis considers land use change in San Joaquin County and Merced County, as well as Stanislaus County, including unincorporated Stanislaus County, as well as development in the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford (see page 5-3 of the Draft EIR). As described in Appendix J of the RTP/SCS, between 2020 and 2040 the countywide population is projected to increase by 169,914, the city of Newman is projected to increase by 5,318, the city of Patterson is projected to increase by 15,749, the city of Turlock is projected to increase by 26,826, and the unincorporated County is projected to increase by 23,820 (StanCOG 2012).[2] With regard to countywide employment, the increase between 2020 and 2040 is projected to be 51,499, of which 17,757 would be in unincorporated areas. For the city of Newman, the increase is projected to be 515. For the city of Patterson, the increase is projected to be 7,004. For the city of Turlock, the increase is projected to be 8,008.[3] The increase in housing units, between 2020 and 2040 is projected to be 62,147 countywide, 1,801 in the city of Newman, 5,125 in the city of Patterson, 9,693 in the city of Turlock, and 9,125 in the unincorporated areas of the County.

Based on StanCOG's forecast and the current labor force participation rate, adding 169,914 people between 2020 and 2040 would increase the labor force by approximately 74,372 (StanCOG 2012, EDD 2018).[4,5] However, the employment growth in the County during the same period is only forecast to be 51,499, which leaves a gap of 22,873 jobs needed to balance population growth with growth in the local labor force. Employment generating projects such as the Specific Plan could help to better balance residential and employment growth in the county, although, as explained in the Draft EIR, it is not possible to determine with certainty the specific location of new residences for the future employees of the Specific Plan. Some future employees of the Specific Plan may live in existing housing and some may live in housing to be constructed in the future. Some employees may choose to live a short distance from the Specific Plan Area, while others may choose to live a greater distance from their future workplace.

In June of 2018, the unemployment rate in Stanislaus County was estimated to be 7.2 percent, which is 60 percent higher than the state as a whole, and more than 70 percent higher than the nation as a whole (EDD 2018).[6] There are approximately 17,500 unemployed people in the labor force in Stanislaus County. While the County cannot control or predict where future employees of the new uses provided for in the Specific Plan will reside, the addition of jobs in Stanislaus County could help address the continued relatively high local unemployment rate. As of 2018, the city of Patterson has a housing vacancy rate of 9.6 percent, which is the highest housing vacancy rate of any city in Stanislaus County, and the rate is higher than the unincorporated county and the county as a whole (DOF 2018).[7] To the extent that buildout of the Specific Plan would create the need for housing in the region, the existing high vacancy rate in Patterson could be helpful in filling a portion of this need. The vacancy

[2] Stanislaus Council of Governments (StanCOG). 2012 (March 27). Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Appendix J, Regional Demographic Forecast.

[3] Since the Draft EIR was published, StanCOG released a new demographics report for the ongoing draft SCS update, which shows similar employment increases countywide between 2020 and 2045 as those reported for 2020-2040 previously: 47,760 new employees between 2020 and 2045.

[4] Stanislaus Council of Governments (StanCOG). 2012 (March 27). Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Appendix J, Regional Demographic Forecast.

[5] Employment Development Department (EDD). Modesto Metropolitan Statistical Area (MSA) (Stanislaus County). Available online: http://www.labormarketinfo.edd.ca.gov/file/lfmonth/mode$pds.pdf.

[6] Employment Development Department (EDD). Modesto Metropolitan Statistical Area (MSA) (Stanislaus County). Available online: http://www.labormarketinfo.edd.ca.gov/file/lfmonth/mode$pds.pdf.

[7] California Department of Finance (DOF). 2018 (May). E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 with 2010 Census Benchmark. Available online: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

rate for Turlock is 5.6 percent, for Newman is 8.6 percent, for the unincorporated county is 7.4 percent, and for the county as a whole is 7.0 percent (DOF 2018).

Approximately 44 percent of the County's total population is in the labor force. Assuming the current labor force participation rate, 15,000 employees would generate a population of approximately 34,270. Assuming the County's current average household size, to house a total population of 34,270 would require approximately 11,220 housing units. Between 2020 and 2040, according to the RTP/SCS, Patterson, Newman, and the unincorporated County are forecast to add approximately 16,000 housing units.[8] When Turlock is added, the total is 25,744 housing units added between 2020 and 2040. The Stanislaus County regional housing needs allocation represents the amount of housing that the County and cities need to plan for, along with the affordability of planned housing units. The 2014-2023 regional housing needs allocation for the StanCOG region is 21,330 housing units. The total need for Newman, Patterson, Turlock, and the unincorporated area is 9,128 during this period, or 913 units per year (Stanislaus County 2016).[9] Applying this annual rate of housing need to the years from 2020 to 2040, during which the Specific Plan is anticipated to build out,[10] yields a total of 18,256 housing units. As the Specific Plan builds out, the County and these cities will be planning for housing in excess of what would be necessary to house employees of the Specific Plan Area.

The analysis of growth-inducing impacts is distinct from the analysis in the individual impact chapters. This is because creating demand for growth does not in and of itself cause a direct physical impact; only a proposed project at a specific location would create physical impacts. As stated in *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App.4th at p. 20 (2001), the growth-inducing effects of proposed projects should be acknowledged, but discussed in less detail than direct effects resulting from projects (also see *Defend the Bay*, 119 Cal.App.4th at pp. 1261, 1266 ["If a project will create jobs and bring people into the area, the EIR must discuss the resulting housing needs, but not in minute detail. It is enough to identify the housing required and its probable location"]). The Draft EIR contains an extensive discussion related not only to potential future housing needs, but also to the direct and indirect growth-inducing effects of the Specific Plan. When considered together, Chapters 3, 4, and 5 provide detailed analyses related to the project's environmental setting, applicable regulatory context, and potential impacts on the environment, which are based on substantial evidence, including facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15384). The Draft EIR for the Specific Plan provides an adequate, complete, and good-faith effort at full disclosure of the physical environmental impacts, and the conclusions in the Draft EIR are based on substantial evidence in light of the whole record (CEQA Guidelines Section 15151). The Draft EIR provides a thorough and accurate analysis of the potentially significant environmental impacts of the Specific Plan (CEQA Guidelines Section 15126).

2.2.2 MASTER RESPONSE 2, FUTURE MITIGATION REQUIREMENTS

Some commenters raised concerns that some of the mitigation measures provided the Draft EIR are impermissibly deferred. In particular, some commenters expressed that the some of the mitigation measures designed to reduce

[8] The updated 2018 demographics report from StanCOG shows a similar estimate for housing unit growth between 2020 and 2045 – a total of 14,541.

[9] Stanislaus County. 2016 (April). 2015-2023 Housing Element Update. Available online: http://www.stancounty.com/planning/pl/gp/gp-chapter6-housing-element.pdf.

[10] The estimated buildout of the Specific Plan is 2046, but the actual pace of development will depend on market conditions. Examining possible housing needs related to Specific Plan employment through 2040 is "conservative," since the Specific Plan is not anticipated to be built out by 2040.

the proposed project's impacts related to public services and utilities, geologic hazards, hazardous materials, and flooding, among other topic areas, improperly deferred the formulation of precise mitigation and, therefore, rendered the associated impact conclusions invalid.

As a general matter, mitigation measures should not be deferred until some future time after project approval. However, mitigation measures may specify performance measures that may be accomplished in more than one specified way (CEQA Guidelines, California Code of Regulations [CCR] Section 15126.4 [a][1][B]). As explained in CEQA Guidelines Section 15004(b), choosing the precise time for CEQA compliance involves a balancing of competing factors. An EIR should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment. The environmental document preparation and review should be coordinated with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively (CEQA Guidelines Sections 15004[c]).

Courts have developed legal principles regarding the extent to which an agency may rely on a mitigation measure that defers some amount of environmental problem-solving until after project approval. In particular, deferral is permissible when an adopted mitigation measure commits the agency to a performance standard that would ensure that the mitigation of the significant effect or lists alternative means of mitigating an impact that must be considered, analyzed, and possibly adopted in the future:

> "…measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 793-794
>
> "…deferral is permissible where the agency commits itself to mitigation and either (1) adopts a performance standard and makes further approvals contingent on finding a way to meet the standard or (2) lists alternative means of mitigating the impact which must be considered, analyzed, and possibly adopted in the future" *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1448–1450
>
> "…a deferred approach may be appropriate where it is not reasonably practical or feasible to provide a more complete analysis before approval and the EIR otherwise provides adequate information of the project's impacts" *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1029-1029; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275

The County has reviewed and incorporated this guidance into the Draft EIR, where appropriate. The use of performance standards is particularly appropriate for proposed Specific Plan EIRs and other EIRs that govern future projects, such as Crows Landing:

> "[F]or kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated" *Sacramento Old City Assn. v.*

City Council (1991) 229 Cal.App.3d 1011, 1029-1029 at pp. 1028-1029; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351

Consistent with the guidance summarized above, the mitigation measures identified in the Draft EIR contain performance standards to ensure the efficacy and enforceability of the mitigation measures (*Endangered Habitat League, supra*, 131 Cal.App.4th at pp. 793-794). The following are examples of mitigation measures from the Draft EIR that include enforceable performance standards:

- Air Quality Mitigation Measures 3.2-3a and 3.3-2b are proposed to minimize potential exposure of sensitive receptors to Toxic Air Contaminants (TACs) associated with future operations in the Specific Plan Area. Mitigation Measure 3.2-3b ensures that projects proposed within 1,000 feet of an existing daycare or an off-site residence are required to analyze and report on potential health-risk impacts of $PM_{2.5}$ and TAC concentrations from long-term operations prior to the issuance of a building permit for new construction, tenant improvement, or change of use. If health risk impacts are determined to exceed quantified Air District thresholds of significance under any potential operational exposure scenario, projects shall implement Mitigation Measure 3.2-3c, which requires identification and implementation of strategies to reduce impacts below applicable quantified Air District thresholds of significance.

- Hydrology and Water Quality Mitigation Measure 3.10-4b is proposed to implement a groundwater level monitoring program and curtail pumping of nearby Specific Plan Area wells if drawdown is observed in excess of 5 feet near an existing off-site domestic well. More specifically, Mitigation Measure 3.10-4b requires the County to coordinate with the Groundwater Sustainability Agency to conduct groundwater monitoring as a part of implementation of the Groundwater Sustainability Plan for the vicinity of the Specific Plan Area. Groundwater level monitoring activities, findings, and a reporting schedule will also be defined in the Groundwater Sustainability Plan, along with the Minimum Thresholds and Measurable Objectives required in a Groundwater Sustainability Plan that govern when investigation and intervention is required and what adjustments to well field operation or other actions are required to avoid effects to existing off-site wells.

- Utility and Service System Mitigation Measure 3.15-4 requires the County to demonstrate adequate wastewater treatment capacity prior to issuing any building permit for any project proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the Western Hills Water District sewer line. The mitigation requires written documentation to verify that existing treatment capacity is, or will be, available to support the proposed development and that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy. Projects developed under the Specific Plan will be required to pay fair-share fees to the City of Patterson for wastewater treatment.

The fact that certain policies and programs do not include detailed site-specific information on how the policy or program will be implemented is attributable to the nature of this project, which is a Specific Plan. The degree of specificity in an EIR will correspond to the degree of specificity in the underlying action (CEQA Guidelines Section 15146 and subdivision [b]). CEQA Guidelines Section 15152 also acknowledges that "not all effects can be mitigated at each step of the process. There will be some effects for which mitigation will not be feasible at an early step of approving a particular development project."

The extent to which some of the proposed mitigation measures are general in nature reflects the fact that the proposed project is a Specific Plan Area for a 1,528-acre plan area with an estimated 30-year buildout. Pursuant to CEQA statutes, guidelines, and case law, the specificity of the mitigation measures identified in a Draft EIR should correspond to the specificity of the proposed project (*Rio Vista Farm Bureau Center, supra,* 5 Cal.App.4th at p. 376). If the proposed Crows Landing Specific Plan is adopted, the mitigation measures will be adopted and incorporated into the Specific Plan and the County would be committed to implementing the Specific Plan EIR mitigation measures and performance standards within the context of future applications for tentative subdivision maps, use permits, and other entitlement and permits.

2.3 COMMENTS AND RESPONSES ON THE DRAFT EIR

The written comments received on the Draft EIR and the responses to those comments are provided in this section. Similar comments are provided with a categorical response. Each comment letter is reproduced in its entirety. Responses to comments follow the comment letters. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter. The Final EIR considers comment letters shown in Table 2-1 and provides text changes, where appropriate, shown in ~~strikethrough~~ for deleted text and <u>underlined</u> for corrected and/or clarified changed text.

2.3.1 LETTER 1. CALIFORNIA NORTHERN RAILROAD, DATED FEBRUARY 23, 2018

Letter 1

Rachel Wyse - Crow Landing Industrial Business Park SCH#2014102035

From: "Boles, Kevin"
To: Stan County Planning
Date: 2/23/2018 9:43 AM
Subject: Crow Landing Industrial Business Park SCH#2014102035
CC: "John Mollart", "Kennix, Marvin L.
Attachments: CFNR Crows Landing Business Park Response.pdf

Hello,

Attached please find the California Northern Railroad's comments on the proposed project.

Kevin Boles |Project Manager – Xorail, Inc.
San Francisco/Bay Area

Xorail
A Wabtec Company
http://www.xorail.com
http://www.wabtec.com

Dedicated to providing the railroad industry with the highest quality, time-responsive and cost-competitive construction and engineering solutions for: signal and communications systems; project, data and configuration management services and tools, and; systems integration for communications-based positive train control.

February 23, 2018

Rachel Wyse
Stanislaus County Planning

RE: Crows Landing Industrial Business Park, SCH# 2014102035

Dear Ms. Wyse:

The California Northern Railroad operates freight rail service adjacent to the proposed project site, and recommends that any development projects planned adjacent to or near the rail corridor be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. 1-1

Safety factors to consider include upgrades to existing railroad crossing warning devices both for vehicular traffic on the street and pedestrian traffic on the sidewalk, modifications to traffic control devices at highway-highway intersections near the highway-rail crossing such as installing traffic signals or adding protected left turn signal phases, etc.) due to increase in traffic volumes.

The project

The project could impact the following existing at-grade highway-rail crossings: 1-2

- Marshall Road
- 5th Street
- Fink Road

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with railroad staff early in the conceptual design phase will help improve the safety to motorists and pedestrians.

1-3

If you have any questions in this matter, please call me.

Sincerely,

John Mollart
Regional Signal Manager
California Northern Railroad

Cc: Marvin Kennix, CPUC

RESPONSE TO COMMENT LETTER 1 – CALIFORNIA NORTHERN RAILROAD

Response to Comment 1-1

At the time of the traffic study, it is understood that there was approximately one train per day on the section of railroad near the Specific Plan Area, or two crossings of the public roads. The comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and decision maker consideration.

Response to Comment 1-2

The three crossings identified in the comment all currently have automatic crossing protection devices. Marshall Road and Fink Road (Crows Landing Road) are each protected by automatic railroad crossing gates and flashing lights, while 5th Street is protected by post-mounted automatic flashing lights. Given the low train activity, the existing protection facilities are considered adequate protection devices.

The comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and decision maker consideration.

Response to Comment 1-3

As requested, the County will work with California Northern Railroad staff to identify any necessary safety features in the future when specific project improvements plans are brought forward for approval that would affect the railroad.

2.3.2 LETTER 2, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD #1, DATED FEBRUARY 28, 2018

Letter 2

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

CALIFORNIA Water Boards

Central Valley Regional Water Quality Control Board

clear 3/7/18

28 February 2018

Governor's Office of Planning & Research

MAR 05 2018

STATE CLEARINGHOUSE

Rachel Wyse
Stanislaus County
Planning and Community Development

CERTIFIED MAIL
91 7199 9991 7035 8419 4485

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN, GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2013-0091 – CROWS LANDING INDUSTRIAL BUSINESS PARK PROJECT, SCH# 2014102035, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 27 January 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Specific Plan, General Plan Amendment and Rezone Application No. PLN2013-0091 – Crows Landing Industrial Business Park Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

2-1

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

2-2

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

2-2 Cont'd

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

2-3

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

2-4

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

2-4 Cont'd

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

2-5

If you have questions regarding these comments, please contact me

Stephanie Tadlock

Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

RESPONSE TO COMMENT LETTER 2 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

The comment is noted. See responses to specific comments contained in Response to Comments 4-2 through 4-5.

Response to Comment 2-2

Draft EIR subsection 3.10.2 "Regulatory Framework," in Section 3.10, "Hydrology and Water Quality," (pages 3.10-15 through 3.10-27) discusses numerous federal, State, and local laws, ordinances, regulations, and policies that pertain to the control of water quality, including the Basin Plan (pages 3.10-18 and 3.10-19), Clean Water Act (pages 3.10-15 through 3.0-17), Porter-Cologne Water Quality Control Act (page 3.10-18), and the State's Antidegradation Policy (page 3.10-19). The requirements of the Construction General Permit for development of a SWPPP and associated Best Management Practices (BMPs) are discussed on pages 3.10-16, 3.10-20, and 3.10-21 of the Draft EIR.

In addition, Draft EIR Mitigation Measure 3.10-1b (pages 3.10-29 and 3.10-30) requires the County to prepare a SWPPP and implement BMPs that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants from project-related construction activities.

Response to Comment 2-3

The MS4 permit requirements are described in Draft EIR subsection 3.10.2 "Regulatory Framework," in Section 3.10, "Hydrology and Water Quality," (pages 3.10-21 and 3.10-22). Landowners are responsible for applying for coverage under the permit and complying with permit requirements, but may delegate specific duties to developers and contractors by mutual consent. Permit applicants are required to prepare and implement a SWPPP that describes the site; erosion and sediment controls; means of waste disposal; implementation of local plans; control of post-construction sediment and erosion control measures and maintenance responsibilities; and non-stormwater management control.

Draft EIR Mitigation Measure 3.10-1b (pages 3.10-29 and 3.10-30) requires the County to prepare a SWPPP and implement BMPs that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants from project-related construction activities. Draft EIR Mitigation Measure 3.10-3b (pages 3.10-38 through 3.10-40) requires the County to prepare and implement a long-term site-specific operational stormwater quality management plan that includes LID design features; BMPs to reduce generation of on-site pollutants and for stormwater pre-treatment; volumetric hydraulic sizing design criteria; and flow-based hydraulic sizing design criteria. In addition, any future leaseholder within a project site that includes a land use with a high-risk pollutant discharge source must provide additional site-specific treatment to address pollutants of concern prior to the flow reaching the infiltration facility, and must prepare a site-specific operational stormwater quality management plan for submittal to the County.

Response to Comment 2-4

The County agrees that leaseholders within the project site that are associated with industrial land uses are required by law to obtain permits and comply with the regulations contained in the *Industrial Storm Water General Permit* Order No. 2014-0057-DWQ. Furthermore, Draft EIR Mitigation Measure 3.10-3b (page 3.10-40)

requires that any future leaseholder within a project site that includes a land use with a high-risk pollutant discharge source must provide additional site-specific treatment to address pollutants of concern prior to the flow reaching the infiltration facility, and must prepare a site-specific operational stormwater quality management plan for submittal to the County.

Response to Comment 2-5

The ILRP is discussed in Draft EIR subsection 3.10.2 "Regulatory Framework," in Section 3.10, "Hydrology and Water Quality," (pages 3.10-19 and 3.10-20). As discussed in Draft EIR Chapter 2, "Project Description," (pages 2-11 through 2-16) the project site would be developed with urban land uses and associated landscaping and supporting infrastructure. As discussed in Draft EIR Impact 3.10-3 (pages 3.10-37 and 3.10-38), some existing agricultural land uses may continue as the various project phases are developed over a 30-year build-out period, but all agricultural land uses would eventually be phased out. The existing agricultural land uses already have permits under the ILRP, and they would continue to operate under these permits in the future as long as the existing on-site agricultural operations are carried out.

2.3.3 LETTER 3, COVANTA STANISLAUS, DATED FEBRUARY 28, 2018

Letter 3

Stanislaus County Planning and Community Development Department
Rachel Wyse, Senior Planner

February 28, 2018

RE: Support for Crows Landing Industrial Business Park

Dear Ms. Wyse:

On behalf of the Stanislaus Resource Recovery Facility, otherwise known as Covanta Stanislaus, we fully support the Crows Landing Industrial Business Park Project (CLIBP). We believe that the CLIBP presents a progressive business plan which would not only benefit the Central Valley's economy, but also bolster its economic resilience, quality of life and sustainability objectives. It is precisely because of these benefits that the CLIBP is well positioned to attract domestic and international investment within the community for the benefit of the community.

What's more, as the trend toward re-patriating off shore businesses and manufacturing entities advances, the CLIBP stands to provide an advantageous industrial business park complex for new investment.

In addition, Covanta Stanislaus would like to offer for consideration the opportunity to supply dependable, clean industrial quality steam and/or electricity for the CLIBP and its clients. Covanta Stanislaus' generated energy would provide numerous benefits for the project, its clients and the community. 3-1

Sustainability is now more important than ever with Europe, the United States and other countries listing it as a top consideration – especially when expanding abroad. It's also high on the site selection criteria list at both the residential level and for specific locations considered for commercial investment. As a result, the management of wastes and materials has become a rapidly rising focus for major companies.

As a matter of fact, during a recent review of over 80 S&P 500 sustainability reports, we found that over 90 percent had a waste and materials management sustainability goal – and for good reason. The United States Environmental Protection Agency (EPA) has found that the full lifecycle of materials management, including the provision of goods and food, is responsible for 42 percent of U.S. greenhouse gas (GHG) emissions.[I]

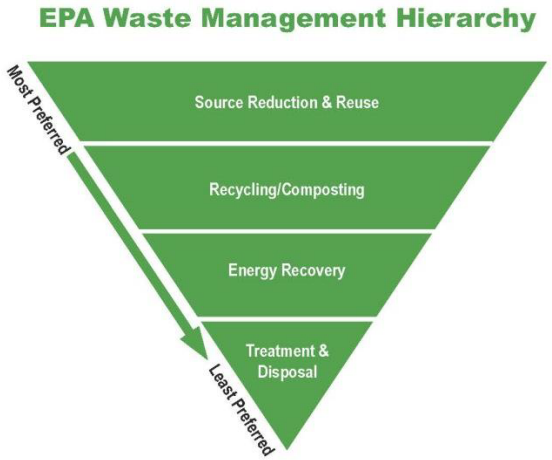

Figure 1

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Energy-from-Waste (EfW) is an important part of an overall integrated waste management approach, recognized in the European Union and U.S. EPA waste management hierarchies (Figure 1) as preferable to landfilling for those materials remaining after waste reduction, reuse, and recycling efforts have been exhausted.[II] With over 500 facilities operating in Europe, EfW plays a critical role in the way materials are managed. For example, countries such as Germany, Austria and the Netherlands have recycling rates of 50 percent to over 65 percent and use EfW for nearly all of what remains.

We help many of our existing commercial and industrial clients meet their zero waste-to-landfill and zero landfill goals by providing them with an energy recovery solution for wastes remaining following source reduction and recycling efforts. We can also provide secure and guaranteed destruction of defective, off-spec, outdated or proprietary materials, while simultaneously recovering energy from those same materials.

3-1 Cont'd

Covanta Stanislaus already plays an integral role in Stanislaus County's comprehensive solid waste management system that includes recycling, composting and waste to energy. In fact, as a complement to Stanislaus County's 60 percent recycling rate (which is higher than most counties in the state), Covanta Stanislaus recovers over 8,500 tons of ferrous and non-ferrous metals each year. These are metals commonly found in mattress springs or broken office chairs that would otherwise be landfilled.

The strategic and beneficial location of the Covanta Stanislaus Energy-from-Waste facility serves as an added advantage for CLIBP in attracting and retaining domestic and international commercial and industrial tenants.

Facility Background

The Stanislaus Resource Recovery Facility began commercial operation in January 1989 and is located in the community of Crows Landing, about 25 miles from Modesto in the farmlands of California's central valley, and less than two miles from CLIBP's Phase 1 development area. Covanta Stanislaus employs 50 people and produces approximately 200,000 pounds of steam at 830 degrees Fahrenheit and at 865 pounds per square inch gauge (psig).

With the redundant two (2) 425 ton per day boilers, Covanta Stanislaus converts over 800 tons per day of post-recycled trash into clean, dependable energy.

As a result of our state-of-the-art air pollution control equipment, which includes Semi-dry flue gas scrubbers injecting lime, fabric filter baghouses, nitrogen oxide control system, mercury control system and continuous emissions monitoring (CEM) system, we perform well below strict permit requirements of the San Joaquin Valley Air Pollution Control District.

Under the facility's Title V permits, the Air District continuously monitors the facility emission to ensure stringent compliance. In addition, the facility is a zero water discharge plant, which means that all wastewater generated on-site is treated and reused in the process.

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Waste as an Energy Resource

While waste reduction, reuse and recycling are the best means of preserving natural resources through better management of the waste stream, EfW facilities recover significant energy from the municipal solid waste (MSW) that remains, generating clean, renewable electricity and/or steam for export. Compared to landfilling, EfW facilities are 9 to 14 times as effective at capturing the energy that is contained in MSW remaining after recycling. The World Economic Forum has called EFW a "key technology for a future low carbon energy system."

3-1 Cont'd

Incorporating steam export into the Stanislaus EfW facility would provide for even more efficient utilization of the local waste resource. Combined heat and power (CHP) systems operate more efficiently than electric-only facilities and are widely incorporated into steam distribution systems in Europe, including in Copenhagen, Paris and Amsterdam.

Here in the U.S., Covanta has extensive experience operating industrial steam supply facilities. We deliver clean energy in the form of high pressure, high temperature steam to a variety of industrials in manufacturing, refining and the paper industry, as well as mission-critical operations like the Redstone Arsenal and the downtown Indianapolis steam loop.

Facility	Annual Klbs Sold	Steam Clients	Total Miles of Pipe	Years in Service
Niagara	3,832,634	Goodyear, Greenpac, Niacet, Norampac, Occidental, Praxair	4.5	31
Huntsville	556,311	US Army Redstone Arsenal	31	27
Indianapolis	2,915,436	Citizens Thermal Steam Utility Network	0.5	29
Pittsfield	205,436	Crane Paper	1.5	36
Tulsa	1,481,008	Holly Frontier Refinery	0.5	31
Total	**8,990,825**	**10 Groups**	**38**	**154**

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Case Study: Niagara Falls EfW

Creating mutually beneficial and interdependent systems is one of the highest ideals of sustainable waste management—and one that Covanta continues to pursue. A prime example of this is the collaboration we have between our EfW facility in Niagara Falls, New York, and two local paper manufacturers: Greenpac Mill and Diamond Packaging.

Considered the most advanced and largest facility of its kind in North America, Greenpac Mill manufactures lightweight linerboard for corrugated boxes made with 100 percent recycled fibers. It has an annual production capacity of 540,000 short tons.

3-1 Cont'd

Both Greenpac Mill and Diamond Packaging send waste to Covanta Niagara for energy recovery. In this way, we are helping Greenpac Mill (and its parent company, Cascades Inc.) achieve its waste and energy goals, while helping Diamond Packaging maintain its zero-manufacturing waste-to-landfill status. But what makes this a truly circular solution is the fact that Greenpac Mill is powered partly by its own waste. Covanta Niagara does this by creating energy from the rejects and waste from the mill and returning the steam generated during the combustion process back to the mill, which uses it for drying the paper it produces.

A similar symbiosis is possible between Covanta Stanislaus and the businesses and manufacturing operations that could site at the CLIBP.

Greenhouse Gas Mitigation

On average, the U.S. EPA has determined that EfW facilities reduce lifecycle GHG emissions by one ton of CO_2 equivalents (CO_2e) for every ton of MSW diverted from landfill and processed. As a result of California's stringent landfill regulations and the local California electrical grid, which is significantly less carbon intensive than the national average, and based on its operating and GHG emissions data, Covanta Stanislaus avoids approximately 0.5 – 0.7 tons of CO_2e per ton of MSW processed.

By reducing emissions that would have otherwise occurred, EfW is the only major source of energy generation that actually reduces GHG emissions.

A prominent peer reviewed study written by U.S. EPA scientists, aptly named "Is It Better to Burn or Bury?" found GHG emissions from EfW to be significantly less than landfills, concluding, "if the goal is greenhouse gas reduction, then EfW should be considered as an option under U.S. renewable energy policies."

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EfW contributes to the reduction of GHGs in the environment in three ways:

1. Generating energy that otherwise would likely be generated by fossil-fueled facilities

2. Diverting solid waste from landfills where it would have emitted methane for decades, even when factoring in landfill gas collection

3. Recovering metals for recycling, thereby saving the GHGs and energy associated with the production of products and materials from virgin inputs

3-1 Cont'd

The GHG benefits of EfW relative to landfilling are well recognized, including by CalRecycle,[iii] CARB,[iv] the Center for American Progress,[v] Third Way,[vi] a 2016 report from the Berkeley Law Center for Law, Energy & the Environment,[vii] U.S. EPA,[viii] U.S. EPA scientists, [ix] the Intergovernmental Panel on Climate Change ("IPCC"), [x] the World Economic Forum, [xi] and the European Union. [xii,xiii]

The recognition given to EfW is in large part a result of its ability to avoid emissions of the potent GHG methane. EfW's climate benefits are even more striking in light of methane's role as a short-lived climate pollutant (SLCP). New data shows that the methane emitted by landfills and other sources is even more damaging than previously thought. Alarmingly, Methane was found to be the second largest contributor to global climate change. [xiv]

The Covanta Stanislaus Energy-from-Waste facility has been serving Stanislaus County for decades and can provide dependable, clean energy for the CLIBP without adding emissions to the local air shed. We urge you to consider its inclusion in this marvelous, forward-thinking project that will create well-paying jobs and serve as an enduring example of responsible, universally-beneficial and highly progressive materials management that will ensure beyond all doubt that no waste is ever wasted at the CLIBP.

Thank you.

Sincerely,

A. Thomas DeMaio,
Client Business Manager

Eric Schneider,
Facility Manager

COVANTA
Powering Today. Protecting Tomorrow.

i. U.S. EPA (2009) Opportunities to Reduce Greenhouse Gas Emissions through Materials and Land Management Practices https://www.epa.gov/sites/production/files/documents/ghg-land-materials-management.pdf

ii. European Union, EU (2008) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Official Journal of the European Union. L312, 51, 3-30

iii. CalRecycle (2012) CalRecycle Review of Waste-to-Energy and Avoided Landfill Methane Emissions. http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=735&aiid=689

iv. See Table 5 of California Air Resources Board (2014) Proposed First Update to the Climate Change Scoping Plan: Building on the Framework, Appendix C – Focus Group Working Papers, Municipal Solid Waste Thermal Technologies

v. Center for American Progress (2013) Energy from Waste Can Help Curb Greenhouse Gas Emissions http://www.americanprogress.org/wp-content/uploads/2013/04/EnergyFromWaste-PDF1.pdf

vi. Third Way (2014) Power Book: Energy from Waste, http://powerbook.thirdway.org/filter-web-app/energy-from-waste, accessed November 26, 2014.

vii. Berkeley Law Center for Law, Energy & the Environment (2016) Wasting Opportunities: How to Secure Environmental & Clean Energy Benefits from Municipal Solid Waste Energy Recovery. https://www.law.berkeley.edu/research/clee/research/climate/waste-to-energy/

viii. U.S. EPA Office of Solid Waste, Energy Recovery from the Combustion of Municipal Solid Waste (MSW), https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#EnergyRecovery, accessed January 20, 2017.

ix. Kaplan, P.O, J. DeCarolis, and S. Thorneloe (2009) Is it better to burn or bury waste for clean electricity generation? Environ. Sci. Technology 43 (6) pp1711-1717. http://pubs.acs.org/doi/abs/10.1021/es802395e

x. Efw identified as a "key mitigation measure" in IPCC, "Climate Change 2007: Synthesis Report. Contribution of Work Groups I, II, and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change" [Core Writing Team, Pachauri, R.K and Reisinger, A. (eds.)]. IPCC, Geneva, Switzerland, 104 pp. http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm

xi. Efw identified as a key technology for a future low carbon energy system in World Economic Forum. Green Investing: Towards a Clean Energy Infrastructure. January 2009. Available at: http://www.weforum.org/pdf/climate/Green.pdf

xii. EU policies promoting Efw as part of an integrated waste management strategy have been an overwhelming success, reducing GHG emissions over 72 million metric tonnes per year, see European Environment Agency, Greenhouse gas emission trends and projections in Europe 2009: Tracking progress towards Kyoto targets http://www.eea.europa.eu/publications/eea_report_2009_9

xiii. European Environmental Agency (2008) Better management of municipal waste will reduce greenhouse gas emissions. Available at: http://www.eea.europa.eu/publications/briefing_2008_1/EN_Briefing_01-2008.pdf

xiv. See Figure SPM.5 of IPCC (2013) Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., et al. (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA https://www.ipcc.ch/pdf/assessment-report/ar5/wg1/WG1AR5_SPM_FINAL.pdf

3-1 Cont'd

COVANTA
Powering Today. Protecting Tomorrow.

RESPONSE TO COMMENT LETTER 3 – COVANTA STANISLAUS

Response to Comment 3-1

The commenter's support for the project is acknowledged.

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2.3.4 LETTER 4, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD #2, DATED MARCH 5, 2018

Letter 4

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

RECEIVED
MAR 6 2018
STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT.

28 February 2018

Rachel Wyse
Stanislaus County
Planning and Community Development

CERTIFIED MAIL
91 7199 9991 7035 8419 4485

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN, GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2013-0091 – CROWS LANDING INDUSTRIAL BUSINESS PARK PROJECT, SCH# 2014102035, STANISLAUS COUNTY

4-1

Pursuant to the State Clearinghouse's 27 January 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Specific Plan, General Plan Amendment and Rezone Application No. PLN2013-0091 – Crows Landing Industrial Business Park Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

4-2

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. 4-2 cont'd

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at: http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf 4-3

In part it states:

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit 4-4

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as

stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

4-4 Cont'd

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

4-5

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

4-6

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

4-7

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

4-8

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

4-9

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)
R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

4-10

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

4-10 Cont'd

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

4-11

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits. 4-12

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. 4-13

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me

Stephanie Tadlock

Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

RESPONSE TO COMMENT LETTER 4 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 4-1

See Response to Comment 2-1.

Response to Comment 4-2

See Response to Comment 2-2.

Response to Comment 4-3

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The comment also states that the antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System (NPDES) and land discharge Waste Discharge Requirements (WDRs) permitting processes, and therefore the DEIR should evaluate potential impacts to both surface and groundwater quality.

Detailed information pertaining to existing surface water and groundwater quality is presented in Draft EIR Section 3.10, "Hydrology and Water Quality," on pages 3.10-8 through 3.10-15. The State's Antidegradation Policy is discussed on page 3.10-19. The NPDES permit program requirements are discussed on pages 3.10-16, 3.10-20, and 3.10-21. The project's potential temporary, short-term construction-related drainage and water quality effects are evaluated in Draft EIR Impact 3.10-1 (page 3.10-29). Implementation of Mitigation Measures 3.10-1a (Prepare and Implement a Grading and Erosion Control Plan) and 3.10-1b (Prepare and Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices) would reduce the potentially significant impact from short-term, temporary, construction-related drainage and water quality impacts to a less-than-significant level because the SWPPP is required by law to specify and implement water quality control measures pursuant to the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ as amended by Order No. 2012-0006-DWQ); State Water Resources Control Board's (SWRCB's) *Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* (Order No. 2013-0001-DWQ); the *Storm Water Management Program for Stanislaus County* (Stanislaus County 2004) or more recent version if applicable; and the Stanislaus County Stormwater Management and Discharge Control Ordinance (Chapter 14.14 of the County Code) (Draft EIR pages 3.10-29 and 3.10-30).

The project's potential long-term water quality and channel scouring effects from hydromodification are evaluated in Draft EIR Impact 3.10-2 (pages 3.10-30 through 3.10-36). Implementation of Mitigation Measure 3.10-2 (Prepare and Implement a Drainage Plan Demonstrating Compliance with the County's Drainage Plan) would reduce the significant effect associated with increased risk of flooding and hydromodification from increased stormwater runoff to a less-than-significant level, because each tenant/leasehold developer would demonstrate to Stanislaus County that the future project phases would conform with applicable regulations pertaining to surface water runoff, including the measures outlined in the applicable version of the *2015 Post Construction Standards Plan* (Stanislaus County 2015) and the *Stanislaus County Standards and Specifications* (Stanislaus County 2014: Chapter 4), which are designed to meet applicable State and local regulations pertaining to stormwater runoff.

The project's potential long-term water quality effects from continuing agricultural operations in the short-term and from operating urban land uses in the long term are evaluated in Draft EIR Impact 3.10-3. Existing agricultural land uses are already subject to existing ILRP permits, and will continue to be subject to those permits as long as those agricultural land uses continue during the phased build-out of the project. Implementation of Mitigation Measures 3.10-3a (Prepare and Implement Drainage Plan Demonstrating Compliance with the County's Drainage Plan), 3.10-3b (Prepare and Implement a Long-Term Site-Specific Operational Stormwater Quality Management Plan), and 3.10-3c (Implement an Agreement between Project Leaseholders and Stanislaus County to Provide Maintenance, Monitoring, and Funding for Long-Term Operational Stormwater Quality Control) would reduce these impacts to a less-than-significant level because site-specific drainage plans would be prepared that incorporate BMPs and include LID features to treat stormwater runoff, a site-specific stormwater quality management plan for long-term operational treatment of stormwater prior to discharge would be prepared and implemented, and because the developer(s) would enter into an agreement with the County to provide maintenance, monitoring, and funding for long-term implementation of the stormwater quality management plan.

Groundwater quality impacts are also evaluated in Draft EIR Impact 3.9-2 in Section 3.9, "Hazards and Hazardous Materials," as related to the on-site contaminated groundwater plume (pages 3.9-19 through 3.9-22), on-site agricultural chemicals (page 3.9-22), and off-site known hazardous materials sites (pages 3.9-22 and 3.9-23). Implementation of Mitigation Measures 3.9-2a (Prepare and Implement a Worker Health and Safety Plan, and Implement Appropriate Measures to Minimize Potential Exposure to Hazardous Materials), 3.9-2c (Design the Interstate (I-)5/Fink Road Interchange Improvements to Avoid Contact with Landfill Materials), and 3.9-2d (Perform an Environmental Site Assessment of the AL Castle Site, and Implement Remediation if Necessary) would reduce groundwater impacts to a less-than-significant level because work would halt if evidence of contamination is encountered and appropriate remediation would be performed, and no development would occur in the Restricted Area around the contaminated groundwater plume until the remediation goals have been met, as determined by California Department of Toxic Substances Control (DTSC) (Draft EIR pages 3.9-23, 3.9-24, and 3.9-27). See also Response to Comment Patterson-50.

Response to Comment 4-4

See Responses to Comments 2-2 and 2-3.

Response to Comment 4-5

See Response to Comment 2-3.

Response to Comment 4-6

See Response to Comment 2-4.

Response to Comment 4-7

The Clean Water Act (CWA) Section 404 requirements are discussed in Draft EIR Section 3.4, "Biological Resources," on page 3.4-19. The CWA Section 404 requirements have been incorporated into the project's thresholds of significance, as stated on Draft EIR page 3.4-23 ("…have a substantial adverse effect on federally protected waters of the United States, including wetlands, as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means"). Draft EIR Impact 3.4-5 (pages 3.4-33 and 3.4-34) evaluates the potential for loss of federally protected waters of the U.S. through removal (fill) or dredging and

alteration. Implementation of Mitigation Measure 3.4-5 (Compensate for Loss of Wetlands and Other Waters) would reduce this impact to a less-than-significant level because the County would obtain a USACE Section 404 Individual Permit and CVRWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters or discharge of fill or dredge material into any water of the U.S. Furthermore, wetland habitat would be restored or replaced at an acreage and location and by methods agreeable to USACE and CVRWQCB, depending on agency jurisdiction, as determined during the Section 401 and Section 404 permitting processes (Draft EIR page 3.4-34).

Response to Comment 4-8

The CWA Section 401 requirements are discussed in Draft EIR Section 3.4, "Biological Resources," on pages 3.4-19 and 3.4-20. CWA Section 401 requirements have also been incorporated into Draft EIR Mitigation Measure 3.4-5 (Compensate for Loss of Wetlands and Other Waters) (page 3.4-34). See also Response to Comment 4-7.

Response to Comment 4-9

The requirements for WDRs are discussed throughout Draft EIR subsection 3.10.2, "Regulatory Framework," in Section 3.10, "Hydrology and Water Quality," on pages 3.10-18 through 3.10-20. For example, on page 3.10-19, "The RWQCB issues WDRs for projects that may discharge wastes to land or water uses to ensure conformance with Basin Plan water quality objectives and implementation policies. WDRs specify terms and conditions that must be followed during the implementation and operation of a project." Draft EIR page 3.20-20 states, "…the Central Valley RWQCB may also issue site-specific WDRs or waivers to WDRs for certain waste discharges to land or waters of the state. In particular, Central Valley RWQCB Resolution R5-2003-0008 identifies activities subject to waivers of reports of waste discharge (RWDs) and/or WDRs, including minor dredging activities and construction dewatering activities that discharge to land."

The County understands that WDRs may be required and would acquire all necessary permits, as required by CVRWQCB.

Response to Comment 4-10

See Response to Comment 4-9.

Response to Comment 4-11

See Response to Comment 2-5.

Response to Comment 4-12

See Responses to Comments 2-2, 4-3, and 4-9.

Response to Comment 4-13

See Responses to Comments 2-2, 4-3, and 4-9.

2.3.5 LETTER 5, CITY OF PATTERSON #1, DATED MARCH 6, 2018

Letter 5

City of Patterson
Office of the City Manager

March 6, 2018

VIA EMAIL

Keith Boggs, Assistant Executive Officer
Stanislaus County

Re: Request for Extension of Public Comment Period
Crow's Landing Industrial Business Park Specific Plan, Draft EIR

Dear Keith:

City of Patterson staff has reviewed the Draft EIR for the above-referenced project. There are still some concerns regarding many of the assumptions in the Draft EIR, particularly with regard to the Draft EIR's analysis of the City's sewer and wastewater facilities, and traffic and transportation impacts. We strongly believe, however, that most of the City's concerns can be addressed through the sharing of more information, and by entering into an agreement to ensure that project impacts are adequately addressed. 5-1

As you know, CEQA requires that all substantive comments to the Draft EIR must be submitted prior to the expiration of the comment period. We therefore ask that the County extend the comment period by another 45-60 days, as the City would prefer to resolve our issues regarding this project cooperatively and productively, instead of sending the County a detailed comment letter that publicly exposes the various defects in the EIR's analysis. 5-2

Please contact me at your earliest, to confirm whether the County will extend the Draft EIR comment period for an additional 45-60 days. If notice of this extension is posted by the County by the close of business on **March 9, 2018**, the City will withhold its public comments regarding the project, with the goal of meeting first, to discuss feasible mitigation measures that could go a long way to garnering mutual support between the City and the County, to advance our combined long-term visions for growth on the west side of the County.

Sincerely,

Ken Irwin
City Manager

{CW053686.1}

RESPONSE TO COMMENT LETTER 5 – CITY OF PATTERSON #1

Response to Comment 5-1

The County appreciates the commenter's review of the Draft EIR. The commenter does not provide specific comments in this letter related to the Draft EIR's assumptions regarding sewer and wastewater facilities and traffic and transportation. Please see the Responses to Comments for letter #6 (subsection 2.3.6 of this Final EIR).

Response to Comment 5-2

The public review period, as stated in the Notice of Availability/Notice of Completion, was January 22 through March 12, 2018, which is a period of 45 days as required by CEQA. The County then elected to extend the public review period by another 45 days to provide additional opportunity for review and comment on the Draft EIR. The public review period for the Draft EIR subsequently ended on April 26, 2018.

2.3.6 LETTER 6, CITY OF PATTERSON #2, DATED APRIL 26, 2018

Letter 6

Churchwell White LLP

churchwellwhite.com

Barbara A. Brenner

April 26, 2018

VIA US Mail and Email

Stanislaus County Planning and
Community Development Department
c/o Rachel Wyse, Senior Planner

Re: Draft Environmental Impact Report for the Crows Landing Industrial Business Park (SCH# 2014102035)

Dear Ms. Wyse:

Churchwell White serves as City Attorney for the City of Patterson ("City") and submits this comment letter on the City's behalf. The City appreciates the opportunity to provide public comments to the Draft Environmental Impact Report ("Draft EIR") for the Crow's Landing Industrial Business Park Specific Plan ("Specific Plan" or "Project"). The City recognizes the effort by Stanislaus County (the "County") to convert the Crow's Landing Airport into a large employment center. The location of the Project, roughly 1½ miles from City limits, however, naturally raises some concerns regarding the Project's environmental impacts to the City.

The Draft EIR relies on using the City's Water Quality Control Facility ("WQCF") and sewer system to treat Project wastewater flows. In addition, due to the current limits to residential development in unincorporated areas of the County, the Project will require a competitive housing market in Patterson and nearby cities in order to be able to attract large employers. More housing in Patterson will also be needed to meet the goals of the Draft EIR, which assumes that the Project would, overall, reduce transportation trip lengths by commuters in the County.

Due to these factors, the successful buildout of the Specific Plan requires cooperation between the City and the County. In order to achieve this, the City has asked the County to enter into an agreement that will provide a path forward for financing the City's WQCF expansion, in order to serve the Project. In addition, the City has requested that the County Board of Supervisors endorse the City's vision for growth by entering into a pre-annexation agreement for the Northwest Patterson annexation. This annexation would provide the necessary rooftops in Patterson to make the Crow's Landing Industrial Business Park more attractive to larger employers.

The City's proposed mitigation agreement addressed impacts of the Project related to wastewater treatment capacity, traffic and transportation, and other California Environmental Quality Act ("CEQA")

6-1

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issues.[1] The pre-annexation provisions would establish a land use balance with the County endorsing the Northwest Patterson annexation in order to support the Project's proposal to add 14,000 jobs in such close proximity to the City. Despite these linkages, the County seems unwilling to consider the City's request for a mitigation and pre-annexation agreement. 6-1 Cont'd

Beyond the Draft EIR's reliance on the City's WQCF without clear mitigation for the impacts that result from that reliance, the Draft EIR also falls short of compliance with CEQA for a variety of reasons. The Draft EIR, among other things, inadequately describes the Project, inadequately analyzes the impacts of the significant increase in groundwater use, wastewater treatment, omits or inadequately specifies feasible mitigation for those impacts, and fails to evaluate a reasonable range of feasible alternatives that would reduce the severity of Project impacts. 6-2

The greenhouse gas and air quality sections of the Draft EIR should be amended to adequately address all sources of greenhouse gas and other emissions resulting from the Project, and to include a valid air impacts study based upon sound methodology and inputs. The Draft EIR must also be revised to mitigate for these emissions through concrete, enforceable, and feasible mitigation measures. 6-3

The analysis included in the Draft EIR fails to use the most recent and applicable data available, resulting in a certain underestimation of the Project's true impacts to wastewater treatment, air quality, traffic, and many other impacts of the Project. The Project description also fails to fully inform the public and the decision makers of the Project's impacts to almost all of the factors that are analyzed as part of the CEQA process. In addition to violating CEQA, the Project is inconsistent with Stanislaus County's own agricultural mitigation policy. 6-4

The flaws in the document require that the Draft EIR be substantially modified and recirculated for review and comment by the public and other public agencies. The City's comments regarding wastewater, transportation and traffic, and land use are provided in the City's capacity as a responsible agency. The remaining comments are provided to convey some of the City's broader concerns regarding the analysis and proposed mitigation measures in the Draft EIR. 6-5

I. Wastewater Collection, Conveyance, and Treatment Facilities 6-6

The Project Description provides two options to address wastewater from the Project: (1) connect to the City's WQCF or (2) develop on-site wastewater treatment. The Utilities section, however, identifies on-site wastewater collection and conveyance as an interim measure during Phase 1A of the Project while backbone infrastructure is completed, to convey wastewater to the City's WQCF.[2]

The Draft EIR provides no analysis of potential impacts related to on-site wastewater treatment. More importantly, this analysis cannot be deferred, especially where the Draft EIR proposes on-site treatment as part of the initial phase of the Project. 6-7

The Draft EIR clearly assumes that the Project will rely on the City's WQCF over the long-term to address the treatment of wastewater flows generated by the Project. As the Draft EIR acknowledges, however, the WQCF currently cannot serve anticipated wastewater flows from the Project.[3] The Project therefore requires the City to expand the WQCF in order to accommodate the Project's wastewater flows. 6-8

[1] Public Resources Code § 21000 et seq.
[2] Draft EIR, Utilities and Service Systems, 3.15-15.
[3] Draft EIR, Utilities and Service System, 3.15-16.

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To address this, the Draft EIR requires that all future projects and leasehold development would be required to pay fair-share fees to the City for wastewater treatment.

The Draft EIR proposes Mitigation Measure 3.15-5 to require that, prior to the issuance of any building permit related to the Project, any use that requires wastewater service provide written documentation demonstrating that wastewater treatment capacity is or will be available to support that development. This Mitigation Measure, however, assumes that capacity is the sole criteria. Ultimately, the City must prioritize the buildout of its sewer and wastewater treatment system to primarily serve the needs of City residents. Any additional treatment would require agreement by the City in addition to reservations of capacity. The Draft EIR must therefore be revised to acknowledge that the Project must enter into an agreement with the City in order for sewer service to be provided. As a mitigation measure, however, a generic reference to enter into some agreement in the future cannot be enforced, and clearly would not qualify as feasible mitigation under CEQA. 6-8 Cont'd

CEQA requires the County, as lead agency, to incorporate into the Draft EIR feasible mitigation measures proposed by the City, where such measures would address impacts under the exclusive jurisdiction of the responsible agency. In this case, a mitigation agreement is clearly needed to set forth a feasible financing strategy, as the Draft EIR's proposal to merely pay City sewer impact fees on an ongoing basis will not address the significant, extended planning periods required for the City to implement the necessary phase of WQCF expansion.

In 2016, the City adopted a comprehensive update to its Wastewater Master Plan. Despite this, the Sewer Plan for the Project (Appendix H to the Draft EIR), states that overall system planning assumptions for the Project sewer system were based on *City of Modesto Public Works Department Standard Specifications 2006* (COM Standards) and the *City of Modesto Wastewater Collection System Master Plan, March 2000* (COM Wastewater Master Plan). As a result, the design criteria relies upon studies from 2000 and 2003 and jurisdictions outside of the City, instead of the design criteria from the City's Wastewater Master Plan.[4] The failure to incorporate the Wastewater Master Plan, where the City is a responsible agency, makes the Draft EIR's analysis insufficient under CEQA. As a result, this section of the Draft EIR must be re-evaluated. Failure to rely on the City's Wastewater Master Plan is a fatal flaw of the Project's environmental analysis. 6-9

A Technical Memorandum by Black Water Consulting Engineers, Inc., is attached as **Exhibit A**. As noted by Black Water, the Draft EIR incorporates a series of faulty assumptions that must be corrected, including, but not limited to, the following: 6-10

- Current wastewater flows from the City's existing development and related commitments are significantly greater than previously reported, indicating the anticipated capacity of the WQCF is lower than what was analyzed in the Draft EIR;
- The Draft EIR proposes and assumes that the City will provide sewer capacity for the Project through the ongoing payment of connection fees by the Project; 6-11
- The Draft EIR assumes that the City will address certain deficiencies that are identified in existing sewer infrastructure in order to serve the Project; 6-12

[4] Draft EIR, Utilities and Service Systems, 3.15-16.

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- The Draft EIR assumes that the City will be able to time the development of any expansions of the WQCF with development of the Project; 6-13
- The Draft EIR assumes that the City will be able to expand the WQCF beyond its already approved expansion plans; and 6-14
- The Draft EIR does not adequately respond to numerous earlier comments provided to the County as set forth in the August 25, 2017, Technical Memorandum by Black Water, attached as **Exhibit B**. 6-15

To ensure that the EIR's analysis accurately reflects the City's current circumstances and accurately evaluated the future expansion of the WQCF, the Draft EIR should incorporate the design criteria from the City's Wastewater Master Plan. Secondly, data included on Tables 3-7 and 3-5 of Appendix H is inconsistent.[5] Those tables should be updated to accurately reflect the data that was provided by Black Water Consulting Engineers, Inc., in its August 25, 2017, Technical Memorandum. 6-16 6-17

The Draft EIR also intends to include the Project in the Western Hills Water District ("WHWD"), relying on an existing agreement between WHWD and the City. The existing agreement between the City and WHWD would require significant amendments to address wastewater flows from WHWD, that are much higher than originally anticipated, as well as for flows from the Project. 6-18

Based on the above, the City considers it a reasonable request to enter into a pre-annexation and mitigation agreement with the County, to address the phasing of the expansion of the WQCF and to properly mitigate impacts to the City related to the WQCF. The agreement would coordinate expansion of the WQCF to address both the City and Project's needs for wastewater treatment. Further, the agreement would establish provisions to ensure the timely delivery of wastewater improvements. 6-19

II. Traffic and Transportation 6-20

A peer review of the Draft EIR's Traffic and Transportation section is provided by Stantec, attached hereto as **Exhibit C**. Stantec notes that the Draft EIR uses outdated trip data from 2013 and 2014. Since then, numerous projects in the City have been developed, particularly logistic center projects that generate a high number of trips, but also additional gas stations, housing projects, and other developments that contribute to localized traffic within the City and along Sperry Avenue. The Draft EIR must be updated to utilize more recent traffic data and trip counts. 6-21

The Draft EIR identifies several City intersections that will have a degraded level of service as a consequence of the Project. Those intersections include: (1) I-5 ramps and Sperry Avenue, (2) Ward Avenue and Sperry Avenue, (3) Ward Avenue and Las Palmas, (4) Sperry Avenue and State Route 33, and (5) Sperry Avenue and Rogers Road. As more fully demonstrated in the study by Stantec, the Draft EIR's analysis of impacts to those intersections and its proposed mitigation measures are not supported by substantial evidence in the record and fail to adequately address the Project's impact. 6-22

An example of the lack of substantial evidence and analysis of impacts to City streets is provided in the Draft EIR's analysis of the level of service on Ward Avenue. The analysis is limited to road segments located within the County, concluding that the expansion of Ward Avenue to four (4) lanes is required. The Draft EIR does not include the segments of the road that are within the City, allowing for that portion of Ward Avenue to remain a two (2) lane local street. This does not address the Project's impact to the 6-23

[5] Draft EIR, Appendix H, pgs. 9-10.

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use of Ward Avenue in its entirety, a road that will be used to access the Project both within City limits and in the County areas immediately next to the Project. 6-23 Cont'd

Further, the Draft EIR relies upon the City's existing plans to expand the number of lanes on City roads, including Sperry Avenue. Those plans were made before the Project was proposed and the Project was not considered in the expansion plans. Consequently, it is not clear that the expansion will be sufficient to serve both the City's needs and the Project because no study has been done to determine if the proposed expansion will provide the correct level of service. Therefore, the traffic analysis is flawed. To adequately address the Project's impact, the County must provide its share of funding to address the improvements required to increase the level of service on City road segments that will be utilized to serve the Project, as well as the City's increased maintenance costs for increased traffic on City streets accessing the Project. 6-24

The Draft EIR's only proposed mitigation measure that addresses any impacts to road segments that are located in the City is for the Sperry Avenue and State Route 33 intersection through signalization. However, the Draft EIR specifically reserves that because that intersection is within the City's jurisdiction, the County cannot guarantee that the signalization will occur.[6] The intersection is actually in the California Department of Transportation's ("Caltrans") jurisdiction but abuts the City's jurisdiction. Thus, the City, County, and Caltrans will all be involved in any improvements to this intersection. Once again, substantial evidence in the record does not support the Draft EIR's conclusion and its proposed mitigation measure. 6-25

III. Land Use and Planning and Population, Housing, and Employment

As part of the Project, the County proposes to reinstitute use of the Crow's Landing airport and provide for flights into the Project. In order to allow this use, the City must amend its general plan and zoning to allow airport land uses and comply with the Airport Land Use Compatibility Plan that has been proposed.[7] The Draft EIR provides no analysis of the impacts to the City in this change, instead only noting that both the City and County "are expected to incorporate certain criteria and procedural policies … to ensure that future land use development will be compatible with long-term airport operations."[8] The City has not considered such a change to its General Plan, and zoning and would require additional discussions with the County to address this matter before it can agree to changes that would expose City residents to noise, light, and other impacts from aviation uses. Thus, this impact is not less than significant as it relates to potential impacts to the City and the Draft EIR's conclusion as to the City's impact from the Airport Land Use Compatibility Plan is not supported by substantial evidence. 6-26

The Draft EIR neglects to analyze impacts of the Project to land use and housing by assuming that existing workers in the County are sufficient to meet the demand for construction jobs associated with the Project, and any construction workers employed for the Project that reside outside of the region would be dissuaded from moving to the area because of the temporary nature of the construction work.[9] Consequently, the impact is less than significant and no mitigation is required. However, a thirty (30) year Project with shifting implementation phases is not a temporary project with temporary job prospects for construction workers. There may be lulls in construction phases but based on the Project description, it is more than likely that construction workers from outside the region will elect to move to the area to take advantage of the opportunities associated with building a regional employment center. Therefore, impacts 6-27

[6] Draft EIR, Traffic and Transportation, 3.14-16.
[7] Draft EIR, Land Use and Planning and Population, Housing, and Employment, 3.11-8.
[8] Draft EIR, Land Use and Planning and Population, Housing, and Employment, 3.11-10.
[9] Draft EIR, Land Use and Planning and Population, Housing, and Employment, 3.11-18.

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to housing and land use as a consequence of the construction of the Project should be analyzed in the Draft EIR. 6-27 Cont'd

The Draft EIR faintly acknowledges that the development of an employment center (assuming 14,000 jobs) "could, in turn, encourage households to relocate" to the Project vicinity, including areas like the City.[10] Throughout its discussion of potential impacts to the need for additional housing, the Draft EIR concedes the likelihood that increased employment opportunities as a result of the Project will result in additional housing demand, but provides no mitigation for that likelihood, instead asserting that the impact is significant and unavoidable. This pushes off mitigation of this acknowledged environmental impact onto surrounding jurisdictions that provide housing, such as the City.[11] The Draft EIR fails to propose any mitigation measures for the impact, instead only asserting that "[i]mpacts from population and employment growth are analyzed and mitigated, where appropriate, in various sections of the EIR" without specifically identifying that analysis and mitigation, and finding that the impact is significant and unavoidable.[12] This failure to identify and consider mitigation measures is inadequate under CEQA and prohibits the County from making any findings of overriding determinations for this impact. 6-28

To address this impact, the Draft EIR should analyze and include feasible mitigation measures. The City urges the County to consider this request from the City's perspective, as a responsible agency under CEQA and the closest jurisdiction that would experience any population pressures resulting from the Project.

IV. Air Quality

The Draft EIR makes many assumptions in its air quality analysis without any reference to the data supporting those assumptions. Some of those assumptions include: 6-29

- "approximately 60 percent of heavy-duty truck trips for Refrigerated Warehouses and 20 percent of heavy-duty truck trips for General Light Industrial land uses, respectively, would be equipped with [transport refrigeration units]"[13]
- Reduction in commutes is estimated to be reduced by 50 percent for 50 percent of future employees of the Project[14] 6-30
- Odors from the Project will move with implementation of the Project[15] 6-31

The assumptions allow the Draft EIR to find that impacts to air quality are less than significant, or uses the assumptions as part of mitigation measures for impacts to air quality.[16] Without data to support the assumptions with regard to air quality, the mitigation measures that are proposed may not actually provide the mitigation to the impacts that are identified or fail to identify significant impacts that should be mitigated. For instance, assuming that noxious odors will move around the Project area does not mean that individuals will not be exposed to noxious odors from the Project throughout its thirty (30) year 6-32

[10] Draft EIR, Land Use and Planning and Population, Housing, and Employment, 3.11-19.
[11] Cal. Code Regs., tit. 14, §§ 15144, 15126.4, subd. (a)(1)(B).
[12] Draft EIR, Land Use and Planning and Population, Housing and Employment, 3.11-20.
[13] Draft EIR, Air Quality, 3.2-21.
[14] Draft EIR, Air Quality, 3.2-29.
[15] Draft EIR, Air Quality, 3.2-40.
[16] Draft EIR, Air Quality, 3.2-27—41.

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implementation schedule. Mitigation measures must be considered and adopted to ensure that consistent noxious odor emissions from the Project are addressed as development of the Project continues. 6-32 Cont'd

Mitigation measures 3.2-1b and 3.2-2b are proposed to "encourage alternatives to the single occupant vehicle commute."[17] Many of the programs included in this mitigation strategy are not enforceable mitigation mechanisms, such as surveys of commuting behaviors for employees at the Project, once built, and flexible working hours to change typical commute hour traffic patterns. These policies may help identify strategies for changing commuting behavior, but there are no required changes to commuting activities to ensure that the projected commute reductions the Project hopes to encourage will be achieved through the proposed mitigation measures. 6-33

The Draft EIR's toxic air contaminant emissions analysis is deemed less than significant because future uses of the Project would employ strategies to avoid exposure of sensitive receptors.[18] However, the Draft EIR makes this assertion without any evidence, substantial or otherwise. There are no citations to policies or regulations that would result in the avoidance of exposure of sensitive receptors. Further, the Draft EIR's analysis fails to take into account the new uses that will be contributing to toxic air contaminant emissions as a consequence of the Project. The Project anticipates an increase in commuter traffic, truck trips, and aviation uses, and will likely result in additional rail trips to serve the industrial uses at the Project. The impact from the increase in aviation uses can be forecast as the existing runway has the potential to be extended an additional 1,000 feet to serve large commercial planes.[19] The knowledge of this potential extension requires that the Draft EIR include reasonable forecast of the impact of this extension. The Draft EIR fails to do so. Consequently, the toxic air contaminant emissions analysis must be revised to address these impacts and to provide enforceable mitigation measures through adopted regulations or policies to address these impacts. 6-34

Finally, Exhibit D to the Draft EIR, evaluating air quality and greenhouse gas emissions, relies on the CalEEMod model from 2013. That model has been updated to Version 2016.3.2. Exhibit D should be updated to ensure that the new projections are not significantly different than those that were made using the 2013 model. Where the impacts based on the modeling changes, the analysis in the Draft EIR should be amended to incorporate the new information. The currently used modeling is now at least five (5) years out-of-date from currently known data related to air quality and greenhouse gas emissions. 6-35

V. Agricultural Impacts

The Draft EIR identifies several policies that both the County and Stanislaus County Local Agency Formation Commission ("LAFCO") have adopted to ensure that any conversion of agricultural land to urban use is mitigated through their entitlement processes. The Draft EIR asserts that there is either no feasible mitigation measure for these types of impacts from this Project or that the impacts to agricultural resources are less than significant.[20] However, both the County's own requirements and LAFCO's policies provide mitigation measures that could address impacts from the Project but are not applied in the Draft EIR. In addition, agricultural mitigation has been recognized as feasible mitigation to address environmental impacts related to the loss of farmland under CEQA. The County, in fact, helped pioneer these obligations under CEQA. 6-36

[17] Draft EIR, Air Quality, 3.2-30, 34.
[18] Draft EIR, Air Quality, 3.2-38.
[19] Draft EIR, Project Description, 2-20.
[20] Draft EIR, Agricultural Resources, 3.3-17-19.

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However, because the Project does not involve residential development, the Draft EIR assumes that no mitigation is required for the Project.[21] The County is therefore exempting itself from addressing an impact of the Project that other public agencies, such as the City, will not be exempt from when additional residential development is required to serve the growth that results from the Project. The Draft EIR must be reconsidered in light of the existing requirements under CEQA for farmland mitigation. The County may not identify a significant and unavoidable impact and move on without evaluating all feasible mitigation to substantially lessen the significant environmental effect that has been identified. The Draft EIR improperly avoids mitigation measures that are feasible for the Project's impacts.

6-36 Cont'd

Finally, the Draft EIR identifies the loss of 30.5 acres of agricultural land, 15.8 of which are Williamson Act land, as less than significant. In the analysis of this conversion, the Draft EIR relies on the idea that the Project will not "generate pressure to convert off-site agricultural use" to urban uses.[22] This analysis neglects the impact from the Project of attracting new residents to the County seeking employment opportunities. It is reasonably foreseeable that a project that contemplates creating 14,000 to 15,000 new jobs will attract new residents to the County. This increase in residents will in turn require additional residential uses in the County, which will generate pressure to convert off-site agricultural uses to residential use. Therefore, impacts of the Project on agricultural uses are clearly not less than significant. The County's conclusions are not supported by substantial evidence and are contrary to reasonable future foreseeable impacts of the Project.

6-37

VI. Biological Resources

The Project includes the use of one of the existing runways at the Project site for aviation. There is no consideration of impacts to raptors and other avian species from that use. The site has not been used as an airport in many years. The change in use in the area to include regular aviation is likely to cause changes in migration and the flight path of the avian species in the area. This impact is not considered in the Draft EIR despite the identification of more than twenty (20) special status bird species, including hawk, owl, and vulture species with need for large hunting areas that could be impacted from regular flights landing at and departing from the Project.[23]

6-38

VII. Cultural Resources

The Air Traffic Control Tower ("ATCT") that remains at the Project site from its use as a military post during the Cold War Era has not been examined as a historical landmark since 1998.[24] At that time the ATCT was not yet 50 years old.[25] It has since surpassed that cutoff and has not been evaluated based on new criteria that may apply to an historical site that is more than 50 years old, other than the Draft EIR's perfunctory conclusion that the ATCT "lacks integrity".[26] In order to confirm that the ATCT is not an historical site, the Draft EIR should include a full analysis of the ATCT based on its new status as an over-50 year old building from the Cold War Era.

6-39

VIII. Energy

[21] Draft EIR, Agricultural Resources, 3.3-17.
[22] Draft EIR, Agricultural Resources, 3.3-18.
[23] Draft EIR, Biological Resources, 3.4-7.
[24] Draft EIR, Cultural Resources, 3.5-8.
[25] *Ibid.*
[26] Draft EIR, Cultural Resources, 3.5-9.

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The Draft EIR concludes that the buildings proposed for the Project will be more energy efficient than existing buildings of similar use in the County. However, the baseline for environmental review is the existing condition in the vicinity of the Project.[27] The baseline used improperly assumes that buildings of similar use in the entire County are the correct existing condition with which to compare to the Project. The area in the vicinity of the Project is currently used as agricultural land. The buildings to be built as part of the Project are likely to have much greater energy consumption than the currently existing surrounding agricultural land uses. Therefore, the energy impacts of the buildings to be built as part of the Project as compared to the existing agricultural uses should be fully analyzed and mitigation measures should be implemented to address that difference. 6-40

Further, the Draft EIR provides a projected annual electrical and natural gas demand of "approximately 318.34 million kWh and approximately 359,152.46 million British thermal units (MMBtu)" for the Project.[28] There is no evidence, substantial or otherwise, supporting this projected demand that is used to compare to other energy demand for similar uses in the County. Therefore, all conclusions based on these figures are not supported by substantial evidence and fail to fulfill the requirements under CEQA. 6-41

Transportation related energy consumption is assumed to decrease in the Draft EIR through reduced commutes of some County residents that are able to cease commuting outside of the County for work as a consequence of the Project. This assumes that County residents will leave their existing jobs to work closer to home. In order to make this assumption, the County must also assume that the Project will provide jobs that provide benefits and opportunities that are comparable to the opportunities that County residents are currently commuting outside of the County to pursue. Moreover, in order for the Draft EIR's presumption to be true, the Project must not encourage individuals from outside the County, in more remote locations of the Central Valley or elsewhere, to commute to the Project to seek out the employment opportunities that are available as a consequence of the Project. In summary, there is no way to know if the Project will reduce transportation related energy consumption and that impact should be analyzed once it is clear what types of jobs are created through the Project. 6-42

IX. Greenhouse Gas Emissions

As discussed above, the Draft EIR makes the same assumption in this section of its analysis as it did for its Energy analysis, that the Project will reduce out-of-County commutes for employment opportunities in the Bay Area and Sacramento regions.[29] This presumption does not consider that the Project will attract individuals from other areas of the Central Valley, or elsewhere, rather than reducing commutes of individuals that already reside in the County. This would increase greenhouse gas emissions rather than reduce them, as County residents would continue to commute to their current vocations in the Bay Area and Sacramento and there would be additional vehicle miles travelled from other areas of the Central Valley for the news jobs provided through the Project. There may be a combination of County residents and non-County residents taking advantage of the Project's new employment opportunities, but the Draft EIR fails to take into account this possibility and analyze the potential for an increase in greenhouse gas emissions from commuting individuals. 6-43

Additionally, the existing baseline condition of the Project area is agricultural use. The Project objective, to create a regional employment center that provides an additional 14,000-15,000 jobs, is a significant 6-44

[27] Cal. Code Regs., tit. 14, § 15125, subd. (a).
[28] Draft EIR, Energy, 3.6-7.
[29] Draft EIR, Greenhouse Gas Emissions, 3.7-22.

change from the existing agricultural use of the Project area. The employment center will result in greater emissions than those that currently exist. More individuals commuting to the Project area, even individuals who already reside in the City, will increase emissions as more people are attracted to the area by the employment opportunities at the Project. The Draft EIR fails to analyze this impact. Consequently, the Draft EIR's analysis of greenhouse gas emissions is insufficient and not supported by substantial evidence. 6-44 Cont'd

Additionally, as discussed in the air quality section, above, Exhibit D to the Draft EIR, evaluating air quality and greenhouse gas emissions, relies on the CalEEMod model from 2013. That model has been updated to Version 2016.3.2. Exhibit D should be updated to ensure that the new projections are not significantly different than those that were made using the 2013 model. Where the impacts based on the modeling change, the analysis in the Draft EIR should be amended to incorporate the new information. The currently used modeling is now at least five (5) years out-of-date from currently known data related to air quality and greenhouse gas emissions. 6-45

X. Geology, Soils, Minerals, and Paleontological Resources

Several site-specific studies have not been prepared or obtained, including: a geotechnical report that meets California Building Code standards, laboratory soil analyses, and a civil engineer's report to reduce potential damage from soil compression, subsidence, settlement, and perched groundwater.[30] The Draft EIR identifies the impact of geologic hazards related to construction in unstable soils, which requires the site-specific studies that have not yet been completed, as potentially significant. However, after identifying the mitigation measures of securing the requisite studies, the Draft EIR determines that the impact is less than significant. Without actually completing the site-specific studies, it is impossible to determine whether the impact is significant or not. Without the studies, there is no way to determine if the Project site is actually suitable for the Project. Thus, the site-specific testing should be conducted to determine if it is even possible to implement the Project at the proposed Project site, and the Draft EIR should be revised accordingly pending the outcome of that testing. 6-46

XI. Hazards and Hazardous Materials

The City is likely to be a main access point to the Project both during construction and once the Project is in operation. However, the Draft EIR dismisses the possibility that the City could be exposed to accidental spills during the routine use and transport of hazardous materials because of "slow speeds due to the number of stop signs and stop lights" in the City.[31] The presumption that the City will not be impacted by accidental spills of hazardous materials during the thirty (30) year implementation period of the Project is incredibly optimistic. Thirty years of the transportation of hazardous materials through the City, especially when continued growth and development of the region is anticipated, is likely to result in ongoing changes to traffic patterns and other complications that could result in an accidental spill or exposure of hazardous materials in the City. The Draft EIR should establish a plan to address any accidental spills or exposures of hazardous materials to high population density areas, such as the City, to ensure that individuals in the area of the Project are not needlessly put at risk because the "slow speeds due to the number of stop signs and stop lights" in the City make it less likely that truck traffic and construction related traffic will not access the Project via the City. 6-47

[30] Draft EIR, Geology, Soils, Minerals, and Paleontological Resources, 3.8-13.
[31] Draft EIR, Hazards and Hazardous Materials, 3.9-17.

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The Draft EIR identifies an existing contaminated soil and groundwater plume that is associated with the Project site's previous use as a United States military base that included aviation.[32] As a consequence of the plume, on-site pumping is restricted within a 2,000 foot area of the plume.[33] The plume is also alleged to be restricted to the top layer of the aquifer, above the groundwater source for the Project, protected by a layer of Corcoran clay.[34] The impacts to the Project's ability to pump groundwater as a consequence of the plume are not addressed in either the Hazards and Hazardous Materials section or the Hydrology and Water Quality section of the Draft EIR. The Draft EIR notes that the plume has already "migrated off-site to the east and [a contaminant of concern] has been detected in a well that is used to irrigate an almond orchard immediately adjacent to the eastern side of the project site."[35] Despite this, there is no analysis of the potential for additional pumping to continue to result in additional migration of the plume. Therefore, the Project environmental analysis is flawed. 6-48

XII. Hydrology and Water Quality

Historic groundwater production at the Project site for 2012 through 2015 was on average 834 acre-feet per year.[36] The total projected water demand for the Project at full buildout would increase that production to 2,819 acre-feet per year.[37] This is an increase of about 1,985 acre-feet per year and, as the Draft EIR acknowledges, additional drawdown in the confined aquifer beneath the City, the City of Newman, and the Project site would result. The additional pumping at full buildout combined with the City's projected growth and additional water need absorbs all of the total available water supply in the aquifer. This apparent deficiency in water supply must be studied and addressed in full, rather than deemed less than significant through mitigation measures such as installing monitoring wells and complying with requirements under the Sustainable Groundwater Management Act ("SGMA") requirements, once those are put in place.[38] Thus, the Draft EIR's analysis in insufficient. 6-49

The Draft EIR acknowledges that the SGMA that was passed in 2014 will require that the Project address impacts to the groundwater basin from the Project's reliance on groundwater as its sole source of potable water.[39] However, the Draft EIR does not address the possibility that groundwater could become an unavailable option to serve the Project, or could be insufficient to meet the Project's need where the Project's groundwater pumping results in undesirable results. SGMA implementation is in its infancy, but over the course of the Project, SGMA and its ability to regulate groundwater use will be applied. Consequently, the Draft EIR should include a plan to address any future requirements through SGMA that may restrict groundwater pumping - the Project's sole source of potable groundwater. 6-50

The Davis Road Levee improvement is identified in the Draft EIR as a solution to address 100-year flood impacts, but no site-specific design for the levee is provided.[40] Exact height of the levee road, crown width, side slopes, and construction techniques have yet to be determined or established.[41] Each of these elements are necessary to determine the levee improvement's feasibility. Without some idea of the exact 6-51

[32] Draft EIR, Hazards and Hazardous Materials, 3.9-18.
[33] Draft EIR, Hazards and Hazardous Materials, 3.9-22.
[34] Draft EIR, Hydrology and Water Quality, 3.10-14.
[35] Draft EIR, Hazards and Hazardous Materials, 3.9-19.
[36] Draft EIR, Hydrology and Water Quality, 3.10-8.
[37] Draft EIR, Hydrology and Water Quality, 3.10-42.
[38] Draft EIR, Hydrology and Water Quality, 3.10-45.
[39] Draft EIR, Hydrology and Water Quality, 3.10-44.
[40] Draft EIR, Hydrology and Water Quality, 3.10-53.
[41] *Id.*

requirements to allow this improvement to move forward and address 100-year flood impacts, the potential impacts after mitigation cannot be less than significant, as is identified in the Draft EIR. 6-51 Cont'd

XIII. Noise and Vibration

The Draft EIR does not make clear whether the Project will comply with the County's existing noise ordinance, noting that "construction and maintenance activities performed under the direction of a public entity or public utility are exempt from the County's noise requirements."[42] Following that discussion, the Draft EIR acknowledges that construction noise for the Project is potentially significant and proposes a mitigation measure to address that impact.[43] The mitigation measure includes restrictions meant to address the impact, but concludes that even with mitigation the impact is significant and unavoidable.[44] The County is the lead agency and the Project proponent at this time. Therefore, during at least the first phase of the Project, the County may allow construction and maintenance activities outside of the requirements in the County noise ordinance. The Draft EIR does not consider the requirements in the County's noise ordinance as a mitigation measure. This is inadequate as the County, as lead agency, must propose all feasible mitigation to substantially lessen a significant environmental effect irrespective of their noise ordinance. 6-52

As part of the Project, the Draft EIR addresses noise impacts from the use of the airport. The airport has not operated in years; the surrounding land uses are accustomed to no air traffic, not an active airport. Therefore, the appropriate baseline is the change from no airport noise to an operating airport. The Draft EIR instead uses a baseline of an accepted level of airport noise from an existing, operating airport. This does not analyze the change in noise impacts that will occur as a consequence of the Project. 6-53

The Draft EIR also acknowledges that an existing noise source is the operation of a railroad mainline that is parallel to State Route 33, located approximately 125 feet from the Project site's northeastern corner.[45] State Route 33 serves as the Project's northeastern site boundary.[46] Despite the Project objective to build an industrial business park, the Draft EIR asserts that use of this rail facility is "not expected to exceed two train trips per day," which is the existing number of trips observed during the monitoring completed on November 10 through 13, 2016.[47] The Draft EIR provides no further analysis of the impact to rail use as a consequence of the Project. Therefore, the Draft EIR's analysis fails to address an impact from the Project. Rail use is likely to increase as a consequence of the Project's use as an industrial business park. Previous proposed projects at the Project site have included additional rail use, and that impact was not properly analyzed in that iteration of the Project's development. The City was successful in its challenge to the previous version of the Project for the same issue. 6-54

Finally, Appendix E, analyzing current noise and vibration impacts in the Project area was completed in November of 2015. Since that time the City has grown and its footprint has expanded. With this expansion, noise has increased and the City's likely exposure to the Project's noise impacts has increased. Consequently, noise impacts for the Project should be reevaluated, and the Draft EIR should be updated to address any changes to its analysis based on the revised data. 6-55

[42] Draft EIR, Noise and Vibration, 3.12-21.
[43] Draft EIR, Noise and Vibration, 3.12-34.
[44] Draft EIR, Noise and Vibration, 3.12-37.
[45] Draft EIR, Noise and Vibration, 3.12-7.
[46] Draft EIR, Noise and Vibration, 3.12-7, 10.
[47] Draft EIR, Noise and Vibration, 3.12-10.

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XIV. Public Services

The Draft EIR discussion of public services is limited to impacts to fire and police services only.[48] That discussion delays mitigation of impacts to public services from the Project until the County is able to collect development impact fees from site tenants.[49] While the County is developing the Project, until it has site tenants, the surrounding jurisdiction will have to bear the brunt of these costs without any compensation for those services. This has the potential to degrade the level of service for City police and fire service providers. As the nearest jurisdiction to the Project, the City is likely to be called upon to assist at the Project. Additionally, the increased traffic and individuals relying on the City for services is likely to increase traffic accidents and public safety calls in the City. No mitigation for that increase in need for public safety services to the City is provided. 6-56

Failing to address any other impacts to public services in the Draft EIR, such as impacts to schools, parks, and other public facilities as a consequence of the Project is woefully insufficient in analyzing the impacts of the Project to public services. The City is the nearest provider of these types of services and the most likely to be relied upon to provide them to the individuals employed by the Project. There is no consideration, let alone mitigation of these impacts. Instead the City is left to deal with these issues on its own. The County should provide analysis and mitigation measures for the impacts to the City's public facilities as a consequence of the Project. Especially considering the County's clear forecast of the number of jobs to be created through the Project: approximately 14,000 to 15,000, at full build out. That is a significant impact of people seeking public services that is not addressed in the Draft EIR. 6-57

XV. Alternatives Analysis

The Draft EIR provides two (2) alternatives that were considered but rejected from detailed analysis. First, it addresses an off-site alternative and second, it addresses an alternative use of the Project site. These alternatives both provide reasonable alternatives to the Project that should have been evaluated in detail in the Draft EIR. For example, the Project site could be used to develop a general aviation airport. This proposed alternative would allow the County to achieve its Project objectives in honoring the unique contributions of the Project site's history as the Crows Landing Air Facility, providing sustainable-wage jobs, and rehabilitating Runway 12-30. A second feasible alternative that should have been analyzed is the multi-use entertainment center that was suggested during the Notice of Preparation comment period. That alternative builds on current use of the Project site as a training facility for law enforcement and a venue for car shows. The rejection of these alternatives from a detailed analysis is improper because the alternatives are feasible and can achieve the Project's objectives. 6-58

The only alternative analyzed in depth in the Draft EIR is the development of only a portion of the Project area, rather than all of the former military base, as currently planned.[50] In its comparison between this alternative and the proposed Project, the Draft EIR addresses the change in impact to the infrastructure improvements needed for sewer infrastructure to serve the Project, but does not address the difference in demand on the City's WQCF from a reduced Project size.[51] The reduced size of the Project would reduce the amount of wastewater that the Project would generate. The reduction in wastewater to be collected and treated at the City's WQCF would remove some of the expansion required to serve the Project. This change would then reduce additional impacts from the WQCF expansion. Without a full analysis for the 6-59

[48] Draft EIR, Public Services, 3.13-1, 2.
[49] Draft EIR, Public Services, 3.13-5, 6.
[50] Draft EIR, Alternatives, 4-6.
[51] Draft EIR, Alternatives, 4-24.

{CW053769.13}

related impacts that are reduced through the reduced size project proposal, it is impossible to determine if the reduced size alternative would be the preferred alternative with the most merit for development. 6-59 Cont'd

By only analyzing one alternative in depth, that alternative becomes the environmentally superior alternative by default.[52] Using the single alternative defeats the purpose of identifying the environmentally superior alternative under CEQA as there are many other potential uses for the Project site that were not analyzed. The Draft EIR must be revised to include an analysis of additional feasible alternatives, such as the development of the site as a general aviation airport or as a multi-use entertainment center, to determine what feasible alternative is actually the environmentally superior alternative. 6-60

XVI. The Project Description

The Project proposes a thirty (30) year buildout. However, the proposed Project components included in the Draft EIR are focused on adoption of the specific plan, initial backbone infrastructure for the Project, activities located within the Project's footprint, and aviation uses.[53] This limits the scope of impacts analyzed by the Draft EIR.[54] Further, an environmental impact report is required to make reasonable forecasts when evaluating environmental impacts.[55]

The Project may still be in an early phase of development, but the Draft EIR can make reasonable forecasts with regard to impacts to the surrounding area from the full build out of a project that is anticipated to provide approximately 14,000 to 15,000 jobs. Large scale trends and impacts from that large of an increase in jobs in the area, including the impacts to housing and the public services the City provides, can and should be reasonably forecast. Throughout the Draft EIR, there is no forecast of impacts to the City given the projected increase in jobs related to the Project. 6-61

Despite this lack of reasonable projection of impacts, the Draft EIR makes clear that the County can make reasonable forecasts of long-term impacts by relying on the data in the Draft EIR to issue well permits for the Project.[56] That permit is a long-term entitlement to allow permittees to drill a new well or expand an existing well to pump groundwater for an indeterminate period. Such long-term, high-level impacts of the Project should be included throughout the Draft EIR as foreseeable impacts, rather than focusing on just the immediate initial activities that are required to begin implementing the Project.

Finally, the Project objectives are improperly defined to tailor the Draft EIR's analysis to the use of the existing facility to an industrial business park.[57] Rather than defining the Project's objective as a broad purpose, such as an effort to increase employment opportunities for local residents, the Draft EIR defines the Project's objectives as the "reuse [of] the former military property to create a regional employment center that would provide its residents and those living in nearby Central Valley community with opportunities to obtain sustainable-wage jobs that do not require long commute distances."[58] This limitation on the Project objective is not supported by any evidence, substantial or otherwise, to indicate 6-62

[52] Draft EIR, Alternatives, 4-23.
[53] Draft EIR, Executive Summary, ES-1—2.
[54] Cal. Code Regs., tit. 14, § 15152.
[55] Cal. Code Regs., tit. 14, § 15144.
[56] Draft EIR, Project Description, 2-25.
[57] Draft EIR, Project Description, 2-4.
[58] Draft EIR, Project Description, 2-4.

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that there is no other feasible use for the Project site. The limitation of the Project objective improperly restricts the entire environmental analysis, including the range of alternatives.

6-62 Cont'd

In establishing this limited scope of the Project objective, the Draft EIR's analysis and potential alternatives are limited to only those uses that would result in an industrial business complex, rather than allowing for the analysis of a range of alternatives. Other potential alternatives include the use of the area as a multi-activity entertainment center including vehicle racing, as suggested in one of the comment letters to the Draft EIR Notice of Preparation.[59] The Project objectives improperly reverse engineer the analysis required under CEQA to conclude that use of the Project site as an industrial business park is the Project site's only reasonable alternative. This improperly narrow Project objective gives the County veto power over every mitigation measure and alternative proposed.

6-63

XVII. Cumulative Impacts

In general, the Draft EIR's cumulative impact discussion avoids the same issue that many other portions of the Draft EIR avoid: the reasonably likely impact of increased demand for residential uses, especially in the City. The cumulative impact analysis fails to include the City's General Plan projections for full buildout of the area within the current City limits. With the development of the Project, this buildout projection is even more likely to occur. Consequently, many other cumulatively considerable impacts are likely to result from the Project, including, among many other, impacts to (1) land use, population, and housing, (2) recreational facilities, (3) public services, (4) water demand, (5) transportation, and (6) growth inducing impacts. As a regional employment center, the Project is likely to have cumulatively considerable impacts at a regional level. Using the Draft EIR as a vehicle from which to tier other subsequent project level analyses requires that this document evaluate the cumulative impacts of an employment center employing between 14,000 and 15,000 people. The Draft EIR fails to do so.

6-64

As an example of a cumulative impact that requires additional analysis, the Draft EIR identifies the water supply for the Project as "relatively stable" based on data from 1996 through 2006, and then relies upon hydrographs from 2011 to present to determine that water supply has not changed significantly in the recent past.[60] However, the Draft EIR then acknowledges that increasing urbanization of the Project area and the Project's own change of water use makes it impossible to tell whether the continued use of groundwater and the reduction in recharge will result in an unsustainable groundwater use for the Project. This significant cumulative impact is one that the County will need to address to ensure that it can implement the Project. Further, there may be significant mitigation requirements under the forthcoming San Joaquin Valley Delta-Mendota Groundwater Sustainability Plan required under SGMA.

6-65

In considering the growth inducing impacts of the Project, CEQA "requires the examination of the direct and indirect impacts of the proposed project."[61] The County asserts that inducing growth is not its intention in proposing the project.[62] However, implementing a Project that provides approximately 14,000 to 15,000 jobs, is more than likely to induce growth regardless of the County's intent. Therefore, the Draft EIR should analyze impacts from that growth and provide mitigation where necessary, rather than provide an acknowledgement of the potential and then avoid any analysis of that likelihood. Additionally, the construction of a thirty (30) year buildout Project is likely to induce unplanned growth in the County,

6-66

[59] Draft EIR, Appendix A, Ron West Comment (Nov. 13, 2014).
[60] Draft EIR, Other CEQA Considerations, 5-37.
[61] Draft EIR, Other CEQA Considerations, 5-42.
[62] Draft EIR, Other CEQA Considerations, 5-43.

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independent of the Project's purpose as a regional employment center, contrary to what the Draft EIR asserts.[63]

6-66 Cont'd

Once again, the City thanks the County for the opportunity to comment on the Draft EIR. The City looks forward to the County's responses to these comments and future discussions related to the impacts of the Project on the City. If you have any questions or comments with regard to the City's comments to the Project Draft EIR, please contact me

Best regards,

Churchwell White LLP

Barbara A. Brenner
KAF/th

Enclosures
cc: Ken Irwin, City Manager (via email, w/encls.)
Douglas L. White, Deputy City Attorney (via email, w/encls.)

[63] *Ibid.*

{CW053769.13}

EXHIBIT A

Technical Memorandum

BLACKWATER CONSULTING ENGINEERS, INC.

To: Robin Baral
Churchwell White, LLP

From: Jeff Black, P.E.

Subject: Public Review Draft – Crows Landing Industrial Business Park Specific Plan EIR, January 2018

Date: March 9, 2018

Black Water Consulting Engineers, Inc. (Black Water) has reviewed the subject Draft Environmental Impact Report (DEIR) with regards to the public utilities and service systems, specifically wastewater generation, collection, conveyance and treatment. The following comments from our review are provided. 6-67

Minor Clarifications

1. Include mention of the City of Patterson (COP) collection system deficiencies to be corrected prior to connecting to the City's system. The deficiencies are stated in Appendix H of the DEIR, but should be discussed in Section 2.6 Infrastructure Improvements of the DEIR.
2. Crows Landing Industrial Business Park (CLIBP) Phase 2 wastewater will need a permanent discharge to the South Patterson Trunk Sewer (SPTS) which has long term capacity for the project wastewater flows. 6-68
3. Appendix H, Table 6-2: Phase 1A lift station capacity is identified as 0.32 mgd. Table 4-5 of the DEIR states the capacity of this lift station is 0.065 mgd. Based on a review of the Phase 1A wastewater flow projections, it appears that Appendix H is correct. 6-69
4. Page 3.15-3, first sentence below Table 3.15-2. The City has <u>not</u> acquired land to expand the Water Quality Control Facility (WQCF) capacity. Sufficient land is available to treat and dispose of the planned future phased improvements to the WQCF identified by the Wastewater Master Plan. 6-70

Inaccuracies or Corrections

5. Appendix H, Section 6: Project Phasing Assumptions (p. 19). The following assumptions are questioned and need to be verified and/or clarified: 6-71
   - *Diablo Grande will generate approximately 1 MGD of sewage flow at buildout. There are currently reports of little to no peaking flow in the trunk. It is uncertain if this lack of peaking flow will continue.*
   - *The County will fund its fair share of the improvements needed in the COP sewer system due to impacts by the CLIBP through connection fees.* 6-72
   - *The COP will build the improvements needed to accommodate the CLIBP.* 6-73

- *The COP will fix the known existing deficiency in the Ward trunk. The existing deficiency is at the intersection of Ward Ave and M Street. There is a pipe with reverse slope here that will need to be corrected.* 6-74

6. Clarify that the COP WQCF does not have capacity (current or planned) for projected CLIBP wastewater flows. The CLIBP will require the timing of planned WQCF expansions be accelerated and increased, or an addition expansion after Phase V as noted in the Black Water TM dated August 25, 2017. 6-75

7. Page 3.15-3, Table 3.15-2. The wastewater flows generated by the Diablo Grande community are significantly greater than previously reported. Actual flows recorded by the Western Hills Water District (WHWD) flow meter indicate flows ranging between 0.35 and 0.42 mgd are occurring in the WHWD Ward Avenue sewer trunk. 6-76

8. Appendix H, Section 3: Design Criteria used for projecting wastewater flows and loads are provided in Appendix H of the DEIR. It is stated that they are based on data from the City of Modesto 2000 Wastewater Collection System Master Plan and Metcalf & Eddy, 2003. These sources are not consistent with the wastewater flow and loading criterial used by the COP facilities. The DEIR should use applicable design criteria from the 2017 City of Patterson Wastewater Master Plan for the development of wastewater flow and loading projections that will impact COP facilities. 6-77

9. Appendix H, Table 3-7: ADWF data shown in this table are taken from the Technical Memorandum prepared by Black Water Consulting dated August 25, 2017. The data is inconsistent with the values shown in Table 3-5 of Appendix H. 6-78

10. Appendix H, Section 7.1.2: The following statement requires clarification, *"Completion of the Phase III and Phase IV expansion projects described in the City's latest WWMP are needed to accept the full buildout flows from the CLIBP."*
This statement is inaccurate. The acceptance of CLIBP flows will trigger an acceleration of planned phased improvements at the WQCF and require an additional expansion project after Phase V, as stated in the Black Water TM dated August 25, 2017. 6-79

11. The final bullet point of Appendix H Section 8.0 Overall Findings, states that *"Phased on-site community wastewater treatment and disposal facilities that discharge highly treated effluent to landscape irrigation and/or percolation are a feasible alternative to sending wastewater to the City of Patterson."* Has the State Water Resources Control Board been consulted with regards to this option? Prior to issuing a new discharge permit important factors to consider, besides percolation rates and effluent quality, include but are not limited to the potential for consolidation, planning and design, preparation of a Report of Waste Discharge, CEQA, and issuance of waste discharge requirement by the RWQCB. Operations of an on-site system will require the licensed plant operator and on-going sampling and reporting requirements of the permit. The timeline for completing the planning, construction, and permitting of such a facility may not coincide with the project proponent's development schedule. 6-80

Editorial Comments

a. Page 2-23, last sentence of the continued paragraph at the top of the page contains the duplicate phrase, *"and other relevant standards"*. 6-81

b. Page 3.15-1, last sentence of the last paragraph immediately preceding Table 3.15-1 contains a duplicate word, "*that*". 6-82

c. Page 3.15-2, last paragraph. Delete the word transmission from the sentence, "The WQCF provides wastewater ~~transmission~~, treatment, and disposal for both the City of Patterson and the community of Diablo Grande". 6-83

d. References to *Blackwater* Consulting Engineers should be "Black Water", two words. 6-84

Black Water Consulting appreciates the opportunity to provide these review comments and looks forward to continuing to assist with the progression of this project. If you have any questions or wish to discuss any of the comments, please contact me

EXHIBIT B

Technical Memorandum

BLACKWATER CONSULTING ENGINEERS, INC.

To: Ken Irwin, City Manager; Michael H. Willett, Director of Public Works
From: Alison Furuya, P.E.; Jeff Black, P.E.

Subject: Potential Impacts to Patterson Wastewater Facilities from Crows Landing Industrial Business Park

Date: August 25, 2017

INTRODUCTION

Stanislaus County (County) is proposing to reuse the former Crows Landing Air Facility property and develop the Crows Landing Industrial Business Park (CLIBP). The CLIBP is a planned 1,528 acre business park consisting of public facilities, logistics, industrial, business park, and general aviation land uses. The County is seeking permission to convey the wastewater from the CLIBP to City of Patterson (City) facilities for conveyance, treatment and disposal. This technical memorandum (TM) evaluates the potential impacts of the CLIBP project to the City wastewater collection system and Water Quality Control Facility (WQCF). The evaluation included:

1. A review of the City's Wastewater Master Plan WWMP) [1] and other recently completed documents related to the City's wastewater facilities.

2. A review of the Wastewater Flow and Load assumptions for the future Crows Landing Industrial Business Park development phases memorandum (CLIBP Wastewater Memo) [2], as well as previous documents relating to wastewater infrastructure for the CLIBP.

6-85

BACKGROUND

Crows Landing Industrial Business Park Project

The following is a brief summary of the wastewater information provided in the CLIBP Wastewater Memo. Wastewater flow and loading projections for the CLIBP were developed using the assumptions presented in Table 1.

6-86

Table 1 – CLIBP Wastewater Flow and Loading Assumptions

Parameter	Value
Airport Users - Dry Weather Loading Factor	4 gpc/day
General Land Users - Dry Weather Loading Factor	1,000 gpd/acre
Wet Weather Loading Factor, Infiltration/Inflow (I/I)	100 gpd/acre
Dry Weather Peaking Factor	3
Raw Wastewater Constituents	
Biochemical Oxygen Demand (BOD_5)	300 mg/L
Total Suspended Solids (TSS)	300 mg/L
Total Kjeldahl Nitrogen (TKN)	50 mg/L

6-86
Cont'd

The CLIBP plan area infrastructure and land use development is anticipated to occur over three ten-year phases. Table 2 summarizes the projected flows and loads associated with each phase and buildout of the CLIBP.

Table 2 – CLIBP Wastewater Flow and Load Projections

Parameter	Units	Phase 1 2018-2028	Phase 2 2029-2039	Phase 3 2049-2050	Total (Buildout)
Flow					
Average Dry Weather Flow (ADWF)	mgd	0.394	0.223	0.274	0.891
Peak Dry Weather Flow (PDWF)	mgd	1.182	0.669	0.822	2.673
Peak Wet Weather Flow (PWWF)	mgd	1.259	0.691	0.849	2.799
Loads					
Average BOD_5 Load	lbs/day	986	558	686	2,229
Peak BOD_5 Load	lbs/day	1,282	725	891	2,898
Average TSS Load	lbs/day	986	558	686	2,229
Peak TSS Load	lbs/day	1,282	725	891	2,898
Average TKN Load	lbs/day	164	93	114	372
Peak TKN Load	lbs/day	214	121	149	484

City of Patterson Historical Wastewater Flows and Loads

Wastewater flow and influent data for the past five years were reviewed and are summarized in Tables 3 and 4. Several influent BOD and TSS results were unusually high in 2015 and 2016. These results are not included in the data summarized in Table 5.

Table 3 – WQCF Average Dry Weather Flow Summary

	WQCF Influent Flow (mgd)				
Month	**2012**	**2013**	**2014**	**2015**	**2016**
June	1.55	1.41	1.45	1.42	1.41
July	1.38	1.41	1.48	1.49	1.39
August	1.43	1.45	1.48	1.41	1.43
Average	**1.45**	**1.42**	**1.47**	**1.44**	**1.41**
5-yr Average = 1.44 mgd					

Table 4 – WQCF Influent BOD and TSS Summary

Parameter	Units	2012	2013	2014	2015	2016	Average
BOD_5							
Average	mg/L	280	259	287	366	245	**287**
Minimum	mg/L	180	140	120	160	120	**144**
Maximum	mg/L	660	520	710	900	970	**752**
BOD_5 Load							
Average	lbs/d	3,331	3,121	3,500	4,315	2,876	**3,429**
Minimum	lbs/d	2,106	1,708	1,477	1,829	1,380	**1,700**
Maximum	lbs/d	7,211	6,462	8,379	9,833	10,792	**8,535**
TSS							
Average	mg/L	225	235	295	319	208	**256**
Minimum	mg/L	20	44	110	44	72	**58**
Maximum	mg/L	810	610	1,000	820	720	**792**
TSS Load							
Average	lbs/d	2,662	2,834	3,577	3,781	2,436	**3,058**
Minimum	lbs/d	228	522	1,336	540	862	**698**
Maximum	lbs/d	8,850	7,336	11,819	9,708	8,010	**9,145**

6-86
Cont'd

City of Patterson Projected Growth

For this evaluation, wastewater flow was estimated to increase at the same rate as projected population growth rates. The City 2015-2023 Housing Element Updated, adopted February 2016 [3] presented population projections and average annual growth rates for the City and Stanislaus County. These population projections are summarized in Table 5.

Table 5 – Patterson and Stanislaus County Population Projections

Year	Patterson		Stanislaus County	
	Population	Average Annual Growth Rate	Population	Average Annual Growth Rate
2010	20,413		514,453	
2015	25,065	4.20%	551,668	1.40%
2020	30,375	3.90%	594,146	1.50%
2025	35,685	3.30%	636,625	1.40%
2030	40,995	2.80%	679,403	1.30%
2035	43,559	1.20%	721,582	1.20%
2040	46,124	1.20%	764,060	1.20%
Change/Average	25,711	2.8%	249,607	1.3%

Source: City of Patterson 2015-2023 Housing Element Updated, adopted February 2, 2016 [3]

Projected wastewater flows for the WQCF based on the growth rates presented in Table 5 for the City, with the addition of contributions from Diablo Grande and the CLIBP, are summarized in Table 6. A total ADWF of 1.47 mgd, the maximum ADWF measured for the past 5 years, was used as the starting condition. Average annual growth rates from year 2040-2050 were assumed to be consistent with the growth rate of 1.2% for 2036-2040. The projected buildout flow for the City is also included in the table, and is from the WWMP.

Table 6 – WQCF ADWF Flow Projections

Year/Condition	Average Annual Growth Rate [a]	Projected City ADWF (mgd)	Projected Diablo Grande ADWF (mgd)	Projected Total ADWF w/o CLIBP (mgd)	Projected CLIBP ADWF (mgd)	Projected Total ADWF with CLIBP (mgd)
Existing (2016)		1.40	0.04	1.44	-	1.44
2018	3.9%	1.51	0.05	1.56	0.39	1.96
2029	2.8 - 3.3%	2.15	0.11	2.25	0.62	2.87
2040	1.2 - 2.8%	2.49	0.16	2.65	0.89	3.54
2050	1.2%	2.80	0.22	3.02	0.89	3.91
Buildout	-	5.54	0.75	6.29	0.89	7.18

[a] Average annual growth rate assumptions are based on the average annual growth rates for Patterson presented in Table 6.
[b] Assumes an ADWF of 0.032 mgd for Diablo Grande in 2009-2010, with annual increases of 5,250 gpd per year.

The City receives wastewater from the Diablo Grande development, located west of the City limits. The WWMP reported an ADWF for Diablo Grande of 0.032 mgd, based on flow data from 2009-2010. This flow was used as a baseline and was increased by 5,250 gpd per year, based on the assumption that 30 housing units have been and will be added per year, with an average flow of 175 gallons per day (gpd) per unit. This growth assumption for Diablo Grande resulted in an estimated ADWF of 0.04 mgd for

6-86
Cont'd

Diablo Grande in 2016. The City is in the process of collecting flow data for Diablo Grande. The most recently collected data indicates that Diablo Grande is discharging average flows in the range of 350,000 to 420,000 gpd, which is significantly higher than the estimate shown in Table 6.

6-86 Cont'd

POTENTIAL IMPACTS TO COLLECTION SYSTEM

The CLIBP Wastewater Memo describes the installation of a temporary connection to the existing Western Hills Water District (WHWD) 18-inch sewer trunk line at the intersection of Ward Avenue and Marshall Road to convey CLIBP Phase 1 flows to the City collection system. This temporary connection will be replaced with a permanent connection to the proposed South Patterson Trunk Sewer (SPTS) at the intersection of Bartch Avenue and Ward Avenue, as part of CLIBP Phase 2.

The hydraulic model, developed as part of the WWMP, was evaluated for the existing trunk sewers on Ward Avenue, M Street and Ward Avenue (referred to as the Central Trunk Sewer (CTS) in this TM), and the proposed SPTS. The following two scenarios were executed to determine if the proposed CLIBP wastewater connections could be accommodated by the existing and proposed City collection system.

Scenario 1: CLIBP Phase 1 flows added to southern end of Ward Avenue Trunk Sewer. Diablo Grande ADWF of 0.10 mgd. Complete development of known potential developments in the City, as shown in Figure 1. The developments include: Villages of Patterson, Patterson Gardens, Keystone Business Park, West Ridge Business Park, Villa del Lago, Arambel Business Park, and other small developments.

Scenario 2: CLIBP Buildout flows added to the proposed SPTS. Diablo Grande buildout flows added to the proposed SPTS. Complete development of City General Plan areas.

6-87

The City wastewater loads assigned to the manholes were calculated using the method presented in the WWMP, which includes the use of a variable diurnal peaking factor (DPF) to calculate PDWF and an I/I factor based on area served to calculate PWWF. Consistent with the WWMP, Diablo Grande flows were assigned a constant peaking factor of 3.1 and an I/I factor of 300 gpd/ac over an area of 5,070 acres.

Detailed information regarding the hydraulic model, including a listing of the manhole IDs, wastewater loads, and capacity in the trunk sewers on Ward Avenue, Walnut Avenue, M Street, and the SPTS is provided in Appendix A. An overview of the hydraulic model results is provided below.

- As detailed in the WWMP, the hydraulic limitations of pipe segment E5-6:E5:5 on M Street due to a reverse slope were confirmed, and this pipe segment is recommended for replacement.
- The Ward Avenue trunk sewer does not have sufficient capacity to accommodate the known areas in Patterson for potential growth, shown in Figure 1, and the addition of CLIBP Phase 1 flows. To accommodate the CLIBP flows, the existing 21-inch sections would need to be upsized to 24-inches.
- PWWF from Diablo Grande and potential developments in the City are critical to determining the remaining available capacity in the Ward Avenue Trunk Sewer for the CLIBP.
- The SPTS, as proposed in the WWMP, has sufficient capacity to accommodate the projected CLIBP buildout flows. Projected d/D values in the SPTS range from 0.42-0.60.

POTENTIAL IMPACTS TO WASTEWATER QUALITY CONTROL FACILITY

The existing reliable capacity and projected capacity following the completion of future expansion phases for the WQCF are summarized in Table 8. This information originated from the WWMP, with slight adjustments to provide more detail on capacity impacts associated with decommissioning existing facilities as they become antiquated. Additionally, the existing reliable capacity for the WQCF differs from the permitted capacity. The WQCF is currently regulated under Regional Water Quality Control Board (Regional Board) Waste Discharge Requirements Order R5-2007-0147 (WDRs). The WDRs include effluent nitrogen limits which have been challenging for the older treatment facilities at the WQCF to meet. Therefore, the City considers the reliable capacity of the WQCF to be less than the permitted capacity to ensure compliance with the WDRs. Based on the information presented in Table 7, the addition of the CLIBP flows would require and additional expansion project after Phase V.

6-88

Table 7 – WQCF Existing and Anticipated Capacity

Condition	Reliable Capacity (mgd)	Total Reliable Capacity (mgd)
Existing		1.85
North Activated Sludge Treatment System	0.6	
Advanced Integrated Pond System	0	
South Activated Sludge Treatment System		
Treatment Train 1	1.25	
Completion of Phase III Expansion		3.1
North Activated Sludge Treatment System	0.6	
Advanced Integrated Pond System	0	
South Activated Sludge Treatment System		
Treatment Train 1	1.25	
Treatment Train 2	1.25	
Phase IV Expansion		4.25
North Activated Sludge Treatment System	0	
Advanced Integrated Pond System	0	
South Activated Sludge Treatment System		
Treatment Train 1	1.25	
Treatment Train 2	1.25	
Treatment Train 3	1.75	
Phase V Expansion		6.5
North Activated Sludge Treatment System	0	
Advanced Integrated Pond System	0	
South Activated Sludge Treatment System		
Treatment Train 1	1.25	
Treatment Train 2	1.25	
Treatment Train 3	2	
Treatment Train 4	2	

6-88 Cont'd

Expansion phases are recommended to begin design and permitting seven years prior to reaching the reliable capacity of the facility and construction five years prior to reaching the reliable capacity of the facility. Table 8 presents estimates for the recommended construction completion time for Phase III and IV expansions. The flows to the WQCF are projected to exceed the existing reliable capacity of 1.85 mgd ADWF within the next five years and acceptance of wastewater from the CLIBP is not recommended until construction of Phase III has started. WQCF flows and development projections should be regularly updated to refine the timing for implementation of expansion projects.

6-88 Cont'd

Table 8 – Estimated Timing for WQCF Expansion Projects

Expansion Phase	Total Reliable Capacity after Expansion Phase Completed (mgd)	Recommended Year to Complete Construction	
		w/out CLIBP	w/ CLIBP
Existing	1.85	-	-
Phase III	3.1	2018	2017
Phase IV	4.25	2045	2028

Projected BOD, TSS, and TKN strength for the CLIBP are similar to historical WQCF influent concentrations and are not anticipated to be an issue.

6-89

DEVELOPER IMPACT FEES AND COST SHARING

Collection System

The WWMP provided cost estimates for construction of the SPTS. These costs are summarized in Table 9. Table 10 provides a summary of the wastewater loads which the SPTS is planned to accept.

Table 9 – Costs for South Patterson Trunk Sewer Components

Project Components	Base Cost
Junction Structure[a]	495,000
South Patterson Trunk Sewer	3,897,000
South Patterson Pump Station	640,000
South Patterson Force Main	635,000
Base Construction Cost	5,700,000
Probable Construction Cost [b]	8,379,000

[a] Base cost listed is half of the total cost because the junction structure will be for the North Patterson Trunk Sewer as well.

[b] Probable construction cost includes applying contingencies for planning and design (10%), construction management (10%), and construction (20%), to the Base Construction Cost to obtain a subtotal cost. An additional 5% contingency for program administration is applied to the subtotal cost to obtain the Probable Construction Cost.

Table 10 – South Patterson Trunk Sewer Design Wastewater Loads

Development Area	ADWF (gpd)
Diablo Grande	750,000
Crows Landing Industrial Business Park	891,000
Development in south Patterson	823,060
Projected ADWF Capacity Increase	2,464,060

Based on this information, incremental capacity is being provided at an approximate cost of $3.40/gpd ADWF. This unit cost can be used as an initial guide for developing impact fees for the collection system.

Wastewater Quality Control Facility

A conceptual list of components for the Phase IV expansion project is provided in Table 11. Budgetary costs are included with the list. The costs provided are based on cost estimates for the Phase III expansion project. The cost estimate indicates that expansion of treatment and disposal capacity is approximately $30/gpd ADWF.

Table 11 – Budgetary Phase IV Expansion Project Costs

Project Components	Probable Construction Cost (in $1,000,000)
Influent Pump Station	5.00
South Activated Sludge Treatment System, Unit 3	6.00
Solids Handling Facilities	5.50
Effluent Pumping Facilities	2.50
Plant Water System Improvements	0.50
Stormwater/Site Drainage Improvements	1.00
Electrical and Controls	4.00
Demolition of NASTS facilities	1.00
Site Piping	1.00
Site Grading and Surfacing Improvements	1.00
Tertiary Filters	3.00
Disinfection Facilities	2.00
Odor Control	1.00
Percolation Pond Expansion	2.00
Base Construction Cost	35.50
10% Planning and design contingency	*3.55*
10% Construction management contingency	*3.55*
20% Construction contingency	*7.10*
Subtotal	49.70
5% Program Administration contingency	2.49
Total Project Cost	52.19
WQCF Capacity Increase	1.75 mgd
Cost per gallon capacity	$30

[a] Percolation Pond Expansion cost includes land acquisition.

CLIBP Wastewater Cost Share Estimate

Table 12 presents an estimated cost share for the CLIBP for expanding the wastewater collection and WQCF facilities to accommodate the projected flows from the project. The total estimated CLIBP cost

6-89 Cont'd

share is $29.8 million. The cost share does not include improvements to the existing City wastewater facilities that may be needed to accommodate CLIBP flows on a temporary basis.

Table 12 – Estimated CLIBP Cost Share for Expanding City Wastewater Facilities

Description	Value
Collection System Expansion Unit Cost	$3.40/gpd ADWF
WQCF Phase IV Expansion Project Unit Cost	$30/gpd ADWF
CLIBP Buildout ADWF	0.891 mgd
CLIBP Buildout Cost Share	$29.8M

6-89 Cont'd

SUMMARY

The findings from this evaluation are summarized below.

1. The existing collection system does not have sufficient capacity to accept the CLIBP Phase 1 flows and known potential developments in the City.
2. Recommended improvements to the collection system can be implemented to increase capacity in the existing system to accept CLIBP Phase 1 flows. These improvements include:
    a. Replacement of pipe segment E5-6:E5:5 on M Street, as previously identified in the WWMP.
    b. Upsizing of approximately 1,300 feet of 21-inch pipe in Ward Avenue.
3. The WQCF Phase III Expansion Project should be completed prior to accepting flow from the CLIBP. Accepting the CLIBP flows would be dependent on priority developments within the City.
4. The WQCF Phase IV Expansion Project should be planned for completion in the year 2028, if CLIBP wastewater is treated by the City.
5. The estimated CLIBP cost share for expanding the City wastewater facilities is $29.8 million.
6. The estimates presented in this TM are based on growth and flow assumptions. These assumptions should be reviewed regularly.

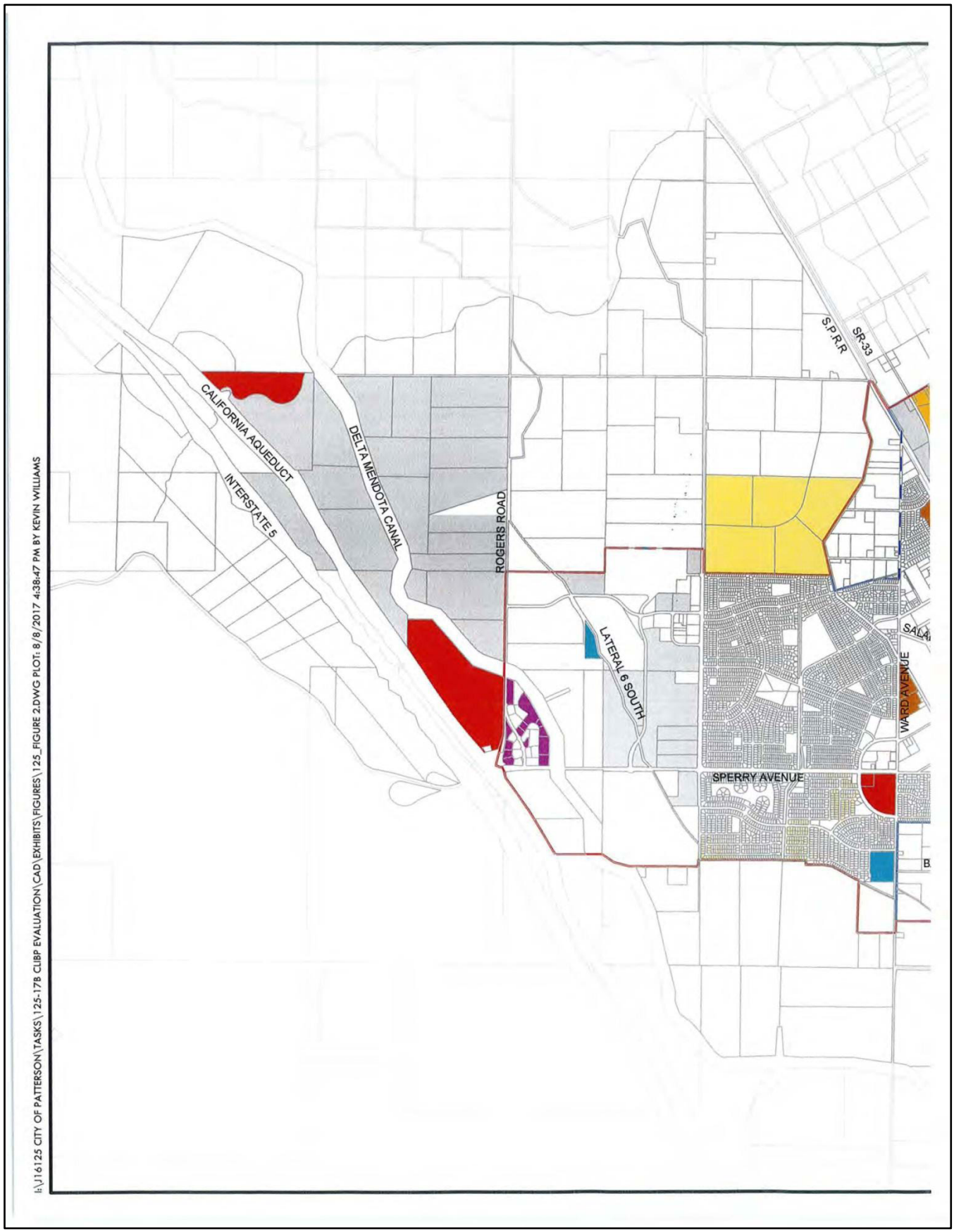
6-90

REFERENCES

[1] City of Patterson Wastewater Master Plan, prepared by Black Water Consulting Engineers, Inc. and NV5, April 2016

[2] Wastewater Flow and Load assumptions for the future Crows Landing Industrial Business Park development phases memorandum, prepared by AECOM, July 6, 2017

[3] City of Patterson 2015-2023 Housing Element Update, adopted February 2, 2016


I:\J16\125 CITY OF PATTERSON\TASKS\125-17B CLIBP EVALUATION\CAD\EXHIBITS\FIGURES\125_FIGURE 2.DWG PLOT: 8/8/2017 4:38:47 PM BY KEVIN WILLIAMS
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SPERRY AVENUE

EXHIBIT C

Stantec

March 9, 2018

Robin Baral, Partner
Churchwell White LLP

Dear Robin,

Reference: Peer Review of the "Public Review Draft Crows Landing Industrial Business Park Specific Plan Environmental Impact Report" dated January 2018

The purpose of this proposal is to conduct a peer review of the "Public Review Draft Crows Landing Industrial Business Park Specific Plan Environmental Impact Report" report dated January 2018.

The traffic section of the EIR, Section 3.14, 5-30 to 5-36 and the full transportation report contained in Appendix F were reviewed. The traffic report is more comprehensive than the EIR so is generally discussed in more detail below. The comments are divided into two categories: (1) Minor clarifications and (2) Errors, defects or inaccuracies requiring correction. 6-91

(1) Minor clarifications

i. On Page 8 of transportation report, it says "A Crows Landing Project-Specific Model was developed based on the latest Tri-County Travel Demand Model and City of Patterson Travel Demand Model". On Page 20, it says "TJKM used the most current StanCOG model for the study". Patterson Model was not mentioned. Information should be consistent. 6-92

ii. On the 5th paragraph of Page 20, it says "The calibration effort of the Patterson model was pursed with this goal in mind". Not sure if the statement is applicable in this report. The report should state whether the City of Patterson GP land use buildout has been incorporated into the model. 6-93

iii. E. Las Palmas / W. Main Street – SR 33 to S. Carpenter Road, page 39, states "This western section of this roadway – from SR 33 to Poplar Avenue – is approximately 13,200 feet in length and has three lanes." This roadway traversed a major corridor in the City so we have requested that the long segment be split into two sections. This was not updated as agreed previously. 6-94

iv. LOS Threshold criteria and Jurisdictions should be added for all the Intersection LOS tables 6-95

v. Page 33, Table VIII, there are a few typos in the table. 6-96

vi. Page 34, Table IX, there is a typo for the segment 18 row. It's inconsistent from Table XI. 6-97

vii. Page 37, Table XI, the segment 16 should not be shaded for 2035 plus Project conditions. Please correct. 6-98

Design with community in mind

Reference: Proposal to Conduct Peer Review of "Public Review Draft Crows Landing Industrial Business Park Specific Plan Environmental Impact Report"

viii. Generally, many of the Table numbers in the Table titles are incorrect due to formatting errors. 6-99

(2) Errors, defects or inaccuracies requiring correction

i. **Existing Condition**, page 13 of traffic report indicated that intersection counts were conducted in January 2014. Typically, the acceptable "age" of traffic counts deemed acceptable by industry standard is 2-years but no more than 3-years in an area without much development. The count is currently more than 4-years old. The City of Patterson has been experiencing much developments in the past 3-4 years and recent traffic counts have confirmed traffic growth. 6-100

For example, Table III on page 14 of the report (incorrectly shown as Table IIIII), the LOS of I-5 SB Ramps / Sperry Ave during the PM peak hour was shown as LOS C. Recent counts in August 2017 has shown the intersection to operate at LOS F during the PM hour.

We have seen much traffic growth on Sperry Avenue in the past 2-3 years due to development of projects such as Amazon Warehouse, Pilot Flying J and etc. For example, a recent August 1-3, 2017 ADT count on Sperry Avenue (west of Park Center Drive) showed 15,300 vpd. An ADT count at the same location that was also conducted in March 2016 showed the volumes to be approximately 11,420 vpd. [1] Therefore, traffic growth is approximately 3,880 vehicles per day (vpd) within the 1.5-year period or growth of approximately 34 percent.

ii. **For Existing plus Project Conditions scenario**, Mitigation measures were not provided for the following intersections which would deteriorate from acceptable LOS D or better condition to LOS E or worse conditions: 6-101

Page 29: *Ward Avenue / Sperry Avenue (#7)* – the intersection would deteriorate from Existing LOS C to LOS F under Existing plus Project Conditions.
Page 23*: Table VII - Ward Avenue / Las Palmas Avenue (#8)* - the intersection would deteriorate from Existing LOS B to LOS E under Existing plus Project Conditions.

iii. **For 2035 plus Project Conditions scenario** 6-102

Table 5-5 of page 5-32 of EIR, the following intersections would deteriorate from acceptable LOS under 2035 No Project to unacceptable LOS E/F conditions under 2035 No Project conditions:

- 22 Marshall Road / Ward Ave,
- Ike Crow Road / SR 33
- Fink Road / Bell Road

Mitigation measures were not provided.

[1] *March 8, 2016*

Reference: Proposal to Conduct Peer Review of "Public Review Draft Crows Landing Industrial Business Park Specific Plan Environmental Impact Report"

v. Project Only Model plot

The model plots included in the appendix of the report dated October 13, 2017 showed total trips instead of project-only trips. We have previously requested Project Only model plot for checking fair share contribution calculations. 6-103

vi. Fair share contribution

The traffic study notes a degradation of the LOS at several key City intersections including: 6-104

- I-5 ramps/Sperry
- Ward Ave/Sperry
- Ward Ave/Las Palmas
- Sperry Ave/SR 33

Attached color coded map is based on intersection Fair Share %, % Project Traffic and roadway segment fair share information contained in the traffic report and EIR. Several roadways could expect to see an increase of nearly 20% or more CLIBP traffic. Project fair share at several intersections are more than 50%. 6-105

The project should pay for its fair share for maintenance or widening for all impacted roadways in the City.

Lastly, the following intersections were shown to be operating at LOS E/F under the 2035 with Project and 2035 without Project conditions in the previous 2016 report but are now shown as operating at acceptable LOS C/D or better under the current updated report: 6-106

- Ward Avenue / M Street (#9) - LOS F in the 2016 report to LOS D in this report under 2035 without Project conditions.
- Las Palmas Avenue / SR 33 (#13) - LOS D in the 2016 report to LOS C in this report under 2035 without Project conditions
- Walnut Avenue / SR 33 (#12) - LOS F/E in the 2016 report to LOS D/D in this report under 2035 with Project conditions.

Not sure if the current report corrected previous errors resulting in the improved LOS. The detailed LOS Calculation sheets were not provided in the Technical Appendixes so we were not able to verify.

Please let me know if you have any questions.

Regards,

Christopher Thnay, PE, AICP
Senior Project Manager

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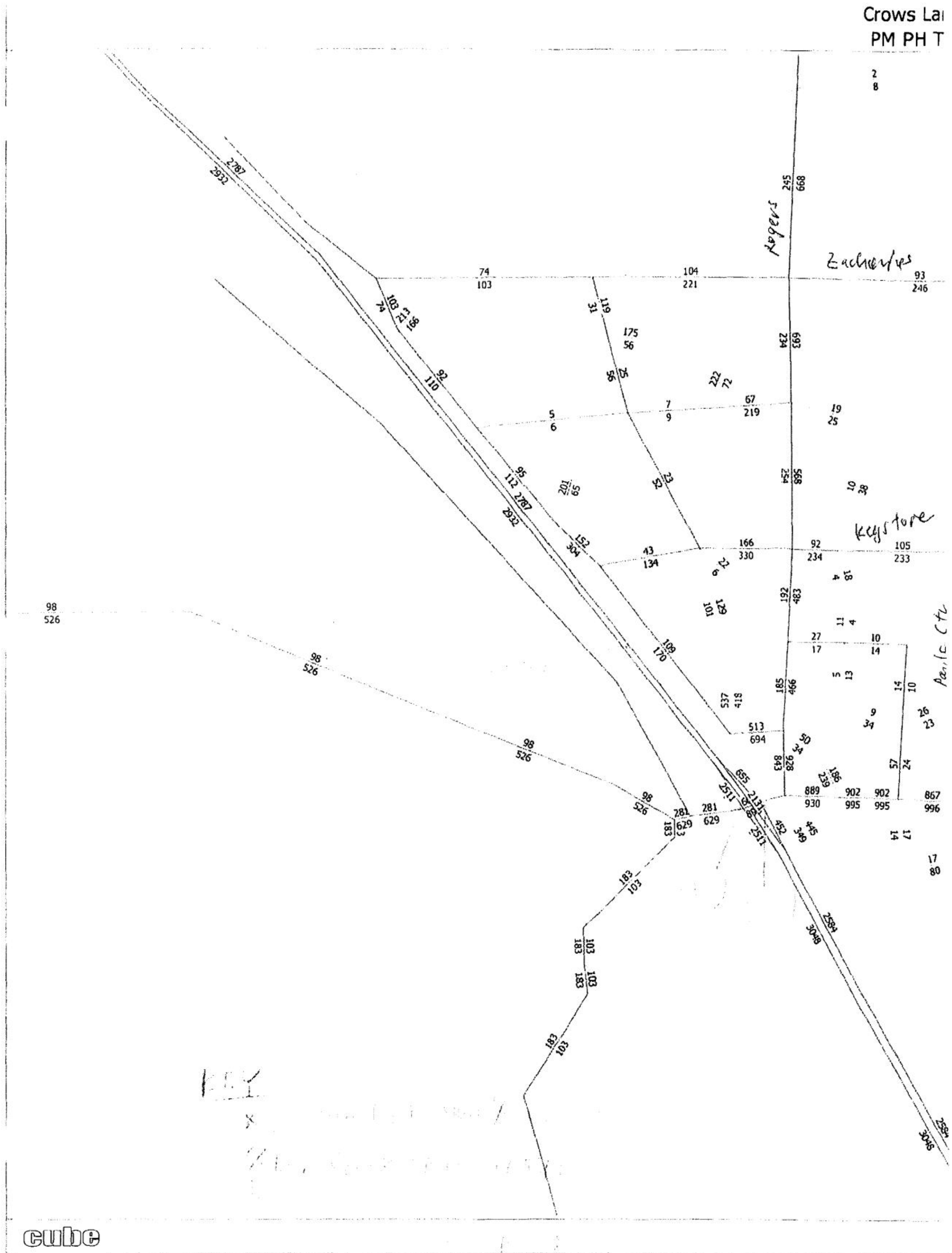
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RESPONSE TO COMMENT LETTER 6 – CITY OF PATTERSON #2

Response to Comment 6-1

Beginning in early 2014, County staff reached out to the City and initiated regular meetings with City staff to discuss planning and anticipated projects in western Stanislaus County, as well as the Specific Plan. The County and City discussed regional coordination on planning, infrastructure improvements, and related topics. The County appreciates the amount of time invested in meeting and coordinating on these important topics. The County incorporated City input on the scope of analysis into the Draft EIR.

The County commissioned technical memoranda from City consultants and incorporated the information from this work into the Draft EIR, as well:

- Stantec. Tech Memo. *Peer Review of the Transportation Infrastructure Plan for the Crows Landing Industrial Business Park*. From Christopher Thnay, PE, AICP to Ken Irwin, City Manager, City of Patterson. August 22, 2017.

- Black Water Consulting Engineers, Inc. Technical Memorandum. *Potential Impacts to Patterson Wastewater Facilities from Crows Landing Industrial Business Park*. From Alison Furuya, P.E. and Jeff Black, P.E. to Ken Irwin, City Manager and Michael H. Willett, Director of Public Works [City of Patterson].

At the end of the initial public review period for the Draft EIR, the County received a request from the City to extend the comment period. The County extended the Draft EIR comment period at the City's request. The County was not aware of a future annexation to the City during these meetings or during the pre-project meetings or scoping for the Specific Plan and Specific Plan EIR. However, during the extended Draft EIR public review period, the City suggested that there could be an annexation proposal, and submitted a proposed Memorandum of Understanding to the County requesting that the County enter into a pre-annexation agreement and mutual waiver agreement.

The extensive City input into the Specific Plan and Specific Plan Draft EIR was helpful, and it is appropriate that both the EIR and the proposed Specific Plan reflect detailed analysis and input from City staff and the City's consultants. As detailed in the Draft EIR and Specific Plan, if the Specific Plan uses wastewater treatment capacity in the City's wastewater treatment facility, the County will coordinate closely with the City on the scope, cost, and timing of any required improvements. It is the County's desire to continue to work closely with the City to ensure mutually beneficial outcomes.

Following receipt of City comments on the Draft EIR, the County received a proposed Memorandum of Understanding (MOU) from the City that addressed transportation and wastewater services and did not identify any topics related to the adequacy of the Draft EIR for addressing adverse physical effects of the proposed Specific Plan. The County responded to the City's proposed MOU with a revised MOU on April 9, 2018. The County's proposed MOU outlines the understanding of the County regarding circumstances and conditions necessary for the City to provide wastewater treatment service to the Specific Plan Area, including fair-share contributions from the County for upgrades to City's WWTP necessary to serve the Specific Plan and wastewater infrastructure required to accommodate anticipated development in the Specific Plan.

See Responses to Comments 6-8 through 6-18 related to wastewater treatment. The Draft EIR includes Mitigation Measure 3.15-4 on page 3.15-17, which requires the County to demonstrate adequate wastewater treatment capacity prior to issuing any building permit for any project proposing to connect to public sewer or construct backbone sewer infrastructure connecting to the Western Hills Water District sewer line. The mitigation measure requires written documentation to verify that existing treatment capacity is, or will be, available to support the proposed development and that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy. Projects developed under the Specific Plan will be required to pay fair-share fees to the City of Patterson for wastewater treatment.

See Master Response 1 regarding the scope of analysis in the Draft EIR, including information related to employment associated with buildout of the Specific Plan. The Transportation Infrastructure Plan and Draft EIR Section 3.14 considered the impacts of both the Patterson General Plan buildout and the buildout of the Specific Plan in the analysis, and includes Mitigation Measure 3.14-1, which requires fair-share contributions to transportation improvements, including those in Patterson and serving traffic generated within, or attracted to uses in Patterson (page 3.14-16 of the Draft EIR).

Response to Comment 6-2

Please see Master Response 1 regarding the detailed project description, comprehensive and detailed analysis presented throughout the Draft EIR, and the analysis of possible growth inducing effects and cumulative effects related to full buildout of the Specific Plan. Please see Responses to Comments 6-49 and Comment 6-50 related to groundwater use, Responses to Comments 6-10 through 6-18 related to wastewater treatment and *Comment 6-58 related to alternatives.*

Response to Comment 6-3

Please see Responses to Comments 6-29 through 6-33, 6-34, and 6-43. Please also see Master Response 2.

Response to Comment 6-4

Responses to specific comments related to wastewater treatment, air quality, and traffic analysis are provided below and in Master Response 1. See Responses to Comments 6-29 through 6-33, 6-34, and 6-43 for a discussion of the detailed and comprehensive air quality analysis and mitigation included as a part of the Draft EIR. See Responses to Comments 6-10 through 6-18 related to wastewater treatment.

The comment is not specific to why the Specific Plan is inconsistent with Stanislaus County's agricultural mitigation policy.

See Responses to Comments 6-36 and 6-37 regarding agricultural resources.

Response to Comment 6-5

Recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification (CEQA Guidelines Section15088.5). New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental

effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

1. (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

4. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where new information added to the EIR clarifies or amplifies or makes insignificant modification in an adequate EIR (CEQA Guidelines Section 15088.5(b)). Thus, recirculation is required only if changes are more than clarification or amplifications and rise to the level of significant new information outlined above. Chapter 3, "Errata," of this Final EIR corrects grammatical errors in the project description, the air quality section, and the utilities and service systems section; provides clarifications to the air quality and greenhouse gas methodology; provides clarifications and expands mitigation measures in the air quality section and utilities and service systems section; provides additional supportive information related to hazards associated with oil pipelines and wastewater infrastructure improvements; and updates air quality and greenhouse gas emissions modeling and electrical and natural gas demands. None of the revisions of the Draft EIR shown in Chapter 3 rise to the level of significant new information. Therefore, recirculation of the Draft EIR is not required. For the reasons stated in the Responses to Comments 6-7, 6-8, 6-9, 6-10, 6-15, 6-16, 6-17, 6-18, 6-21, 6-22, 6-23, 6-24, 6-26, 6-28, 6-29, 6-30, 6-31, 6-32, 6-33, 6-34, 6-35, 6-36, 6-37, 6.-38, 6-39, 6-40, 6-41, 6-42, 6-43, 6-44, 6-45, 6-46, 6-47, 6-48, 6-49, 6-50, 6-51, 6-52, 6-53, 6-54, 6-55, 6-56, 6-57, 6-58, 6-59, 6-60, 6-61, 6-64, 6-65, 6-66, 6-68, 6-71, 6-75, 6-76, 6-77, 6-79, 6-86, 6-87, 6-88, 6-92, 6-93, 6-94, 6-100, 6-101, 6-102, 6-105, and 6-106 below, no significant new information is required to be added to the EIR and recirculation is not required.

Response to Comment 6-6

This comment does not pertain to the analysis of impacts in the Draft EIR, but to the description of the project. Specific comments provided by the City of Patterson related to wastewater treatment are addressed in Responses to Comments 6-8 through 6-18, below.

Response to Comment 6-7

The type and placement of wastewater infrastructure, including wastewater treatment, are components of the proposed project, as identified in Chapter 2, "Project Description," Section 3.15, "Utilities and Service Systems," and are analyzed in the resource sections of the Draft EIR that analyze the project's significant environmental effects. Impact 3.15-3 describes the wastewater collection and conveyance infrastructure required to service the

Specific Plan and the potential use of on-site septic systems. As stated in Impact 3.15-3, each on-site septic system facility would need to be designed in accordance with Stanislaus County's Guidelines for Septic System Design, and the design would need to be approved by the County prior to the issuance of any building permits. The environmental impacts of construction and use of on-site septic systems, which are a component of the project, were analyzed in the Draft EIR as well. Where necessary, these sections identify mitigation measures to reduce or avoid the impacts of infrastructure construction and operation on the physical environment. Impact 3.15-4 discusses wastewater treatment for the Specific Plan's wastewater flows and acknowledges capacity improvements to the City's WQCF could involve environmental effects and provides a brief summary of those potential effects.

Please see Response to Comments 6-8 and 6-15 and Chapter 3, Errata." Please also see Master Response 1 for a description of the detailed project description and comprehensive and detailed analysis presented throughout the Draft EIR. Please also see Master Response 2 for a detailed discussion of mitigation.

Response to Comment 6-8

This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. A comprehensive analysis of wastewater treatment is provided in Section 3.15, "Utilities and Service Systems," of the Draft EIR. The Draft EIR includes Mitigation Measure 3.15-4 on page 3.15-17, which requires the County to demonstrate adequate wastewater treatment capacity prior to issuing any building permit for any project proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the Western Hills Water District sewer line. This mitigation measure requires written documentation to verify that existing treatment capacity is, or will be, available to support the proposed development and that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy. Projects developed under the Specific Plan will be required to pay fair-share fees to the City of Patterson for wastewater treatment.

The following revision has been made to the discussion of Impact 3.15-5 and Mitigation Measure 3.15-5 in Section 3.15, "Utilities and Service Systems," of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata." These clarifications do not change the analysis or conclusions of the Draft EIR. Rather, these revisions clarify that written documentation showing proof that the Water Quality Control Facility (WQCF) has sufficient capacity will be provided to the satisfaction of the City. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

IMPACT 3.15-5 Increased demand at City of Patterson Water Quality Control Facility (WQCF). Implementation of the proposed project would result in an increase in wastewater flows that exceed the current City of Patterson WQCF design capacity. This impact is considered significant.

Wastewater treatment for the proposed project is anticipated to be provided by the City of Patterson WQCF, which has a current design capacity of 2.25 million gallons per day (mgd) average dry-weather flow and a reliable treatment capacity of 1.85 mgd (~~Blackwater~~ Black Water Consulting Engineers 2017). As of 2016, the WQCF treats 1.44 mgd average dry-weather flow. The City has prepared improvement plans ~~and acquired land~~ for WQCF expansion to achieve a design capacity of 3.5 mgd, with a reliable capacity of 3.1 mgd.

Phases 1, 2, and 3 of the project could generate an average dry-weather flow of 0.394 mgd, 0.223 mgd, and 0.274 mgd, respectively, for a total of 0.891 mgd average dry-weather flow at site buildout (~~Blackwater~~ Black Water Consulting Engineers 2017). This estimate is based on accepted industry standard loading factors and input from the County of Stanislaus and the City of Modesto. The estimate is conservative and does not consider California Green Building Standards or the Specific Plan policies that reduce water use. Section 5.303 of the California Green Building Standards covers indoor water use and includes policies to reduce the overall use of potable water by 20 percent. Section 5.304 covers outdoor water use and requires irrigation controllers and sensors to reduce water use. Compliance with the California Green Building Standards would reduce water use and associated wastewater generation. The Specific Plan also promotes water efficiency and conservation, by encouraging energy star appliances, water sensitive design techniques, individual water metering, drought-tolerant and native plant landscaping, and by making reclaimed water available for cooling and other industrial uses.

The City of Patterson did not account for the project's wastewater flows in its planned design expansion to 3.5 mgd. Wastewater treatment capacity is allocated on a "first come, first serve" basis. Early phases of development would generate wastewater flows that could be accommodated by on-site septic systems as described above in Impact 3.15-4, or by the WQCF, if sufficient capacity is available. Because there are other approved and planned projects in the Patterson area, it is possible that capacity may need to be added to the WQCF to serve one or more phases of the proposed project, should these other projects break ground before the proposed project. The City's Wastewater Master Plan examines alternatives to expansion of the WQCF to handle 7.0 mgd and serve 76,000 residents, 675 acres of commercial development, and 2,227 acres of industrial development. Subsequent projects and leasehold development would be required to pay fair-share fees to the City of Patterson for wastewater treatment. Capacity expansion for the WQCF could be required to provide for the proposed project's long-term wastewater treatment demands. This impact is considered **significant**.

Mitigation Measure 3.15-5: Demonstrate Adequate Wastewater Treatment Capacity.

Before the County will issue any building permit for a use proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the WHWD sewer line, the project applicant ~~will~~ shall be required to provide written documentation to verify that existing treatment capacity is, or will be, available at the WQCF to support the proposed development. If treatment capacity is provided at the City of Patterson WQCF, projects within the Specific Plan Area shall contribute on a fair-share basis to the cost associated with such treatment capacity. Written documentation may include proof of executions of all financing agreements and/or other mechanisms, to the satisfaction of the City of Patterson, to ensure ~~and~~ that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy.

Implementation: Leaseholders/developers/contractors.

Timing: Prior to issuance of any building permits.

Enforcement: Stanislaus County.

Response to Comment 6-9

Appendix H is not an appendix to the Draft EIR; rather, Appendix H is an appendix to the Specific Plan.

As explained in the Sanitary Sewer Infrastructure and Facilities Study (see page 2), the County's Public Works Specifications require sewer systems to be designed according to the requirements of the sewer district in which the project is located. If the subject project is not in a sewer district, sewer systems must be designed using the City of Modesto's sanitary sewer standards, which serve as a proxy for design where there is no sewer district. As also stated, in cases where design guidelines and criteria are not provided by the City of Modesto, assumptions are made based on a comparative analysis of sewer generation rates for local cities and agencies, including the City of Modesto, and typical values published in the Wastewater Engineering Treatment and Reuse guidance document.

The City of Patterson's consultant, Black Water Consulting Engineers, provided a technical memorandum on August 25, 2017 that evaluated the potential impacts of the Specific Plan to the City's wastewater collection system and WQCF. The evaluation included a review of the City's Wastewater Master Plan dated April 2016 and other recently completed documents related to the City's wastewater facilities, and a review of the Wastewater Flow and Load assumptions for the future Crows Landing Industrial Business Park (CLIBP Wastewater Memo prepared by AECOM, July 2017). This Black Water Consulting Engineers technical memorandum does not mention the City of Modesto standards or recommend any changes to the wastewater flow assumptions underpinning the sewer analysis. Table 2 of the Black Water Consulting Engineers' August 25, 2017 Technical Memorandum provides an estimate of wastewater flow and load projections, with an average dry weather flow of 0.891 mgd, a peak dry weather flow of 2.673 mgd, and a peak wet weather flow of 2.799 mgd. These estimates are essentially the same as the estimates used in the Specific Plan analysis, as shown in the November 30, 2017 Crows Landing Industrial Park Sanitary Sewer Infrastructure and Facilities Study, which anticipates an average dry weather flow of 0.845 mgd, a peak dry weather flow of 2.537 mgd, and a peak wet weather flow of 2.663 mgd. The County believes the estimates used in the Specific Plan are more reasonable considering the range of uses planned, but Black Water's estimates are just 5 percent higher than the County's, and this would have no bearing on the infrastructure planned to serve the project at build out or any of the detailed environmental analysis in the EIR related to environmental effects associated with on- and off-site infrastructure improvements. Because the flow and load assumptions used by the County to identify infrastructure improvements were the nearly the same as anticipated by Black Water, presumably this is why Black Water's August 25, 2017 Technical Memorandum, which specifically reviewed the flow and load assumptions used by the County, does not recommend use of a different set of assumptions.

See Appendix G to this Final EIR, which is the Black Water Technical Memorandum reflecting the City of Patterson's consulting engineers' detailed review of the County's sewer analysis and master planning.

The analysis of wastewater collection, conveyance, and treatment impacts in Section 3.15, "Utilities and Service Systems," of the Draft EIR incorporates the findings of the Black Water memorandum. This comment does not affect the adequacy of the Draft EIR and does not change the conclusions of the Draft EIR. The Draft EIR

contains a comprehensive analysis of significant environmental effects associated with all infrastructure improvements needed to serve the Specific Plan in the environmental analysis sections of Chapter 3. Specifically, the Draft EIR comprehensively analyzes potential effects associated with wastewater conveyance, including both on- and off-site components, as well as potential effects associated with improvements that may be needed at the City's wastewater treatment facility in Section 3.15, "Utilities and Service Systems." See Master Response 1 and pages 3.15-16 through 3.15-18 of the Draft EIR.

As stated in the Draft EIR, capacity improvements to the City's WQCF could involve environmental effects. Construction of new buildings or structures could change the aesthetic environment in the vicinity of the WQCF because new construction could involve additional lighting. If additional property is required to expand treatment capacity, this could convert farmland and conflict with Williamson Act contracts. It is possible that improvements could adversely affect Swainson's hawk foraging habitat, western pond turtle habitat, raptor nests, riparian woodland, or habitat for other rare plant and wildlife species. Construction and/or demolition activities could disturb previously unknown subsurface cultural resources and generate criteria air pollutant emissions, precursors, and greenhouse gas (GHG) emissions. Routine maintenance activities, ongoing operations, and employees commuting to the expanded facility would generate criteria air pollutant emissions, precursors, and GHG emissions, as well. It is possible that a capacity expansion could increase odor-generating potential. Existing regulations would likely prevent significant adverse effects to groundwater or surface water quality. It is possible that capacity expansion could be located in a floodplain. It is possible that a capacity expansion would require additional property. Depending on the design, location, phasing, and operations of the capacity expansion, there could be one or more direct or cumulative impacts.

In Section 3.2, Air Quality, the Draft EIR contains an analysis not only having to do with construction and operation of future land uses in the Specific Plan Area, but also construction of required transportation facilities, drainage facilities, and sewer conveyance and treatment facilities required to serve the Specific Plan Area.

Response to Comment 6-10

The commenter does not indicate the current wastewater flows treated at the WQCF and the Black Water memo also does not indicate the current wastewater flows treated at the WQCF; therefore, no revisions have been made to the Draft EIR to show the existing capacity is lower than the wastewater flows identified in Section 3.16, "Utilities and Service Systems," of the Draft EIR. See Response to Comment 6-9.

The City of Patterson WQCF has a current design capacity of 2.25 mgd average dry-weather flow and a reliable treatment capacity of 1.85 mgd (see page 3.15-16 of the Draft EIR). The WQCF treats 1.44 mgd average dry-weather flow and the City has prepared improvement plans for WQCF expansion to achieve a design capacity of 3.5 mgd, with a reliable capacity of 3.1 mgd (see page 3.15-16 of the Draft EIR). Phases 1, 2, and 3 of the project could generate an average dry-weather flow of 0.394 mgd, 0.223 mgd, and 0.274 mgd, respectively, for a total of 0.891 mgd average dry-weather flow at site buildout (Black Water Consulting Engineers 2017). Because there are other approved and planned projects in the Patterson area, it is possible that capacity may need to be added to the WQCF to serve one or more phases of the proposed project, should these other projects break ground before the proposed project. The City's Wastewater Master Plan examines alternatives to expansion of the WQCF to handle 7.0 mgd and serve 76,000 residents, 675 acres of commercial development, and 2,227 acres of industrial development. Subsequent projects and leasehold development would be required to pay fair-share fees to the City of Patterson for wastewater treatment. The WQCF may require additional capacity to provide for the proposed

project's long-term wastewater treatment demands. Implementation of Mitigation Measure 3.15-5 ensures that adequate wastewater treatment capacity would be identified and documented for future projects under the Specific Plan.

Response to Comment 6-11

Impact 3.15-5 in Section 3.15, Utilities and Service Systems," of the Draft EIR states that subsequent projects and leasehold development would be required to pay fair-share fees to the City of Patterson for wastewater treatment, and Mitigation Measure 3.15-5 incorporates this requirement to ensure the funding is provided for any physical improvements to the WQCF. See Responses to Comments 6-8 through 6-18 related to wastewater treatment. See Response to Comment 6-9 for a discussion of the City's WQCF.

The Draft EIR includes Mitigation Measure 3.15-4 on page 3.15-17, which requires the County to demonstrate adequate wastewater treatment capacity prior to issuing any building permit for any project proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the Western Hills Water District sewer line. This mitigation measure requires written documentation to verify that existing treatment capacity is, or will be, available to support the proposed development, and that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy. Projects developed under the Specific Plan will be required to pay fair-share fees to the City of Patterson for wastewater treatment.

Response to Comment 6-12

Please see Response to Comment 6-15.

Response to Comment 6-13

Impact 3.15-4 in Section 3.15, Utilities and Service Systems," of the Draft EIR states that the County may allow tenants to construct on-site septic systems to accommodate their wastewater needs until wastewater treatment is available at the WQCF. In addition, Mitigation Measure 3.15-5 would ensure treatment capacity is, or will be, available at the WQCF to support the proposed development.

Please also see Response to Comment 6-8.

Response to Comment 6-14

Impact 3.15-5 in Section 3.15, Utilities and Service Systems," states the City has prepared improvement plans for WQCF expansion to achieve a design capacity of 3.5 mgd. Impact 3.15-5 further states that the City's Wastewater Master Plan examines alternatives to expansion of the WQCF to handle 7.0 mgd. There is no indication in Impact 3.15-5, or elsewhere in the Draft EIR, that the County is assuming the WQCF would be expanded beyond 3.5 mgd or that the City would implement the alternatives in the City's Wastewater Master Plan to expand the WQCF to 7.0 mgd to serve the Specific Plan Area. As stated on page 3.15-3 in Section 3.15, "Utilities and Service Systems," of the Draft EIR, additional WQCF expansion to 6.29 mgd will be required to treat wastewater flows at buildout of the city of Patterson and Diablo Grande.

Because there are other approved and planned projects in the Patterson area, it is possible that capacity may need to be added to the WQCF to serve one or more phases of the proposed project, should these other projects break ground before the proposed project (see p. 3.15-17 of the Draft EIR).

Response to Comment 6-15

The following revision has been made to Impact 3.15-4 in Section 3.15, "Utilities and Service Systems," of the Draft EIR in response to the Black Water comments. Please also see Response to Comment 6-8 and Chapter 3 of this Final EIR, "Errata." These edits clarify that temporary wastewater conveyance infrastructure will be used to serve the Specific Plan and do not change the analysis or conclusions of the Draft EIR. See Response to Comment 6-9 for a discussion of the City's WQCF.

IMPACT 3.15-4 **Increased demand for wastewater collection and conveyance facilities.** Implementation of the proposed project would require the construction of on-site wastewater collection and conveyance facilities. The Specific Plan identifies the backbone infrastructure that will be provided by Stanislaus County. Subsequent projects and leasehold development in the Specific Plan Area will be required to demonstrate consistency with Specific Plan and County requirements as development occurs. The impact is less than significant.

Implementation of the proposed project would require construction of on-site wastewater collection and conveyance facilities. The *Crows Landing Industrial Business Park Sanitary Sewer Infrastructure and Facilities Study (*Sanitary Sewer Study*)* was prepared for the proposed project to identify wastewater collection and conveyance facilities design (VVH Consulting *Engineers* and AECOM 2016b).

Backbone wastewater collection and conveyance infrastructure facilities necessary to serve Phase 1 include gravity trunk mains, a 2.66-mgd sanitary sewer lift station southwest of the Marshall Road and State Route 33 intersection, a ~~0.065~~0.32-mgd sanitary lift station south of the airfield near the Delta Mendota Canal, and an 12-inch force main within Marshall Road to convey effluent to the existing off-site WHWD 18-inch trunk main in Ward Avenue. This temporary connection will be replaced with a permanent connection to the proposed South Patterson Trunk Sewer at the intersection of Bartch Avenue and Ward Avenue, as part of Phase 2. The gravity trunk mains, lift station, and force main would be sized to accommodate effluent from Phases 1, 2, and 3 (VVH Consulting Engineers and AECOM 2016b:9).

The proposed South Patterson Trunk Sewer would be designed to have sufficient capacity to accommodate flows at buildout of the Specific Plan. The City of Patterson would correct the pipeline deficiencies in the Ward Avenue trunk line at the intersection of Ward Avenue and M Street and upsize existing 21-inch sewer pipes to 24 inches prior to serving the Specific Plan (VVH Consulting *Engineers* and AECOM 2016b:19). New wastewater infrastructure would be constructed per design criteria identified in the City's Wastewater Master Plan.

During Phase 1A, the County may allow tenants to construct on-site septic systems to accommodate their wastewater needs until the backbone infrastructure has been completed. Each on-site septic system facility would need to be designed in accordance with Stanislaus County's Guidelines for Septic System Design, and the design would need to be approved by the County prior to the issuance of any building permits (See Section 3.8, "Geology, Soils, Minerals, and Paleontological Resources," for further discussion.) Backbone wastewater collection and

conveyance infrastructure facilities required to serve Phases 2 and 3 include gravity trunk mains that will connect to existing sanitary sewer infrastructure constructed during Phase 1 (VVH Consulting Engineers and AECOM 2016b:9 and 10).

The Specific Plan identifies project buildout as it is envisioned to occur in three 10-year phases, and it describes the on- and off-site wastewater collection and conveyance facilities that will be required to support each phase. The County will construct backbone infrastructure to accommodate each phase of site development described in the Specific Plan. The County will not approve building permits for leaseholder development until infrastructure is available to support the proposed development.

The construction of the backbone infrastructure to be provided by the County has been considered as a component of the proposed project in the other sections of this EIR. Where necessary, these sections include mitigation measures to reduce or avoid the impacts of infrastructure construction and operation on the physical environment. No additional impacts will occur beyond those comprehensively considered throughout the other sections of this EIR. The impact is **less than significant.** No mitigation is required.

Response to Comment 6-16

Please see Response to Comments 6-9 and 6-15.

Response to Comment 6-17

The comment references Appendix H, as included in the Draft EIR; however, Appendix H is provided as part of the Specific Plan. Wastewater flows shown in Tables 3-5 and 3-7 of Appendix H are consistent with the wastewater flows shown Table 2 in the August 25, 2017 memo. No revisions are required to Tables 3-5 or 3-7 of Appendix H.

See Response to Comment 6-9 for a discussion of the City's WQCF.

Response to Comment 6-18

This comment does not affect the adequacy of the Draft EIR and does not change the conclusions of the Draft EIR. . However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration. The Draft EIR includes Mitigation Measure 3.15-4 on page 3.15-17, which requires the County to demonstrate adequate wastewater treatment capacity prior to issuing any building permit for any project proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the Western Hills Water District sewer line. The mitigation requires written documentation to verify that existing treatment capacity is, or will be, available to support the proposed development and that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy.

See also the Response to Comments 6-9 and 6-76 and Master Response 1.

Response to Comment 6-19

This comment does not affect the adequacy of the Draft EIR and does not change the conclusions of the Draft EIR. The Draft EIR includes comprehensive analysis of environmental effects associated with all infrastructure improvements needed to serve the Specific Plan throughout the environmental topic-specific sections of Chapter 3. More specifically, the Draft EIR comprehensively analyzes the potential effects associated with improvements that may be needed at the City's wastewater treatment facility in Section 3.15, "Utilities and Service Systems."

See Master Response 1 and pages 3.15-16 through 3.15-18 of the Draft EIR, in particular. Please also refer to Responses to Comments 6-1 and 6-9 above.

Response to Comment 6-20

All comments in the peer review of the Transportation Infrastructure Plan were addressed in the version of the Transportation Infrastructure Plan that was circulated at the same time as the Draft EIR, and any required revisions resulting from the peer review were included in the Draft EIR. Please see also Response to Comment 6-21, below.

Response to Comment 6-21

Although the report was prepared in 2014, the cumulative scenarios included the buildout of the most recent Patterson General Plan, which was adopted in 2010 and updated in 2014. The Specific Plan will build out over approximately 30 years, making the cumulative analysis central to understanding the project's transportation impacts and developing comprehensive mitigation. The use of cumulative analysis ensures that any projects constructed since 2014 have been accounted for in the Draft EIR analysis.

Response to Comment 6-22

All five locations referenced in the comment are study intersections analyzed in Section 3.14, "Traffic and Transportation," and/or Section 5.1, "Cumulative Impacts," in Chapter 5, "Other CEQA," of the Draft EIR. As discussed in those sections, some of those intersections have planned improvements or would be improved through implementation of mitigation measures. Where no improvements are needed, the LOS or other data supporting the recommendations are included in the Draft EIR (see Section 3.14, "Traffic and Transportation," of the Draft EIR) and the Transportation Infrastructure Plan, an updated version of which is Appendix A to this Final EIR. The transportation analysis in the Draft EIR is comprehensive and detailed, and Appendix A of this Final EIR provides additional detail on funding and implementation of necessary transportation improvements required to serve the Specific Plan at full buildout.

With regard to the specific intersections, (1) I-5 and Sperry Road is being planned for signalization; the traffic study identifies the Project fair share; (2) Ward Avenue and Sperry Avenue has no feasible mitigation due to the presence of residential development in the southeast quadrant – the traffic study indicates that the future South County Corridor (not accounted for in the analysis) will likely relieve Sperry Avenue congestion; (3) Ward Avenue and Las Palmas Avenue was recently improved and has no level of service issues in cumulative conditions; (4) Sperry Avenue and State Route 33 will require signalization, and the study identified the Specific Plan's fair share; and (5) Sperry Avenue and Rogers Road has no level of service issues.

The County commissioned the supplemental study by Stantec, which was developed under the City's direction, and the County's Specific Plan and Draft EIR incorporates each of the comments from this peer review. All appropriate revisions resulting from the peer review were included in the Draft EIR. Please see also Response to Comment 6-21.

Response to Comment 6-23

The Draft EIR includes analysis of the four intersections on Ward Avenue within the City of Patterson – at SR 33, at M Street, at Las Palmas Avenue, and at Sperry Avenue. The Draft EIR considers roadway segment levels of service at these intersections in Impact 3.14-1 in Section 3.14, "Traffic and Transportation," of the Draft EIR. The intersection levels of service and roadway segment levels of service without and with the project are shown in Tables 3.14-4 and 3.14-5, respectively. The portion of Ward Avenue in the County will not require widening beyond two lanes; within the City Limits the section between Las Palmas Avenue and Sperry Road can currently accommodate four lanes. South of Las Palmas Avenue the existing curb to curb width can accommodate a three-lane cross section. No additional widening should be required due to the project.

Please also see Master Response 1.

Response to Comment 6-24

The Transportation Infrastructure Plan considered the impacts of both the Patterson General Plan buildout and the buildout of the Specific Plan. As stated in Mitigation Measures 3.14-1 and 3.14-2 in Section 3.14, "Traffic and Transportation," of the Draft EIR, leaseholders/developers/contractors will contribute on a fair-share basis to fees to reimburse for off-site improvements and implementation will be directed by Stanislaus County. Project traffic impacts are accounted for on a fair-share basis; therefore project impacts would be fully mitigated. However, the County cannot guarantee that any improvement within the City of Patterson would be implemented because this decision would be within the jurisdiction of the City of Patterson. As a result the impacts are significant and unavoidable.

Please also see Response to Comment 6-20 and Master Response 1.

Response to Comment 6-25

The following revision has been made to Mitigation Measure 3.14-1 in in Section 3.14, "Traffic and Transportation," of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. Rather, these revisions clarify that the Sperry Avenue/SR 33 intersection is with the jurisdiction of Caltrans.

> Mitigation Measure 3.14-1: Off-site Traffic Signal or Roundabout Installations and Intersection Improvements.
>
> The following intersections are expected to meet signal warrants during peak-hour periods when the project is in place. The impact can be alleviated by installing traffic signals at the intersections where LOS would be degraded in exceedance of relevant thresholds. The affected jurisdictions can consider roundabouts as an alternative to traffic signals. The project shall contribute on a fair-share basis to the following improvements.
>
> Phase 1

- Signalize Intersection 14. Sperry Avenue / SR 33 (~~City of Patterson~~ Caltrans)
- Signalize Intersection 24. West Ike Crow Road / SR 33 (Stanislaus County)
- Signalize Intersection 26. Fink Road / Bell Road (Stanislaus County)
- Signalize Project Entrance / Fink Road (Stanislaus County)

Fink Road Interchange – Contribute on a fair-share basis to the improvement of the Fink Road interchange. Improvements recommended for the Fink Road interchange include signalizing the northbound ramps prior to completion of Phase 1 and widening the roadway beneath the freeway to create a westbound left turn lane at the southbound ramps intersection.

Phase 2

- Signalize Intersection 22. Marshall Road / SR 33 (Caltrans)
- Signalize Intersection 25. Fink Road at SR 33 (Stanislaus County)

Implementation: Leaseholders/developers/contractors will contribute on a fair-share basis to fee to reimburse for off-site improvements and implementation will be directed by Stanislaus County.

Timing: Prior to completion of Phase 1 and Phase 2, as specified.

Enforcement: Stanislaus County.

Significance after Mitigation

With the signalization of Intersections 24, 26, Project Entrance, 22, and 25, the resultant LOS would be LOS C or better. The impact at these intersections is considered **less than significant** with mitigation.

For Intersection 14, signalization would allow LOS of D or better. However, the County cannot guarantee that this improvement would be implemented since this would be under the jurisdiction of ~~the City of Patterson~~ Caltrans. This impact is **significant and unavoidable**.

The City mistakenly conflates the notation having to do with City versus Caltrans jurisdiction with substantial evidence supporting the Draft EIR conclusion. When mitigation measures call for improvements outside the lead agency's jurisdiction, often, it is not possible for the lead agency to guarantee their implementation, or to guarantee their implementation in a form that would address the impact at hand. This is true for this Draft EIR whether that outside agency is Caltrans or whether that is the City of Patterson. Making this editorial revision is irrelevant to the Draft EIR findings and the adequacy of the Draft EIR for addressing potential impacts associated with buildout of the Specific Plan. Based on the County's experience, it is likely that the improvements under Caltrans' jurisdiction can be successfully implemented, and therefore the EIR's finding could be considered conservative (i.e., would tend to overestimate the actual level of impact).

Response to Comment 6-26

The proposed Crows Landing Airport would be located outside of the city of Patterson, but a portion of the city would be located within the Airport Influence Area, as defined in the proposed Airport Land Use Compatibility Plan (ALUCP) Amendment, which was presented as Appendix C to the Draft EIR. See Appendix C, which

includes the Airport Layout Plan and Narrative Report and the Proposed Compatibility Policies and Policy Maps to Amend the ALUCP.

The potential effect of adopting the proposed ALUCP on future development within the city of Patterson was considered in a detailed displacement analysis performed in support of the Draft EIR. The displacement analysis concluded that impacts would be less than significant. Refer in particular to pages 5-18 through 5-20 of the Draft EIR.

The City comment states that "the City must amend its general Plan and zoning to allow airport land users and comply with the Airport Land Use Compatibility Plan that was proposed." In effect, the City would be required only to amend its General Plan to be consistent with, not identical to, the ALUCP following adoption by the Airport Land Use Commission (ALUC). Government Code Section 65302.3 establishes that each county and city affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC's compatibility plan. The City can make its General Plan consistent by adopting applicable ALUCP policies in one of the following ways: incorporate the ALUCP policies into existing General Plan elements; adopt relevant portions of the ALUCP as a stand-alone document, specifically the policies and maps; or create a separate General Plan ALUCP element or overlay zone.

A portion of the City lies within the Airport Influence Area (AIA) associated with the proposed Crows Landing Airport. The ALUC policies that apply to the AIA do not propose changes to the City's General Plan or Zoning code that would expose City residents to noise, light or other impacts from aviation uses. Rather, the goal of ALUC policies as defined by the State Aeronautics Act is "...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

ALUCP policies address four compatibility factors: Noise, Safety, Airspace, and Overflight. As discussed in Draft EIR Section 3.12, "Noise and Vibration," and illustrated on ALUCP Map CRO-2, Noise Policy Map, the City does not include areas that would be exposed to aircraft noise above regulatory thresholds. See page 5-27 of the Draft EIR.

As shown on ALUCP Map CRO-3, ALUCP policies associated with safety zones also only apply to areas outside of the city of Patterson. Only policies associated with airspace protection and aircraft overflight would apply within the city limits. The portion of the city, including its General Plan area that is within the AIA occurs in Referral Area 2. Referral Area 2 includes locations where airspace and overflight may pose compatibility concerns, but not noise and safety (ALUC policy 1.3.2(b)).

- **Airspace.** ALUCP airspace protection policies seek to prevent the creation of land use features that can pose hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident (see ALUCP Map CRO 4, Airspace Protection Policy Areas), such as tall structures and land uses that produce smoke, glare etc. (see ALUCP policy 3.4). The portion of the city's planning area within the AIA would be subject to airspace protection policies.

- **Overflight**. The overflight area encompasses locations over which approximately 80% or more of the aircraft fly. Overflight areas are not associated with aircraft noise exposure above regulatory thresholds or safety criteria. Overflight policies do not impose land use restrictions but require land owners to be notified about

the presence of the airport or avigation easements may be required (see ALUC Policy 3.5 and ALUCP Map CRO 5, Overflight Zones Policy Map).

Only certain projects proposed within Referral Area 2 must be reviewed by the ALUC, such as those with the potential to could create obstructions to navigable airspace, create features that would increase wildlife hazards to aircraft operations, or create impaired visibility or electronic interference. ALUCP Policy 1.5.4, Major Land Use Actions, identifies proposed projects within Referral Area 2 that that will require ALUC review.

As noted, the Draft EIR considers potential displacement that would occur with the development of the ultimate airport buildout. No restrictions on residential development or residential displacement would occur within the City of Patterson.

Following adoption of the proposed ALUCP amendment to include the proposed airport, the City will be required to make its General Plan consistent with the ALUCP within 180 days to prevent future land use conflicts. Alternatively, the City may also overrule the ALUC policies based by a two-thirds vote of the City Council after it prepares specific findings to show that the City's plans are consistent with the intent of state airport land use planning statutes in the Aeronautics Act. If the City chooses to overrule the ALUCP, it must provide both the ALUC and the California Department of Transportation, Division of Aeronautics, with a copy of the local agency's proposed decision and findings at least 45 days in advance of its decision to overrule and must hold a public hearing on the proposed overruling (Public Utilities Code Section 21676(a) and (b)). The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC (Sections 21676, 21676.5 and 21677). To overrule an ALUC decision, the local agency's governing body to make specific findings that show the project is consistent with the purpose of Article 3.5 of the State Aeronautics Act (SAA).

Response to Comment 6-27

As stated in Impact 3.11-3, in Section 3.11, "Land Use and Planning and Population, Housing, and Employment," of the Draft EIR, existing residents who are employed in the construction industry, as well as new residents that move to the area for other reasons, may be available to construct projects proposed under the Specific Plan during buildout (see p. 3.11-20 of the Draft EIR). According to labor data available from the U.S. Census Bureau's American Community Survey, 14,164 residents of Stanislaus County were employed in the construction industry in 2014 (p. 3.11-18 of the Draft EIR). The number of residents in Stanislaus County were employed in the construction industry has increased to 15,627 in 2016 (U.S. Census Bureau 2016.)

The duration of construction activities would vary over the 30-year Specific Plan buildout period. If construction workers residing outside the region were employed in the Specific Plan Area, the temporary nature of the work suggests that it would be unlikely that workers would change their residence to work at the proposed project site. Many construction workers opt to stay in hotels, rent individual rooms, or enter into short-term leases during the construction period. This is addressed in the Draft EIR and no additional information is necessary to address this topic as a part of the Final EIR.

Please refer to Response to Comment 6-28 and Master Response 1 for further discussion of potential housing impacts associated with implementation of the Specific Plan.

Response to Comment 6-28

Refer to Master Response 1 for a description of the detailed analysis presented throughout the Draft EIR and the analysis of possible growth inducing effects related to full buildout of the Specific Plan. While job growth in the city of Patterson has outpaced the nation by approximately 14 percent between 2012 and 2017, population growth itself was relatively low at approximately 3 percent over the same period of time (Emsi 2018). In 2015, approximately 72 percent of all employees working in Patterson lived outside of Patterson, with approximately 28 percent of all employees (all job categories) both living and working in Patterson. Therefore, while jobs have been created in the city, residents are not necessarily moving to Patterson to take those jobs.

The decision in *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal.App.4th at p. 342 (2001), held that the potential physical impact of new housing related to a job-rich project, (i.e., a specific plan for a 2,000-acre industrial/business park near Napa County Airport) is a topic for consideration in an EIR. That court found that the business park's Final Subsequent EIR (FSEIR) was "required to discuss such housing needs as reasonably might be generated by the project, but not in great detail." The court concluded that:

> "… in order to fulfill its purpose as an informational document, the FSEIR should, at a minimum, identify the number and type of housing units that persons working within the Project area can be anticipated to require, and identify the probable location of those units. The FSEIR also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the FSEIR should identify that fact and explain that action will need to be taken to provide those units or services, or both. Because it cannot be known if the Project will cause growth in any particular area, and because the Project most likely will not be the sole contributor to growth in any particular area, it is not, however, reasonable to require the FSEIR to undertake a detailed analysis of the results of such growth."

The Draft EIR evaluates the impacts associated with projected employment growth under the proposed project, but it is outside of the scope of the Draft EIR to attempt to predict certain details about future employees. Approximately 17,000 workers from the manufacturing, transportation, and wholesale sectors live within a 30-minute drive of the site. The proposed project would provide over 60,000 residents in the Stanislaus, San Joaquin, and Merced Counties with an alternative to traveling to distant work centers in the Bay Area, Sacramento, or elsewhere. It is not possible for the County to determine the location or extent of possible future residential development associated with project-related employment and it would be speculative to determine such details. Some future employees of the Specific Plan Area may live in existing housing and others may live in newly constructed housing. Some may choose to live close to the Specific Plan Area and some at a greater distance. Therefore, the Draft EIR concluded no additional feasible mitigation is available to reduce this impact to a less-than-significant level without changing the purposes of the proposed Specific Plan, and the impact is considered significant and unavoidable (p. 3.11-2 of the Draft EIR).

In addition, please refer to Master Response 1, which provides additional updated detail on planned and forecast housing and employment in the region. Please refer also to the County's General Plan policies, which are referenced throughout Chapters 3 and 5 of the Draft EIR, and include policies that would reduce potential environmental effects associated with future development throughout the unincorporated County, including future housing development.

Response to Comment 6-29

To support economic development in Stanislaus County, the CLIBP Specific Plan promotes the development of land uses that will support job creation in several of the industries that currently cause its residents to commute. The Specific Plan promotes flexibility in the types of permitted land uses, as well as the size and location of those land uses. The CLIBP is envisioned primarily as a mixed-use industrial business park designed to support a variety of light industrial, logistics, warehouse, distribution, office, and aviation-related land uses. The Specific Plan identifies land uses permitted within each broader land use category. Only the general aviation airport, which will be constructed to reuse a former military runway (Runway 12-30), is fixed by size and location. Section 2.2 of the Specific Plan (pages 2-1 through 2-7) details allowable land use for the Specific Plan, and more specific permitted uses can be reviewed in detail in Appendix B to the CLIBP Specific Plan (Tables B-1 and B-2). Considering the array of allowable uses, as specified within Appendix B to the CLIBP Specific Plan, it is reasonably conservative to assume that up to 20 percent of the trucks supporting General Light Industrial land uses would be equipped with transport refrigeration units. In addition, because some of the potential future land uses (*e.g.*, distribution centers, light industrial) could involve vehicle fleets (*i.e.*, heavy duty trucks for operations) that differ from the Stanislaus County average vehicle fleet, the analysis summarized in the Draft EIR increased the heavy-duty truck percentage of those land uses, to further ensure the analysis did not underestimate these mobile source emissions.

Upon further consideration of the assumption of transport refrigeration unit use in trucks associated with the Refrigerated Warehouse land uses, the assumption of 60 percent is still considered high. However, to be even more conservative, the analysis was revised to assume that 100 percent of trucks associated with the Refrigerated Warehouse land use would be equipped with transport refrigeration units. The assumptions, analysis, and emissions estimates have been updated in the EIR to reflect the revision to this assumption. This updated assumption has been revised on page 3.2-21 of the EIR (Section 3.2.3, "Methodology" of the Air Quality section of the Draft EIR). In addition, the operational air pollutant emissions estimates have been revised in Table 3.2-9 to reflect this revised assumption (see pages 3.2-29 to 3.2-30 of the Draft EIR). The revised assumption does not change the impact findings or mitigation of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata."

Response to Comment 6-30

The unemployment rate in Stanislaus County has been higher than the statewide average for many years. Many residents commute to distant job centers outside of the County, frequently traveling to Sacramento and the San Francisco Bay Area (Bay Area). A 2014 analysis of commuting patterns in the northern San Joaquin Valley, which includes San Joaquin, Stanislaus, and Merced counties, indicated that approximately 23 percent of Stanislaus County's employed residents commute outside of the County, and 9 percent commute to San Francisco Bay Area communities (University of the Pacific 2014). The five employment sectors with the highest proportion of residents traveling outside of the County to work were construction; transportation, warehousing and utilities; public administration; wholesale trade; and manufacturing. The County's intent is to facilitate employment development and Objective 2 of the Specific Plan is to "Create a regional employment center on the former Crows Landing Air Facility property, conveyed to Stanislaus County through Public Law 106-82, that will promote development, and reduce greenhouse gas emissions by bringing jobs closer to County residents." The Specific Plan could accommodate employment options in three of the five industries where there is the most out-commuting by residents: industrial uses, including manufacturing and assembly; transportation and warehousing

(logistics); and public administration/facilities, including public administration offices, law enforcement, and public safety services.

While it was estimated that the development of these specifically identified employment opportunities within the Specific Plan area could help reduce commute distances by 50 percent for 50 percent of the future employees of the project, this discussion of reduced commutes was provided for contextual narrative of an objective of implementation of the Specific Plan, but was not used for quantitative analysis of air quality impacts. The analysis of operational air pollutant emissions presented under Impact 3.2-1 (page 3.2-28 through 3.2-32) explains that, while the project may provide air quality benefits by reducing the amount of commute-related vehicle miles traveled (VMT) by Stanislaus County residents who would choose to work at the CLIBP instead of more distant locations, it is not possible to quantify these benefits for the purposes of the transportation, energy, greenhouse gas emissions, or air quality analysis presented in the Draft EIR, as neither the specific land uses nor the location of future employees of the CLIBP are currently known. The VMT used to estimate emissions associated with the Specific Plan was not discounted to reflect the potential jobs-housing balance benefits of the Specific Plan (refer to Appendix F for details on the assumptions used for greenhouse gas and criteria air pollutant emissions analysis). Therefore, the operational air pollutant emissions results presented within the Draft EIR might overestimate the actual impact of the project. The Draft EIR analysis on this topic is conservative.

An objective of the Specific Plan and specific policies associated with implementation of the Specific Plan would reduce regional VMT, but to maintain a more conservative analysis, a reduction in VMT was not considered for the purposes of quantifying air pollutant emissions within the Draft EIR. It would not be appropriate to make any revision to the EIR. As with the balance of the Draft EIR, the approach to VMT-related impacts was conservative (tending to overstate potential effects). The actual VMT and VMT reduction benefits of the Specific Plan will be influenced by congestion, commute times, the price of fuel, housing prices and availability, wages, and other social and economic factors over which the County does not have control. VMT can be an indicator of potential adverse physical environmental effects. Please refer also to Section 3.2 of the Draft EIR, “Air Quality,” which comprehensively analyzes and provides feasible mitigation for air pollutant emissions related to VMT; Section 3.7, “Greenhouse Gas Emissions,” which comprehensively analyzes and provides feasible mitigation for greenhouse gas (GHG) GHG emissions associated with VMT; and Section 3.12, “Noise and Vibration,” which comprehensively analyzes and provides feasible mitigation for noise and vibration impacts associated with VMT. Please also see the discussion of transportation energy use in Section 3.6 of the Draft EIR, “Energy.”

Response to Comment 6-31

The description of odor emissions and how they would “move around the project site” is in the context of the discussion of construction-related odor emissions under Impact 3.2-4 (page 3.2-30 of the EIR). The assumption only applies to construction activities, which are of finite duration and would occur in different locations throughout the Specific Plan Area as development occurs over time. The Impact 3.2-4 discussion explains the assumption and its applicability to the analysis and provides additional justification for the significance findings, including the requirement that all projects would be required to comply with San Joaquin Valley Air Pollution Control District Rules and Regulations pertaining to odorous emissions. It would not be appropriate to make any revision to the EIR.

Response to Comment 6-32

Please refer to Response to Comment 6-29, Response to Comment 6-30, and Response to Comment 6-31.

Response to Comment 6-33

Mitigation Measure 3.2-1b (page 3.2-30 of the Draft EIR, now labeled Mitigation Measure 3.2-1c) is to "*Reduce the Single Occupant Vehicle Commute*," and Mitigation Measure 3.2-2b is to "*Implement Mitigation Measure 3.2-1b*." Mitigation Measure 3.2-1b identifies specific actions, including participation in a Transportation Demand Management (TDM) or similar program by all employers operating within the Specific Plan Area. Consistent with this mitigation measure, Section 4.2.4, *Transportation Demand Management*, of the Specific Plan describes the Transportation Demand Management (TDM) program that will be prepared for the operations within the Specific Plan Area. As described in the Specific Plan, participation in the TDM program will be mandatory for all employers operating within the Specific Plan, thereby resulting in greater use of alternative modes of transportation (to use of single occupant vehicles) for commuting to work and promoting overall more sustainable transportation modes within the Specific Plan Area and surrounding community. This program is specifically identified as Transportation Policy TP 11 of the Specific Plan. This action would be enforceable by Stanislaus County as a Specific Plan policy and Mitigation Measure 3.2-1b will be enforced through the Mitigation Monitoring Program and the requirement to demonstrate compliance with this mitigation prior to issuance of a business license to any employer within the Specific Plan Area (see the revised version of Mitigation Measure 3.2-1c in Chapter 3 of this Final EIR).

In addition, as part of this Mitigation Measure 3.2-1b, the County will provide transit service to the Specific Plan Area. As the County oversees implementation of local transit services, this action is within the jurisdiction of Stanislaus County to enforce.

As detailed in Chapter 3 of this Final EIR, Mitigation Measure 3.2-1a has been split into two separate mitigation measures to clarify enforcement responsibilities for two distinct parts of the previous Mitigation Measure 3.2-1a. Mitigation Measure 3.2-1a from the Draft EIR is now Mitigation Measures 3.2-1a and 3.2-1b. Compliance with requirements of the Air District's Rule 9510 is under Mitigation Measure 3.2-1a, with the Air District responsible for enforcement oversight. The newly labeled Mitigation Measure 3.2-1b addresses the types of construction equipment used, and the County would be responsible for enforcement oversight. As a result, the Draft EIR's Mitigation Measure 3.2-1b, "*Reduce the Single Occupant Vehicle Commute*," is now labeled as Mitigation Measure 3.2-1c and the mitigation language has been revised, as shown in Chapter 3 of this Final EIR.

In addition, the County has added Mitigation Measure 3.2-1d, "*Provide Transit to the Workplace*." This new mitigation measure requires the County to provide transit service to the Specific Plan Area.

Although TDM programs have been shown to be effective in reducing VMT (Federal Highway Administration 2012), the County acknowledges that, while it can enforce implementation of the actions identified within Mitigation Measure 3.2-1b, such enforcement does not guarantee choices made by employees and residents to use proposed programs and services. The impact discussions, and particularly discussions of significance after mitigation for Impact 3.2-1 and Impact 3.2-2 (pages 3.2-28 through 3.2-34 of the Draft EIR), provide more extensive detail on how this mitigation was applied to the analysis of air quality impacts. The analysis qualitatively discusses potential emissions reduction with implementation of the referenced mitigation measures. However, the analysis ultimately states that it is not possible to accurately quantify the potential emission reductions, and impacts are found to be significant and unavoidable. The intent of these mitigation measures is for the County to mitigate potential impacts, even if it cannot avoid or control them in all cases. It would not be

appropriate to make any revision to the Draft EIR, other than the above described revisions to the mitigation measures.

Response to Comment 6-34

Impact 3.2-3 in Section 3.2, "Air Quality," of the Draft EIR provides detailed analysis of the potential operational emissions of TACs, including stationary sources, manufacturing processes, diesel-fueled heavy-duty trucks associated with goods distribution, and commuter trips involving diesel-fueled vehicles. See pages 3.2-34 through 3.2-39 of the Draft EIR. Potential sensitive receptors identified in the analysis include potential future daycare centers for employees' children and existing sensitive land uses, such as residences, near the project site. The analysis of potential exposure of sensitive receptors to potential future sources of TACs included use of ARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (ARB 2005), ARB regulatory and incentive programs to reduce diesel PM emissions throughout the state, and San Joaquin Valley Air Pollution Control District Rules and Regulations; these policies and regulations are further detailed in Section 3.2.2, *Regulatory Framework*, of the Draft EIR.

Note that, contrary to the commenter's statement, the Specific Plan does not provide connection to the rail and is not anticipated to result in increased rail trips to serve the Specific Plan Area. Therefore, no such emissions estimates were included in the Air Quality analysis. The proposed Specific Plan does not include a rail terminal, spur, or other infrastructure/connection to the off-site rail line (east side of State Route 33). Although previous project designs (prior to development of the Specific Plan) had considered a potential connection, that idea was eliminated based on a desire to provide a project footprint that remained within the boundaries of the former military site.

Mitigation Measure 3.2-3a and Mitigation Measure 3.3-2b are included to minimize potential exposure of sensitive receptors to TACs from future operational activities. Mitigation Measure 3.2-3b ensures that projects proposed within 1,000 feet of an existing daycare or an off-site residence are required to analyze and report on potential health risk impacts of $PM_{2.5}$ and TAC concentrations from long-term operations prior to the issuance of a building permit for new construction, tenant improvement, or change of use. If health risk impacts are determined to exceed District thresholds of significance under any potential operational exposure scenario, projects shall implement Mitigation Measure 3.2-3c, which requires identification and implementation of strategies to reduce impacts below applicable District thresholds of significance.

Regarding future aircraft use of the existing runway, the analysis has been revised to more clearly identify this emission source as a potential source of TACs and discuss associated impacts (see Chapter 3 of this Final EIR, "Errata," for specific clarifications). The County has clarified the analysis related to aircraft emissions and the potential level of operations that could take place at the proposed airport. Analysis of potential health impacts associated with these emissions has been added to the impact discussion. Impact 3.2-3 was considered potentially significant in the Draft EIR and mitigation was provided to identify TAC impacts associated with operational activities and specific performance criteria to ensure that impacts would be less than significant with mitigation. Mitigation as proposed within the Draft EIR applies to the discussion of aircraft operations as well, and remains applicable to the revised discussion. This edit does not change the impact findings or mitigation of the Draft EIR.

Please also refer to Master Response 2.

Response to Comment 6-35

The emissions estimates for construction-related and operational activities associated with implementation of the Specific Plan have been revised using the most recent CalEEMod Version 2016.3.2. This revision does not change the analysis or conclusions of the Draft EIR. Please refer to Response to Comment 7-2 and Chapter 3 of this Final EIR, "Errata," shows text revisions that indicate the most recent CalEEMod Version 2016.3.2 was used in the analysis)

Response to Comment 6-36

As discussed in Section 3.3, "Agricultural Resources," of the Draft EIR, pursuant to Objective Number 2.4 of the County's Agricultural Element, under CEQA the County has "discretion in determining whether the conversion of agricultural land will have a significant adverse effect on the environment" (page VII-23 of the County's Agricultural Element). The County's policy approach in relation to agricultural conservation easements is particularly focused on residential development that converts agricultural land. In establishing the agricultural easements that would be used for residential projects, but not for non-residential projects, the County's General Plan policies indicate that this particular tool is not appropriate for use in projects that would result in employment.

While the County supports the establishment of agricultural conservation easements as a complement to its suite of policies that promote the agricultural economy and agricultural conservation, the County is also obligated to balance agricultural conservation strategies with other objectives, such as economic development (in non-agricultural sectors) and local job growth. The additional cost associated with agricultural conservation easements would represent a constraint to employment development, which is another policy priority of Stanislaus County, and is therefore infeasible. Therefore, the County has not proposed mitigation for the conversion of agricultural land to non-agricultural uses.

Please also see Response to Comment 6-62.

Response to Comment 6-37

Please see Response to Comment 6-28, Comment 6-61, and Master Response 1.

Response to Comment 6-38

The Specific Plan would not "cause changes in migration and the flight path of avian species in the area" as stated by the commenter. The Specific Plan does not include elements that would attract wildlife, as explained in Section 3.9, "Hazards and Hazardous Materials." As discussed in Impact 3.4-3, the 2016 ALUCP provides countywide policies for Airspace Protection, including Policy 3.4.3, "Other Flight Hazards (glare, distracting lights, dust, steam, electrical interference, wildlife hazards)," which further ensures against impacts raised by the commenter.

The ALUCP also includes procedural policy 1.5.4, which would require the ALUCs to review major land use actions that would create habitat or other attractants to birds and other wildlife.

> Policy 1.5.4. Major Land Use Actions

The scope or character of certain Major Land Use Actions, as listed below in Paragraphs (a) through (e), is such that their compatibility with Airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, ALUC review of these actions may be warranted. The circumstances under which the ALUC review of these actions is to be conducted are in Policies 1.5.2 and 1.5.3 above.

a. Actions Affecting Land Uses within Referral Area 1: (Thirteen land use actions are listed, no. 11 applies)

(11) Any project or plan (e.g., Habitat Conservation Plan) proposing open water areas or landscaping features having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of the airport.

b. Actions Affecting Land Uses within Referral Area 2: Only the actions listed in Paragraphs (a) (10) through (a) (13) apply.

The ALUCP also includes procedural policy 2.3.1, which would require project applicants to identify project features that have the potential to attract hazardous wildlife.

2.3 Review Process for Major Land Use Actions

Policy 2.3.1 Required Submittal Information: A proposed Major Land Use Action referred to for ALUC (or ALUC Secretary) shall review the following information to the extent applicable…

(e) Identification of any features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations at the Airport or intis environs (see Policy 3.4.3) Such features include, but are not limited to the following:

(1) Open water areas

(2) Sediment ponds, retention basins

(3) Detention basins that hold water for more than 48 hours

(4) Artificial wetlands

The application of ALUCP policies would prevent conflicts with proposed land uses with regard new hazards to flight associated with airspace/obstructions, wildlife, and other flight hazards.

As discussed on page 3.4-26 in Section 3.4," Biological Resources," of the Draft EIR, no established migratory routes have been identified on the project site Biologists surveyed the site on November 26 and December 26, 2013, and on October 18, 2016, and determined that the project site and off-site improvement areas provide only low value habitat for most wildlife species because of an overall lack of native vegetation and natural communities, and a high level of disturbance. The bird species most likely to use the project site and off-site improvement areas are primarily common species that are adapted to highly disturbed, ruderal, or agricultural

environments. Agricultural fields on the project site provide foraging opportunities for a number of raptor species, and scattered trees remaining on site also offer nesting opportunities for raptors and other birds. However, the site does not provide connections between areas of natural habitat that would affect avian flight paths, nor is the site within any avian migratory routes.. Studies of raptor responses to airport noise and disturbance do not support the conclusion that regular use of the airport at the project site would adversely affect resident and wintering hawks, owls, and vultures. Manci et al. 1998 and Ellis et al. 1991 found that most raptors did not show a negative response to overflights, and did not find detrimental effects of aircraft use on raptor distribution, breeding success, or behavior.

Response to Comment 6-39

The Control Tower was evaluated in 1998 as part of the Inventory and Evaluation of Cold War Era Historical Resources, NASA Crows Landing (SAIC 1999). At the time, it did not meet any National Register of Historic Places (NRHP) criteria (A-D) in specific relation to the Cold War-era military development and operations context. The previous study also did not indicate any potential for future significance of the resource after it turned 50 (i.e., it did not indicate any significance, including any significance that would qualify it for additional evaluation under Criteria Consideration G as a resource less than 50 years old). Based on updated research (2015), the recent survey and evaluation of historical resources for this Draft EIR did not identify any additional contexts that could apply to this resource. Therefore, there are no new criteria that may apply. The reporting states: "Similar to the previous NRHP evaluation, the control tower presently does not meet the criteria for the California Register of Historical Resources (CRHR) or as a historical resource for purposes of CEQA because it lacks integrity." An architectural historian who meets the qualifications of the Secretary of the Interior's Professional Qualifications Standards (36 C.F.R. Part 61) conducted the 2015 survey. Based on the condition of the resource and the substantial alteration of the resource's setting, the architectural historian determined that the Control Tower lacked integrity, which is a requirement to be eligible for the CRHR. The architectural historian identified five aspects of diminished integrity: design, setting, materials, feeling and association. The 2015 criteria evaluation and integrity assessment are sufficient for the purposes of this project, as there was no indication through research and survey that the Control Tower had accumulated additional historical significance since it was recorded in 1998 that would make the diminished level of integrity sufficient for eligibility or warrant a comprehensive evaluation effort under each CRHR criterion. Hence, the Control Tower is not eligible for the CRHR because it exhibits no new significance in relation to the established Cold War context or to any newly identified contexts to be eligible under any of the NRHP/CRHR criteria, and because it does not retain sufficient integrity to be eligible.

Response to Comment 6-40

The Draft EIR both evaluates energy demand of the Specific Plan at buildout to existing conditions *and* evaluates the relative energy efficiency of the Specific Plan at buildout, as clearly summarized throughout Section 3.6 of the Draft EIR. See in particular pages 3.6-7 through 3.6-10 of the Draft EIR.

CEQA Guidelines, Appendix F, provides guidance for assessing impacts related to energy supplies, focusing on the goal of conserving energy by ensuring that projects use energy wisely and efficiently. Appendix F requires the potentially significant energy implications of the project to be considered in an EIR to the extent feasible, and provides a list of energy impact possibilities and potential conservation mitigation measures. As noted in Appendix F, the discussion in the EIR should have a particular emphasis on inefficient, wasteful and unnecessary consumption of energy.

In accordance with this guidance, energy impacts in the Draft EIR are considered significant if the proposed project would "develop land uses and patterns that cause wasteful, inefficient, and unnecessary consumption of energy" or "encroach on the Fink Road landfill and waste-to-energy plant in a way that would adversely affect operations or ability to expand." Impact 3.6-1 includes detailed analysis of building energy consumption (pages 3.6-7 through 3.6-9). In addition, appropriate to the guidance outlined in Appendix F of the CEQA Guidelines, the impact analysis identifies characteristics of the proposed future development that relate to energy efficiency, including identification of design goals of the Specific Plan (D20 and D21) that are additional energy efficiency measures beyond those quantified by the land use modeling done for the DEIR. The discussion also identified State regulations focused on development within California that would increase energy efficiency of future buildings as compared to existing buildings by increasing the percentage of energy generated by renewable sources.

The physical impacts associated with the generation and use of energy are documented in detail throughout the Draft EIR. For example, generation of non-renewable electricity is an indirect source of criteria air pollutant and greenhouse gas emissions, and these impacts are analyzed, reported, and mitigated as a part of the County's development of Sections 3.2 (Air Quality) and 3.7 (Greenhouse Gas Emissions).

The analysis of energy use is consistent with CEQA and the CEQA Guidelines; therefore, it is not necessary and would not be appropriate to make any change to the EIR.

Response to Comment 6-41

As stated in Section 3.6.3, *Impacts and Mitigation – Methods of* Analysis, future energy demand was calculated based on proposed land uses within the Specific Plan and modeling conducted using the California Emissions Estimator Model (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. Default data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California Air Districts to account for local requirements and conditions. CalEEMod is recommended for use by the San Joaquin Valley Air Pollution Control District.

Impacts related to energy demand that would result from implementation of the proposed project were identified by evaluating the proposed project's total demand at full buildout. As further described in Section 3.7.3, which is referenced in the methodology section of the energy analysis, the average warehouse size in California, which was based on the California Energy Commission's (CEC) *Benchmarking Study of the Refrigerated Warehouse Industry Sector in California* study, was used to estimate the number of warehouse facilities that could be developed within the Specific Plan Area. Please see Section 3.6.3 of the Draft EIR for the complete description of analysis methodology. It would not be appropriate to make any change to the EIR.

Response to Comment 6-42

Refer to Response to Comment 6-33 and Master Response 1. While the discussion of potential reduced VMT is important for the Specific Plan, as clearly stated in the Draft EIR, the analysis makes the conservative assumption

that no benefit to emissions or energy use occurs from the Specific Plan. Rather, the analysis conservatively assumes no reduced transportation demands from the Specific Plan. See pages 3.2-29 and 3.2-30.

As stated in the Draft EIR, the unemployment rate in Stanislaus County has been higher than the statewide average for many years. The five employment sectors with the highest proportion of residents traveling outside of the County to work are construction; transportation, warehousing and utilities; public administration; wholesale trade; and manufacturing. The Specific Plan is designed to accommodate employment options in three of the five industries where there is the most out-commuting by residents: industrial uses, including manufacturing and assembly; transportation and warehousing (logistics); and public administration/facilities, including public administration offices, law enforcement, and public safety services. However, the transportation analysis that supports the Specific Plan and the Draft EIR does not assume a reduction in commute distances as a part of the impact analysis. While the Specific Plan is designed to provide air quality benefits by reducing the amount of commute-related VMT by Stanislaus County residents who would choose to work in the Specific Plan Area instead of more distant locations, it is not possible to quantify these benefits for the purposes of the transportation, energy, greenhouse gas emissions, or air quality analysis. Therefore, the analysis may overestimate the actual impact of the Specific Plan. However, the County has elected to keep the conservative analysis in the Draft EIR.

Response to Comment 6-43

Refer to Master Response 1, Response to Comment 6-33, and Response to Comment 6-42.

The Draft EIR assumes that no benefit to emissions or energy use would occur from the Specific Plan. For example, the analysis conservatively assumes that there would be no reduced transportation demands from the Specific Plan. Greenhouse gas emissions estimates are based upon modeled outputs from the California Emissions Estimator Model (CalEEMod). CalEEMod estimates use the inputs provided of proposed land use types and amounts contained in Chapter 2 of the Draft EIR, “Project Description,” and the model contains data regarding average trip distance and trip type based upon the geographical area and land use types. The vehicle miles traveled (VMT) estimated by CalEEMod was used to calculate mobile-source related air pollutant emissions using the ARB on-road mobile source emission inventory model, EMFAC. Because some of the potential future land uses (e.g., distribution centers, light industrial) could involve vehicle fleets (i.e., heavy duty trucks for operations) that differ from the Stanislaus County average vehicle fleet, the analysis summarized in the Draft EIR adjusted the heavy-duty truck percentage of those land uses. CalEEMod suggests that for these types of uses, a higher percentage of heavy-duty trucks should be used for the vehicle fleet. Please refer to Section 3.7.3 (page 3.7-11 of the EIR) and Impact 3.7-1 (pages 3.7-16 through 3.7-22 of the EIR) of the EIR for the complete discussion of methodology and analysis used to quantify greenhouse gases.

While the Specific Plan is designed and located to create a regional employment center that will promote development and reduce greenhouse gas emissions by bringing jobs closer to the County residents (see Objective 2 of the Specific Plan), this is not used as the bases for the analysis of greenhouse gas emissions. However, the County has elected to keep the conservative analysis in the Draft EIR.

Response to Comment 6-44

Refer to Master Response 1, Response to Comment 6-33, Response to Comment 6-42, and Response to Comment 6-43.

Construction-related and operational emissions of greenhouse gases (GHGs) were assessed in accordance with methodologies recommended by ARB and SJVAPCD. Emissions were modeled for construction and operations of proposed land uses contained in Chapter 2, "Project Description," and vehicle trip generation data from the traffic study prepared to support the Draft EIR (TJKM 2018), as well as for all infrastructure needed to serve the Specific Plan at full buildout. The Draft EIR analysis considers different sources of operational emissions including area, energy, mobile, waste, water, transportation refrigeration units, high-global warming potential refrigerants, and aircraft activity emissions. Please see Section 3.7.3, *Methodology*, (pages 3.7-10 to 3.7-11) of the Greenhouse Gas Emissions chapter of the Draft EIR for more detailed information regarding modeling programs used and data sources that served as inputs to the modeling process. As explained in this section, the emissions estimating methodology is consistent with that described in Section 3.2, "Air Quality."

The thresholds of significance used to determine if the project's GHG emissions would have a significant impact on the environment are based upon SJVAPD guidance for assessing the impact of GHG emissions (SJVAPCD 2015, page 112). Ultimately, California's statewide GHG reduction targets are used by the County to establish the framework for GHG analysis in the Draft EIR, including what level of GHG emissions would be cumulatively considerable. A detailed discussion of the SJVAPCD GHG analysis requirements and the significance threshold used for impact determination are provided in Section 3.7.3, *Thresholds of Significance*, (pages 3.7-11 through 3.1-16) of the Draft EIR.

To maintain a more "conservative" analysis, the emissions estimates do not include existing emissions associated with on-site agricultural uses or the existing use of the site by the County Sheriff. The analysis presents emissions for the Specific Plan at buildout without subtracting out the existing emissions on-site that would discontinue with development of the Specific Plan Area. The results are "conservative," meaning the results would tend to overestimate the actual net change in emissions compared to existing conditions. However, the County has elected to keep the conservative analysis in the Draft EIR.

Response to Comment 6-45

Refer to Response to Comment 7-2.

Response to Comment 6-46

As stated on Draft EIR page 3.8-15 (Section 3.8, "Geology, Soils, Minerals, and Paleontological Resources"), the analysis related to geology and soils relied in part on information contained in the following report: "Preliminary Geotechnical Engineering Report and Geologic Investigation Hazard Report, West Park Project, Stanislaus County, California," which was prepared by the geotechnical engineering firm of Wallace Kuhl & Associates (Wallace Kuhl) in 2007. The results of this geotechnical study related to soils, seismicity, and other geologic hazards, such as unstable soils, are presented throughout Draft EIR Section 3.8 of the Draft EIR, "Geology, Soils, Minerals, and Paleontological Resources." Based on the results of the investigation, Wallace Kuhl & Associates reached the following conclusion: "It is our opinion, based on the review of available geological, soil, and geotechnical data, that the project site is suitable for the proposed construction from a geotechnical and engineering geological standpoint" (Wallace Kuhl 2007:12).

The Wallace Kuhl geotechnical report goes on to suggest site-specific measures that could be incorporated into future project designs to reduce the potential impacts from geologic hazards. For example, page 14 of the Wallace Kuhl (2007) report suggests alternatives that can be used to "…mitigate effects on highly compressible soils on

the proposed foundations, including but not limited to: (1) ground modification such as over-excavation of the compressible soils and replacement with properly compacted engineered fill; (2) support the proposed structures on a deep foundation system, extending below zones with compressible soils; and, (3) reinforced shallow foundations capable to withstand significant total and differential settlements (grade beams, reinforced or post-tensioned slab or mat, rigid raft foundation)."

Page 15 of the Wallace Kuhl (2007) report addresses soil expansion potential, and states that:

> "Depending on the actual expansion potential of the on-site clays soils, several alternatives can be employed to mitigate the effects of expansive soils on concrete slab-on-grade and exterior flat work, including: (1) moisture-conditioning of the clay soils to above optimum moisture content; (2) removal and replacement of the clay soils beneath the slabs and exterior flatwork with nonexpansive engineered fill; and, (3) chemical amendment (lime-treatment) of the clay soils to amend the soils to low expansion potential materials."

See also additional site-specific geotechnical and engineering design specifications that would reduce effects from geologic hazards on page 15 (pavement subgrade and soil permeability), and page 16 (soil corrosion potential) of the Wallace Kuhl (2007) report.

Because Draft EIR Mitigation Measures 3.8-2a, 3.8-2b, and 3.8-2c contain specific, enforceable performance standards in compliance with the California Building Standards Code that would mitigate the significant effects of the project (CEQA Guidelines Section 15126.4[a][1][B]), and because the Wallace Kuhl 2007 geotechnical report determined that the Specific Plan Area is suitable for the proposed construction from a geotechnical and engineering geological standpoint, no changes to the impact analysis are warranted and no further studies are required.

Please also see Master Response 2.

For information regarding subsidence that could result from groundwater withdrawal, the commenter is directed to Pages 3-7, 5-2, and 5-3 of the Groundwater Resources Impact Assessment (GRIA) prepared to support the Draft EIR (included in Appendix B to the Final EIR), and to pages 3.8-19 and 3.8-20 of the Draft EIR. As discussed, the Delta-Mendota Groundwater Subbasin (DMGS), in which the Specific Plan Area is located, has been designated as being in a state of critical overdraft primarily due to subsidence south of Stanislaus County, and has been designated as a whole to have a high potential for future subsidence. However, very little subsidence has occurred within the County. The maximum amount of subsidence near the Specific Plan Area (1 to 2.5 inches) is reported by the Department of Water Resources to be recorded at Continuous Survey Station P259, located near the northeast corner of the Specific Plan area, at the intersection of Marshall Road and State Highway 33. The maximum predicted drawdown as a result of Specific Plan groundwater pumping is 3 to 13 feet southwest of the Specific Plan Area, near the Delta-Mendota Canal. Given the limited amount of drawdown that is predicted and that only 1 to 2.5 inches of subsidence has been reported near the Specific Plan Area as a result of historical drawdown to date, the likelihood that groundwater withdrawal for the Specific Plan will result in subsidence that substantially interferes with surface land uses and infrastructure is very small. Nevertheless, the Draft EIR identified Mitigation Measure 3.8-2c (page 3.8-20 of the Draft EIR), which requires subsidence monitoring in the vicinity of the Specific Plan area in coordination with the local Groundwater Sustainability Agency (GSA), and appropriate actions to prevent significant subsidence associated with the project based on the monitoring results.

Independent of the Specific Plan, Stanislaus County has a Groundwater Ordinance (Chapter 9.37 of the Stanislaus County Code) and associated well permitting program. Under the Groundwater Ordinance, permits to extract groundwater for the Specific Plan Area will be issued for terms that coincide with the adoption of a Groundwater Sustainability Plan (GSP) for the area, and every five years thereafter, coinciding with required updates to the GSP. Under the Groundwater Ordinance and the GSP, prevention of subsidence will be a precondition to renewal of the groundwater extraction permits for the project. In addition, Government Code Section 65352.5 requires consultation with the GSA as part of the environmental review process for site-specific approvals, and for the GSA to report on the anticipated effects of those approvals on implementation of the GSP.

Response to Comment 6-47

The Specific Plan Area is located approximately 1 mile east of Interstate 5 (I-5), and is south of the Patterson City limits. The proposed project includes improvements to the existing Fink Road/I-5 interchange, which will serve as the primary point of entry into the Specific Plan (Draft EIR Chapter 2, "Project Description," page 2-19). Material deliveries to and from the Specific Plan will use I-5 via Fink Road. Heavy-duty truck drivers carrying hazardous materials would exit I-5 six miles north of the Specific Plan Area, travel on surface streets through the city of Patterson at slow speeds through numerous traffic lights, then travel south through the city for approximately 6 miles on additional surface streets at very slow speeds and through numerous traffic lights, and finally access the Specific Plan Area from the north via West Marshall Road. While it is likely that future Specific Plan Area employees who reside in the city would travel on surface streets through the city from their homes during their daily commute, commercial truck drivers (including those hauling hazardous materials) would use the I-5/Fink Road interchange, which provides the fastest and most direct mode of access.

Furthermore, as discussed in Draft EIR Impact 3.9-1 in Section 3.9, "Hazards and Hazardous Materials" (pages 3.9-17 an 3.9-18), the transport, use, and storage of hazardous materials is heavily regulated at the federal, State, and local level. Some of the numerous regulatory controls over hazardous materials are presented in detail on Draft EIR pages 3.9-10 through 3.9-15.

The Stanislaus County Department of Environmental Resources (DER) is the lead local regulatory agency (i.e., Certified Unified Program Agency [CUPA]) and is responsible for a variety of tasks related to the storage, handling, and management of hazardous materials. The County DER performs the following functions (among others):

- prepares and implements the County's Hazardous Waste Management Plan;
- implements hazardous materials disclosure laws (business plan programs) to ensure public access to information about chemicals handled by businesses;
- reviews procedures for storage, treatment, and disposal of hazardous wastes;
- implements risk management and prevention laws to minimize chemical releases in the community;
- maintains a hazardous materials response team to assist police and fire agencies during transportation and industrial accidents involving chemical spills; and

- prepares and implements the county's Area Plan for emergency response to chemical spills in the community. [Stanislaus County DER 2018.]

Project-related heavy-duty truck traffic is unlikely to travel through the city; therefore, it is unlikely to result in ongoing changes to traffic patterns and other complications that could result in an accidental spill or exposure of hazardous materials in the city. Furthermore, the County DER is already responsible for preparing and implementing an Area Plan for emergency response to chemical spills (as requested by the commenter). Although the impact is less than significant, the County has identified the following mitigation measure to formalize the official route for trucking access to the Specific Plan Area.

> Mitigation Measure 3.9-1: Designate Official Trucking Route.
>
> The County shall designate the official trucking terminal access route for the Specific Plan from the Fink Road/Interstate 5 interchange directly to the Specific Plan Area. This trucking route shall apply to large trucks regulated by the Surface Transportation Assistance Act, referred to as STAA trucks.
>
> **Implementation:** Leaseholders/developers/contractors.
>
> **Timing:** Establish prior to construction and enforce during construction and operation of projects implemented within the Specific Plan Area.
>
> **Enforcement:** Stanislaus County.

Please refer also to Chapter 3 of this Final EIR, which summarizes revisions to the Draft EIR.

Response to Comment 6-48

The Draft EIR analyzes each of the topics raised in this comment. The Draft EIR Section 3.9, "Hazards and Hazardous Materials," states that since 1987, numerous subsurface investigations were conducted to evaluate the extent of soil and groundwater contamination from previous activities at the former Crows Landing Flight Facility. These investigations determined that various areas of the project site contained contaminated soils. However, these sites have been fully remediated, and no further action is required. The only remaining area is the "Site 17 Administration Area Groundwater Plume (Parcel C)." Detailed information related to the Site 17 Administration Area contaminated groundwater plume is presented in Draft EIR Section 3.9, "Hazards and Hazardous Materials," on pages 3.9-5 and 3.9-6. Draft EIR Table 3.9-2 (page 3.9-5) lists the groundwater zones, depths below the ground surface, and the associated chemical constituents of concern in the groundwater plume. The California Department of Toxic Substances Control (DTSC) and the Central Valley Regional Water Quality Control Board (CVRWQCB) have the statutory and regulatory oversight for both cleanup activities and future land uses at the project site. As stated on Draft EIR page 3.9-5, in 2012, the Navy executed and published its *Final Record of Decision Site 17 Administration Area Groundwater Plume* (ROD), which evaluated and summarized several alternatives to remediate the contaminated groundwater. DTSC and CVRWQCB concurred with the selected alternative for remediation of groundwater, as described in the ROD. As further stated on Draft EIR page 3.9-6, land use controls (LUCs) have been, and will continue to be used to restrict on-site groundwater use. The LUCs were then recorded by DTSC and CVRWQCB in compliance with the ROD. The LUCs will remain in effect until the remedial goals for groundwater are achieved. The LUCs are enforced through the fully

executed ROD (Navy 2012) and by the Central Valley RWQCB through the legally binding *Covenant to Restrict Use of Property-Water Use Restriction dated October 26, 2004, by and between the County and Central Valley RWQCB* ("Covenant"). As stated in the Covenant, the uses and activities described below are prohibited within the Restricted Area (i.e., a 2,000-foot pumping exclusion buffer zone around the contaminated groundwater plume, as shown on Exhibit A of the *Covenant to Restrict Use of Property-Water Use Restriction* and shown in Draft EIR Exhibit 3.9-1 [page 3.9-20]) without the express written permission of the Central Valley RWQCB[1]:

- Use of existing supply wells or the drilling of any new wells within the Restricted Area, except as expressly stated in the LUC;

- Construction of groundwater wells for injection or extraction and utilization or consumption of any groundwater within the boundary of the Restricted Area, except as expressly stated in the LUC;

- Any other activity on the Restricted Area that would interfere with or adversely affect any groundwater remediation system or cause the contaminated groundwater to migrate or spread from the Restricted Area or result in the creation of a groundwater recharge area (e.g., unlined surface impoundments or disposal trenches). Normal landscaping and irrigation activities within the Restricted Area, including routine irrigation practices, are not prohibited activities.

- The use of groundwater within the Restricted Area is prohibited for 8 years following the execution of the ROD [Record of Decision], i.e., until approximately 2024 (which is the length of time anticipated to achieve the remediation goals) (Draft EIR, page 3.9-6).

The ROD also states that after the remediation system is operating as intended, 5-year reviews (Interim Remedial Action Completion Reports) will be prepared and submitted to stakeholders. These reports will document the groundwater remediation activities, including waste characterization and laboratory analyses (Draft EIR page 3.9-6). Therefore, DTSC and CVRWQCB have determined that the 2,000-foot buffer zone around the groundwater plume is sufficient to protect adjacent groundwater resources.

Draft EIR Impact 3.9-2 (pages 3.9-18 through 3.9-2) evaluates the project's potential effects on the contaminated groundwater plume. In addition to the LUCs that prohibit on-site pumping of groundwater within the 2,000-foot Restricted Area as discussed above, Impact 3.9-2 (page 3.9-21) also states that, as discussed in the ROD (Navy 2012), which was prepared in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300, *et seq.*), the actions being taken at the project site to remediate contaminated groundwater meet the statutory requirements of Section 121 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and, therefore, as determined by DTSC and CVRWQCB, will achieve adequate protection of human health and the environment, comply with Applicable or Relevant and Appropriate Requirements (ARARs) of both federal and state laws and regulations, be cost effective, and use, to the maximum extent practicable, permanent solutions and alternative treatment or resource recovery technologies.

Therefore, as stated on Draft EIR page 3.9-22, because the legally binding LUCs will continue to be used to restrict on-site groundwater use, including a 2,000-foot pumping exclusion buffer zone around the contaminated groundwater plume, and with implementation of the required Interim Remedial Action Completion Reports that

[1] The following activities are not prohibited, however: (i) the use of on-site water supply well #6/8-17R(NASA) when used for emergency or fire suppression purposes only, (ii) uses of groundwater to which the CVRWQCB concurs, and (iii) uses of groundwater after the LUCs are terminated.

will document groundwater remediation (including any potential interaction between proposed groundwater pumping outside the 2,000-foot buffer zone and plume remediation) and will be prepared and submitted to DTSC and CVRWQCB for review every 5 years, the impact is considered less than significant. The Draft EIR contains an appropriate analysis of this potential impact and is based on substantial evidence including facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15384). No change to the Draft EIR is required.

Response to Comment 6-49

The comment states the proposed increase in groundwater demand by the project "absorbs all of the total available water supply in the aquifer;" however, in fact, the "total available supply in the aquifer" has not been established for the Delta-Mendota Groundwater Subbasin (DMGS) or the vicinity of the Specific Plan Area. Moreover, CEQA does not require an analysis of the total available supply, only a determination that a sufficient supply exists, and an evaluation of the potential environmental impacts that are associated with using that water supply.

Based on the CEQA Guidelines, Appendix G, the Specific Plan would result in a significant impact related to groundwater if it would

- "[S]ubstantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a substantial lowering of the level of the local groundwater table."

SGMA is much more specific in its terminology, and defines the sustainable yield of the aquifer as "[t]he maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result."

The sustainable yield defined by SGMA would be equivalent to the "total available water supply in the aquifer" cited by the commenter. To that end, both the SGMA and the Stanislaus County Groundwater Ordinance define undesirable results, as the following:

a. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

b. Significant and unreasonable reduction of groundwater storage.

c. Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.

d. Significant and unreasonable land subsidence that substantially interferes with surface land uses.

e. Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

These undesirable results are aligned with several checklist questions contained in Appendix G to the CEQA Guidelines, including the question quoted above. An evaluation of the potential impacts of developing the water supply for the Specific Plan compared to these checklist questions and undesirable results as defined in SGMA was presented on Pages 5-1 to 5-7 of the Groundwater Resources Impact Assessment that was prepared to support the Draft EIR. This assessment concluded that no undesirable results as defined by SGMA or significant impacts under the Appendix G checklist questions would occur. A sufficient water supply exists for the Specific Plan, even if the sustainable yield for the basin or aquifer as a whole or in the vicinity of the Specific Plan Area have not yet been established.

As stated in the Hydrology and Water Quality section of Draft EIR (page 3.10-43) and the Groundwater Resources Impact Assessment (page 5-3; JJ&A, 2016):

> "The worst case predicted Project-induced drawdown in the confined aquifer at full build-out is approximately 13 feet. This is less than 10 percent of the available drawdown above the top of the confined aquifer and is unlikely to result in a significant depletion in regional supplies."

See Appendix B to this Final EIR, which is the Groundwater Impact Assessment.

In addition:

> "[a] drawdown of less than 20 feet would not be expected to result in a significant diminution in the yield in a production well, as it typically represents less than 10 percent of the available drawdown. Drawdown in the shallow aquifer from pumping in the confined aquifer is expected to be negligible. The Project will not result in any net increase in groundwater demand from the shallow aquifer; however, if shallow Project wells located near the Site boundary are pumped excessively, nearby existing off-site domestic wells could experience drawdown in excess of 5 feet, which could potentially result in a significant diminution in yield in a very shallow well."

The Draft EIR identifies Mitigation Measure 3.10-4a to place new shallow wells at least 250 feet from the nearest Specific Plan Area boundary. In addition, to prevent potential adverse effects to domestic wells, Mitigation Measure 3.10-4b is proposed to implement a groundwater level monitoring program and curtail pumping of nearby Specific Plan Area wells if drawdown in excess of 5 feet is observed near an existing off-site domestic well. Mitigation Measure 3.10-4b also requires the County to coordinate with the Groundwater Sustainability Agency to prepare on groundwater monitoring conducted as a part of implementation of the Groundwater Sustainability Plan for the vicinity of the Specific Plan Area. Groundwater level monitoring activities, findings, and reporting schedule will also be defined in the Groundwater Sustainability Plan, along with the Minimum Thresholds and Measurable Objectives required in a Groundwater Sustainability Plan that govern when investigation and intervention is required and what adjustments to well field operation or other actions are required to avoid effects to existing off-site wells. With these measures in place, impacts will be less than significant and undesirable results as defined in SGMA will not occur as a result of pumping.

The Groundwater Resources Impact Assessment and the Draft EIR indicate that an operational yield study by the City of Patterson estimated that the City could pump up to 12,000 AFY without significantly impacting the use of groundwater resources in the area surrounding Patterson's sphere of influence (RMC 2016), and that the City of Newman pumped approximately 4,200 acre-feet of water in 2012 (KDSA 2013). As stated in the Groundwater Resources Impact Assessment, a study of groundwater level trends from 1993 to 2008 found that groundwater

levels in northern portions of the Delta-Mendota Groundwater Subbasin were generally hydrologically balanced (AECOM 2016). The study found minimal net change in groundwater elevations, which indicates that there is an overall equilibrium between groundwater discharge (including pumping) and recharge in this region.

Water levels near the Specific Plan Area have overall been stable over the period of record (since 2011), which indicates recent pumping rates near the Specific Plan Area have been sustainable on an annual basis, even during the drought (JJ&A 2016: 3-4). A review of several hydrographs in the DWR's California Statewide Groundwater Elevation Monitoring (CASGEM) for wells located near the Specific Plan Area indicates that groundwater levels, while still variable, have shown an overall increasing trend after the recent drought through the present. Based on the above information, undesirable results as defined in SGMA are not occurring or anticipated in this area. (Draft EIR pages 5-16 and 5-17). Based on the information discussed above, there is not a deficiency in the water supply of the aquifer, and mitigation measures were identified in the Draft EIR to protect shallow domestic wells from the worst case predicted in the drawdown analysis. Significant impacts as defined in CEQA and undesirable results as defined in SGMA are not reasonably anticipated.

See also the Response to Comment 6-65.

Response to Comment 6-50

As stated on page 3.10-45 in Section 3.10, "Hydrology and Water Quality," of the Draft EIR and discussed in Response to Comment 6-49, there are adequate groundwater supplies in both the shallow and confined aquifers available beneath the Specific Plan Area to serve the Specific Plan without contributing to undesirable results as defined by SGMA, the Stanislaus County Groundwater Ordinance, or the California Water Code.

SGMA requires that local Groundwater Sustainability Agencies be formed and develop a Groundwater Sustainability Plan to regulate sustainable groundwater management. Groundwater Sustainability Agencies will have 20 years to fully implement Groundwater Sustainability Plans after the plans have been adopted. The "DM-II" Groundwater Sustainability Agencies (GSAs) includes the Specific Plan Area and will implement a Groundwater Sustainability Plan that is currently being developed for the area collaboratively with several other GSAs by the Northern Delta-Mendota Management Committee and the Central Delta-Mendota Management Committee.[2] The Groundwater Sustainability Plan is required to be completed by 2020 and to be fully implemented by 2042, before full buildout of the Specific Plan. This Groundwater Sustainability Plan will be used to manage groundwater in the Delta-Mendota Groundwater Subbasin. There is no need to develop another plan to manage groundwater for the Specific Plan Area.

As stated in Response to Comment 6-49, the Groundwater Resources Impact Assessment prepared as part of the analysis in the Draft EIR (included as Appendix B to the Final EIR) considered implementation of the Specific Plan and evaluated whether it will lead to undesirable results as defined by SGMA (which will be addressed in the future Groundwater Sustainability Plan), or to potentially significant impacts related to the applicable checklist questions in Appendix G of the CEQA Guidelines. As explained on page 3.10-43 in Section 3.10, "Hydrology and Water Quality," of the Draft EIR, Specific Plan-related groundwater pumping will not result in significant impacts or cause undesirable results; therefore, the water supply to serve the Specific Plan Area is considered adequate and there are no current or reasonably foreseeable future requirements that would restrict its use of groundwater.

[2] "DM-II" is the name of the Delta-Mendota Subbasin Groundwater Sustainability Agency that includes the Specific Plan Area, and includes Del Puerto Water District and Oak Flat Water District.

As stated on page 3.10-46 of the Draft EIR, under the Stanislaus County Groundwater Ordinance, prior to issuing a permit to construct a new groundwater supply well, the County must review information and make a determination whether it constitutes substantial evidence that the proposed groundwater extraction will not cause or contribute to one or more of the above undesirable results. The *Groundwater Resources Impact Assessment* is substantial evidence demonstrating that the Specific Plan will comply with the sustainable groundwater management requirements in the Stanislaus County Groundwater Ordinance. The Assessment is Appendix B to this Final EIR.

Nevertheless, because specific future requirements imposed through implementation of SGMA and the Groundwater Sustainability Plan cannot be completely guaranteed at this time, the Stanislaus County Groundwater Ordinance requires that groundwater extraction permits must be renewed when a Groundwater Sustainability Plan is adopted, and every five years thereafter, when the GSP is required under SGMA to be updated. Under the Groundwater Ordinance and the Groundwater Sustainability Plan, prevention of undesirable results will be a precondition to renewal of the groundwater extraction permits for the Specific Plan Area. In addition, Government Code Section 65352.5 requires consultation with the Groundwater Sustainability Agency as part of the environmental review process for site-specific approvals, and for the Groundwater Sustainability Agency to report on the anticipated effects of those approvals on implementation of the Groundwater Sustainability Plan.

Based on the above information, there is no reasonable expectation that the groundwater supply for the Specific Plan area will become unavailable, and existing plans, policies, and procedures exist to ensure compliance with SGMA.

Please also refer to Responses to Comments 14-5, 6-49, and 6-61.

Response to Comment 6-51

The exact height of the levee along Davis Road must be determined in the future at the time when site-specific development proposals are brought forward, and following a review by the California Department of Water Resources (DWR) Division of Safety of Dams (DSOD). As discussed in Draft EIR Impact 3.10-6 (pages 3.10-53 and 3.10-54), DSOD must make a determination as to whether or not the Davis Road levee will fall within its jurisdiction. If so, then the levee design will be subject to DSOD criteria. If not, then the levee design will fall under the jurisdiction of DWR's Urban Levee Design Criteria (ULDC). It is not possible at this time for the EIR to specify the exact site-specific design details, such as the height of the levee road, crown width, or side slopes. Mitigation Measure 3.10-6 (DEIR pages 3.10-53 and 3.10-54) requires preparation of a site-specific levee design report and incorporation of "appropriate design and engineering recommendations" such as "those contained in USACE Engineering Manual 1110-2-1913 *Design and Construction of Levees* (USACE 2000), Engineering Technical Letter (ETL) 1110-2-569, *Design Guidance for Levee Underseepage* (USACE 2005), and ETL 1110-2-555, *Design Guidance on Levees* (USACE 1997)." These manuals and ETLs are industry-standard publications that guide the design and construction of levees in California.

DSOD and ULDC levee criteria have been designed to provide protection from the 100-year (0.01 annual exceedance probability [AEP]) storm event. Mitigation Measure 3.10-6 (Draft EIR pages 3.10-53 and 3.10-54) requires preparation of a site-specific levee design report and incorporation of design and engineering recommendations that are appropriate depending on the type of levee, the division of DWR that will have regulatory oversight of the levee, and the design and construction parameters needed to comply with DSOD and

ULDC criteria. Therefore, Mitigation Measure 3.10-6 contains specific, enforceable performance standards that would mitigate the significant effects of the project (CEQA Guidelines Section 15126.4[a][1][B]); thus, the less-than-significant impact conclusion after implementation of mitigation (for Draft EIR Impact 3.10-6) is appropriate.

See also Master Response Master Response 2.

Response to Comment 6-52

Mitigation Measure 3.12-4 requires additional actions that would further reduce impacts beyond what is required by the County's Noise Ordinance. With implementation of Mitigation Measure 3.12-4, construction activities would be limited to daytime hours (would not take place between 7 p.m. and 7 a.m.) and would not be allowed on weekends and holidays. Construction equipment would be properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications. As concluded on page 3.12-37 of the Draft EIR, there is no additional feasible mitigation to avoid, or reduce this impact to a less-than-significant level. As a result, this impact would remain significant and unavoidable.

Response to Comment 6-53

Section 3.12, "Noise and Vibration," of the Draft EIR included an analysis of aircraft noise exposure, which identified the geographic area that would be subject to aircraft noise at levels exceeding regulatory thresholds at airport opening and during its first 30 years of operation. The Draft EIR assumed all aircraft operations ceased at the Naval Auxiliary Airfield with site closure and there is no existing aircraft noise (page 3.12-11 of the Draft EIR). Existing baseline conditions assume no airport, as explained on pages 3.12-7 through 3.12-12 of the Draft EIR.

As discussed on page 3.12-26 in Section 3.12 of the Draft EIR, the operational forecasts and likely fleet mix were considered to identify aircraft noise exposure. Other factors considered in the analysis of aircraft noise exposure included:

- Distribution of aircraft operations by time of day for each aircraft type
- Amount of noise transmitted by operations by time of day for each aircraft type
- Average takeoff profile, and standard slope used by each aircraft type
- Amount of noise transmitted by each aircraft type measured at various distances from the aircraft.
- Runway configuration and length
- Runway utilization distribution by aircraft type and time of day
- Geometry of common aircraft flight tracks
- Distribution of operations for each flight track.

Using this data and FAA's Integrated Noise Model, noise contours were generated to identify areas that would be affected by aircraft noise. Operational forecasts were developed as part of the ALP to identify potential aircraft noise exposure, as measured using the Community Noise Equivalent Level (CNEL). The results of the CNEL calculations were depicted by a series of points representing points of equal noise exposure in 5dB increments from 50dB to 65dB CNEL (see Exhibit 3.12-6 of the Draft EIR).

The proposed project would include an ALUCP amendment to address airport-specific policies for the new Crows Landing Airport and planned airport development, as identified in the ALP. The ALUCP amendment would provide a new airport noise policy map that reflects the anticipated aircraft noise contours shown in Exhibit 3.12-7 in Section 3.12 of the Draft EIR and a revised Airport Influence Area to which all county-wide ALUCP policies will apply.

As stated in Impact 3.12-5, the Specific Plan can accommodate a variety of land uses that would occur outside of the 55 CNEL noise exposure contour. None of CLIBP site or off-site areas within the current ALUCP planning boundaries would be exposed to aircraft noise at unacceptable levels, and all proposed uses would be normally compatible with applicable noise policies. At full buildout, the 55 CNEL contour would extend off-site to adjacent agricultural land. Agricultural land, with the exception of new residences and grazing land, would be consistent with the county-wide ALUCP noise policies. The city of Patterson is located outside of the 55 CNEL noise contour, as shown in Exhibits 3.12-6 and 3.12-7 of Section 3.12.

Response to Comment 6-54

The Specific Plan does not propose a rail terminal, spur or other infrastructure/connection to the off-site rail line on the east side of State Route 33. Although previous project designs, prior to development of the Specific Plan, had considered a potential connection, that idea was eliminated based on a desire to provide a project footprint that remained within the boundaries of the former military site and the extent of additional infrastructure that would be required to extend the track from the east side of State Route 33 to the project site, provide loading and roll-off facilities, etc. The proposed Specific Plan does not include facilities to provide a connection to the adjacent rail line. Truck/rail intermodal facilities are available along Interstate 5 (Lathrop).

Response to Comment 6-55

Baseline conditions as documented to support the Draft EIR are representative of the existing environment that would be affected by the implementation of the Specific Plan. The Notice of Preparation for the EIR was released in October of 2014. See CEQA Guidelines Section 15125(a) (the environmental setting at the time the NOP is published will normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant). No updates to noise modeling or noise impacts in the Draft EIR are required.

Please also see Response to Comment 6-54.

Response to Comment 6-56

Based on Appendix G of the CEQA Guidelines, an impact related to public services is considered significant if a proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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. Changes in service ratios, response time, and performance objectives or costs to provide services are not physical environmental impacts on the environment. Nonetheless, as discussed in Section 3.13, “Public Services,” of the Draft EIR, a detailed discussion of impacts on fire and police protection is provided. Implementation of State and local regulations, including General Plan policies and implementation measures, ensure adequate levels of service are provided to residents and businesses throughout the County, including the Specific Plan Area.

Impact 3.13-1 concludes that incorporation of all California Fire Code, County Fire Protection District, and West Stanislaus Fire District requirements into the designs of project buildings would reduce the dependence on fire department equipment and personnel by reducing fire hazards. In addition, Impact 3.13-1 states that the project would be required to pay its fair share of the costs of fire protection services and facilities through payment of the County's development impact fees; therefore, services and personnel would be available to serve the proposed project. Because the project would be required to pay its fair share of the costs of fire protection services and facilities through payment of the County's development impact fees, the analysis of Impact 3.13-2 concludes that sufficient police protection services and personnel would be available to serve the proposed project. As discussed in further detail in Section 3.13, the Specific Plan would not affect fire protection or police protection service ratios, response times, and other performance objectives. While fire and police assistance from the City may occasionally be required, this assistance would not substantially affect the level of service for the City's fire and police providers.

Approximately 15 acres in the southernmost portion of the Public Facilities area located west of the intersection of Ike Crow Road and Bell Road have been designated as an appropriate location for the development of on-site fire and law enforcement facilities (Phase 1). Physical impacts associated with construction and operation of fire and law enforcement facilities are evaluated in the other sections of the Draft EIR. There are no additional significant impacts associated with construction of on-site facilities beyond those comprehensively considered throughout the other sections of the Draft EIR.

Please see Response to 12-5 for further discussion of traffic accidents and public safety. Please also see Master Response 1.

Response to Comment 6-57

Please see Master Response 1 and Responses to Comments 6-61, 6-64, 13-5, and 13-6.

Response to Comment 6-58

Each alternative was evaluated according to the "rule of reason" and general feasibility criteria suggested by the CEQA Guidelines Section 15126.6, as follows:

> The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

The County has considered a range of alternatives that could feasibly attain most of the basic project objectives and avoid or substantially lessen one or more significant effects. Alternatives were selected for evaluation in the Draft EIR based on criteria in the CEQA Guidelines Section 15126.6, which are summarized above. These criteria are:

- Ability of the alternative to attain most of the basic project objectives;

- Feasibility of the alternative; and
- Ability of the alternative to avoid or substantially reduce one or more significant environmental effects of the proposed project.

The County's primary goal in proposing the Crows Landing Industrial Business Park (CLIBP) is to reuse the former military property to create a regional employment center that would provide its residents and those living in nearby Central Valley communities with opportunities to obtain sustainable-wage jobs that do not require long commute distances (as also reflected in the Project Objectives listed starting on page 2-3, subsection 2.3 of the Draft EIR). Development of the project site with employment-generating uses is supportive of the County's General Plan and the Comprehensive Economic Development Strategy, the focus of which is to begin to overcome the dramatic disparity between employment rates in Stanislaus County and state and national rates (Stanislaus County Economic Development Action Committee 2017).[3] As explained in this Economic Development Strategy:[4]

> Stanislaus County suffers from continuously high unemployment. Between 2010 and 2016, local job growth remained challenged with a slight 5.4% population increase. Payroll job creation has languished even as the population expanded. American Community Survey data averaged for the two years of 2015 and 2016 puts the Stanislaus unemployment rate at 8.7% of the labor force, compared to 4.65% for the nation as a whole. Current preliminary unemployment for December 2016 remains at 8.3% while California and total U.S. are at 5.0% and 4.5% respectively. Rankings produced by the State of California's Employment Development Department show Stanislaus County's unemployment rate as recently ranking 37th out of 46 regions in California. (Stanislaus County Stanislaus County Economic Development Action Committee 2017, page 4).

The Economic Development Strategy is Appendix E to this Final EIR.

This focus on employment development is important for the location and design of the proposed project, as is the County's flexible approach to land use that is intended to facilitate a range of development and end users. Specific objectives of the Specific Plan are provided on page 4-2 in Chapter 4, "Alternatives," of the Draft EIR.

The proposed Specific Plan would provide for a mix of allowable uses that, while consistent with general aviation, would also provide flexibility for variety of uses to promote economic development and local job creation. While the County acknowledges the NOP comment that site be designated as a multi-activity entertainment center including vehicle racing, it did not consider this as feasible alternative because such a use would require a large portion of, or the entire 1,528-acre site and therefore would not meet the basic project objectives. While an entertainment complex could provide additional jobs to County residents, it could not do so to the extent that it would fulfill the County's goal of creating a regional job center and this alternative would not substantially avoid or reduce any environmental impacts compared to the proposed project.

Please also see Response to Comment 6-62.

[3] For more detail, please see the County's Comprehensive Economic Development Strategy, available online at: http://www.stancounty.com/ceo/econ-dev/pdf/ceds.pdf.

[4] For more detail, please see the County's Comprehensive Economic Development Strategy, available online at: http://www.stancounty.com/ceo/econ-dev/pdf/ceds.pdf.

Response to Comment 6-59

Alternative 2 would reduce the scale of the Specific Plan and, consequently, wastewater demand requiring treatment at the City's WQCF. Table 4-5 in Chapter 4, "Alternatives," of the Draft EIR has been revised accordingly (see revisions provided below). The commenter does not provide facts or evidence to support the statement that reducing the project size would subsequently reduce the need for some expansion of the City's WQCF. As stated in Section 3.15, "Utilities and Service Systems," of the Draft EIR, the City has prepared improvement plans for WQCF expansion to achieve a design capacity of 3.5 mgd. The City's Wastewater Master Plan examines alternatives to expansion of the WQCF to handle 7.0 mgd to service future, planned development. As stated on page 3.15-3 in Section 3.15, "Utilities and Service Systems," of the Draft EIR, additional WQCF expansion to 7.0 mgd will be required to treat wastewater flows at buildout of the city of Patterson and Diablo Grande. Therefore, a reduced Specific Plan scale would not reduce the amount of wastewater flow such that an expansion of the WQCF would not be required. Therefore, no additional analysis is required.

Please see also Chapter 3 of this Final EIR, "Errata." This edit does not change the analysis or conclusions of the Draft EIR.

Table 4-5
Comparison of Infrastructure Improvements Needed

Type	Alternative 2	Proposed Project
Dry Utilities (Electricity, Natural Gas, Communications)	Utility service would be provided by Pacific Gas & Electric Company (PG&E) (natural gas), Turlock Irrigation District (TID, electric) and AT&T (communications). Utilities would be located in joint trenches along the western or southern sides of on-site roadways.	Same as Alternative 2.
Sewer	Alternative 2 would require the construction of gravity trunk mains, a 2.66-Million Gallons per Day (MGD) sanitary sewer lift station southwest of the Marshall Road and State Route 33 intersection, a ~~0.065~~0.32-MGD sanitary lift station south of the airfield near the Delta Mendota Canal, and a force main within Marshall Road to convey effluent to the existing Western Hills Water District (WHWD) trunk main in Ward Avenue. Less development under Alternative 2 would generate less wastewater as compared to the proposed project.	Same as Alternative 2, plus the construction of a force main to convey sewage from the site to the City of Patterson wastewater treatment facility.
Storm Drainage	To accommodate flows on Little Salado Creek, an existing channel south of the airport would be improved. The existing box culverts would be replaced by three 4-by-8-foot box culverts to convey flows beneath the runway.	Same as Alternative 2, plus the creation of a detention basin in the northeast corner of the project site to detain flows.
Water	On-site groundwater wells and wellhead treatment would fulfill site demand. Under Alternative 2, existing on-site groundwater wells would be developed with a wellhead treatment system to provide water to the Fink Road Corridor, Bell Road Corridor, airport, and 15 acres of the Public Facilities area. Infrastructure development would include distribution pipes and valves, the construction of a water storage tank east of the intersection of Davis and Fink roads, and a well booster pump station. As with the proposed project, Alternative 2 could potentially connect with the City of Patterson water system or the Crows Landing Community Services District for blending or redundancy, but not for water supply.	Same as Alternative 2, plus additional infrastructure (pipes, valves, a water tank, and pump station). The project could potentially connect with the City of Patterson water system or the Crows Landing Community Services District for blending or redundancy, but not for water supply.
Roadways	See above under the heading "Traffic and Transportation."	See above under the

Table 4-5 Comparison of Infrastructure Improvements Needed		
Type	Alternative 2	Proposed Project
		heading "Traffic and Transportation."

Response to Comment 6-60

Please see Responses to Comments 6-58 and 6-62.

Response to Comment 6-61

See Response to Comment 6-28 and Master Responses 1 and 2.

Draft EIR Table 2-1 (page 2-12) lists each type of projected land use at the project site, along with a brief description of what that land use would entail, and then specifies the acreage at the project site that would be devoted to each land use. The land uses are described on Draft EIR pages 2-12, 2-15, and 2-15, and are shown graphically in Exhibit 2-5 (page 2-13). As stated on Draft EIR page 2-11, "[T]hese land uses would be developed in three 10-year phases to provide the opportunity for approximately 14,000 to 15,000 jobs at full buildout." Therefore, the Draft EIR has clearly identified and described the types of land uses that would occur, the locations where such land uses would occur, and has stated the number of expected new jobs.

For a more comprehensive explanation of the potential effects associated with long-term groundwater pumping the commenter is referred to Responses to Comments 6-49 and 6-50. The specific evaluations required to issue permits for construction and operation of groundwater supply wells are detailed in the Draft EIR and in the Groundwater Resources Impact Assessment (JJ&A 2016:2-4). Nevertheless, under the Groundwater Ordinance, permits to extract groundwater for the project will be issued for terms that coincide with the adoption of a Groundwater Sustainability Plan, and every five years thereafter, coinciding with required updates to the Groundwater Sustainability Plan. Under the Groundwater Ordinance and the Groundwater Sustainability Plan, prevention of undesirable results will be a precondition to renewal of the groundwater extraction permits for the Specific Plan Area.

As detailed on pages 1-2 and 1-3, the Specific Plan and EIR anticipate the effects of subsequent projects proposed within the Specific Plan Area, as well as infrastructure improvements needed to support future development with the Specific Plan Area. Future projects that are consistent with the Specific Plan would either require no further environmental analysis or focused environmental analysis. The County will evaluate proposed projects to determine whether additional CEQA analysis will be necessary. This EIR will be used for the tiering of later project-specific reviews. In examining the appropriate approach to providing CEQA analysis for subsequent project approvals, the County will assess, among other things, whether the significant environmental impacts identified in this EIR have been adequately addressed. Therefore, new or additional analyses performed for subsequent site-specific actions would focus on impacts that cannot be "avoided or mitigated" through policies, design guidelines, and development standards adopted as a part of the Specific Plan or mitigation measures identified in this EIR.

Future environmental review can also be streamlined pursuant to Public Resources Code Section 21083.3 and the *CEQA Guidelines*, Section 15183. The provisions of the Public Resources Code are similar, but not identical to

the previously described tiering provisions. Public Resources Code Section 21083.3 limits the scope of environmental review for site-specific approvals following the preparation of an EIR for a zoning action, community plan, or General Plan (including the Specific Plan). For later site-specific approvals, CEQA review is only required for impacts that are "peculiar to the parcel or to the project" and have not been previously disclosed, except where "substantial new information" shows that previously identified impacts would be more significant than previously assumed.

Response to Comment 6-62

Stanislaus County has pursued development at the former Crows Landing Air Facility since the late 1990s, when it convened a task force to investigate site reuse and the development of a general aviation airport. The County acceptance of the property in 2004 for the sole purpose of economic development and job creation through the development of a general aviation airport and other appropriate, aviation-compatible land uses. The City's allegation that the project description is overly narrow and limited does not take into account the County's long-term efforts to identify the highest and best use of the former military property since conveyance, the types of land uses most appropriate for the site based on its location, the historically high employment rates in Stanislaus County, and identified economic development trends.

The County's project description was based on several important considerations and milestones summarized below:

- **2000:** The County convened a Crows Landing Steering Committee to identify potential reuse opportunities for the former Crows Landing Naval Facility, which had been decommissioned by the Base Closure and Realignment (BRAC) Commission.

- **2001:** The Board of Supervisors adopted a reuse plan prepared by the Crows Landing Steering committee that recommended the development of a general aviation facility to help offset the County's persistent jobs-to-housing imbalance.

- **2004:** The Board of Supervisors accepted conveyance of 1,352 acres of the 1,528-acre former of the military pursuant to Public Law 106-82 for the purpose of economic development.

- **2005:** The County identified a vision for site development that would "Create a regional job center that provides good-paying job opportunities for Stanislaus County residents and for the region" (Stanislaus County Board of Supervisors 2005).[5] Since that time, one of the County's chief priorities has been to create employment for the local work force through local economic growth and the attraction of new industries to the community (Stanislaus County Board of Supervisors 2006).[6]

- **2006:** The County hired an aviation consultant to conduct outreach and consider three potential reuse scenarios for the former Crows Landing site. The consultant recommended that the county retain only the crosswind runway for potential GA development. Retaining the primary runway or both runways would not provide sufficient land for the development of aviation-compatible uses in accordance with the County's

[5] Stanislaus County, 2005. Crows Landing Air Facility: A Redevelopment Option. Modesto CA.

[6] Stanislaus County, 2006a. Crows Landing Air Facility and Industrial Business Park: Master Development Plan Concept Review. August 2006. Modesto, California. Stanislaus County, 2006b. The Board of Supervisors of the County of Stanislaus Action Agenda Summary, Board Agenda No. B-8, September 26, 2006. Modesto CA.

vision for site reuse and the guiding principles established by its steering committee, among them to protect the airfield from encroachment while capitalizing on the site's proximity to Interstate-5.

Following the economic downturn of 2008, the County re-invigorated its site development efforts by serving as a Master Developer: it began to identify infrastructure needs and initiated environmental studies to support CEQA compliance and entitlement. In doing so, the County considered the lessons learned while working with a private developer from 2006 through 2012, who had proposed the acquisition of additional agricultural property to the west and the development of an inland port with an on-site rail spur. When proposing the Crows Landing Industrial Business Park, the County reconfigured site development to reflect recent economic trends and public comments, which supported reuse of the former Crows Landing site but did not support the acquisition of additional off-site property or the development of an inland port. The project description for subsequent CEQA efforts was revised to exclude the use of rail and focus on the types of development that were most likely to be successful, compatible with a general aviation airport, and benefit from proximity to I-5.

The proposed Specific Plan for the Crows Landing industrial business park does not represent a narrow use, but a reasonable alternative that would provide for a suite of allowable uses that, while consistent with general aviation, provides flexibility for variety of uses to promote economic development and local job creation.

Response to Comment 6-63

Please see Responses to Comment 6-58 and Comment 6-62.

Response to Comment 6-64

CEQA Guidelines Section 15130(b)(1), identifies two approaches to analyzing cumulative impacts: the first approach is the "list approach," in which a list of past, present, and probable future projects producing related or cumulative impacts is considered for analysis and the second approach is the "summary of projections "approach (also known as the "plan" approach), whereby projections contained in adopted local, regional or statewide plans, or planning documents that evaluate conditions which could contribute to cumulative effects are summarized. As stated in Chapter 5, Other CEQA," the Draft EIR, the plan approach is used to assess the changes due to the proposed project, in combination with past, present and probable future projects, in this EIR that could contribute to potential cumulative effects.

The cumulative impact analysis presented in Section 5.1, "Cumulative Impacts," in Chapter 5, "Other CEQA," of the Draft EIR incorporates the *Stanislaus County 2014 Regional Transportation Plan/Sustainable Communities Strategy* (2014 RTP/SCS), which includes the City of Patterson's projected growth, by reference. StanCOG prepared an EIR to analyze the impacts of regional land use change assumed under the RTP/SCS (State Clearinghouse Number 2013012012) (StanCOG 2014). The 2014 RTP/SCS assumes land use changes and increases in population, housing and employment for unincorporated Stanislaus County, as well as development in the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford through 2040.

Section 5.1, "Cumulative Impacts," in Chapter 5, "Other CEQA," of the Draft EIR describes the traffic and transportation Cumulative plus Project Conditions scenario. The City of Patterson requested that additional roadway segments in or near the City be evaluated under 2035 conditions. These are described on page 5-36 of the Draft EIR.

The Tri-County Traffic Model for travel demand forecasts was used in the analysis. The model geographically covers the counties of San Joaquin, Stanislaus, and Merced. It was developed by the San Joaquin Council of Governments (SJCOG) and recalibrated so that it closely replicated the existing conditions. In addition, three new traffic analysis zones (TAZs) were developed for the project area, and loaded with the ITE trip generation into the model for trip distribution and assignment. The model integrates the network and land use information from the StanCOG model, the SJCOG travel demand forecasting model, and the Merced County Association of Governments (MCAG) travel demand forecasting model. The combined model provides good coverage of the study area, extending from Tracy-Stockton to the north to Los Banos to the south including the Patterson area. The model was used to forecast A.M. and P.M. peak-hour and daily trips. Therefore, this methodology provides a comprehensive forecast for the analysis of Cumulative plus Project Conditions.

Future development in the Stanislaus County would increase demand for public services and recreation. In terms of cumulative impacts, appropriate service providers are responsible for ensuring adequate provision of public services within their service boundaries. Please also see Response to Comment 6-56.

The commenter is referred to the water demand information presented on Page 3-6 of the Groundwater Resources Impact Assessment, the impact analysis on Pages 5-1 to 5-5 of the Groundwater Resources Impact Assessment and the Responses to Comments 6-49 and 6-50 above, as these responses discuss the current and reasonably foreseeable water demand in the Specific Plan Area, the adequacy of the groundwater supply for the Specific Plan Area, and related impacts. The impact analysis considered future groundwater extractions by the cities of Patterson, Newman, and community of Crows Landing in combination with groundwater demand of 2,819 AFY associated with the implementation of the Specific Plan at buildout. The potential offsetting effect of agricultural land conversion to urban use was also considered. As discussed previously, the worst-case predicted Specific Plan-induced drawdown in the confined aquifer at full build-out in 2046 is approximately 13 feet. This is less than 10 percent of the available drawdown above the top of the confined aquifer and is unlikely to result in a significant depletion in regional supplies or other undesirable results. The Draft EIR identifies Mitigation Measure 3.10-4a to place new shallow wells at least 250 feet from the nearest Specific Plan Area boundary. In addition, to prevent potential adverse effects to domestic wells, Mitigation Measure 3.10-4b is proposed to implement a groundwater level monitoring program and curtail pumping of nearby Specific Plan Area wells if drawdown in excess of 5 feet is observed near an existing off-site domestic well. Mitigation Measure 3.10-4b also requires the County to coordinate with the Groundwater Sustainability Agency on groundwater monitoring conducted as a part of implementation of the Groundwater Sustainability Plan for the vicinity of the Specific Plan Area. The Specific Plan also includes Water Policy WP 4 "*Groundwater for potable and non-potable use shall result in a sustainable yield through both water conservation and groundwater recharge measures*." The Draft EIR has considered reasonably foreseeable developments overlying the Delta-Mendota Groundwater Subbasin at and near the Specific Plan Area, and properly evaluated potential cumulative impacts associated with planned future land use changes and growth.

Please see Responses to Comments 6-28, 6-65, and 6-66, as well as Master Responses 1 and 2.

Response to Comment 6-65

The comment discusses two separate but related topics: groundwater levels and water supply. These topics are analyzed in detail throughout the Draft EIR, including in Section 3.10 (Hydrology and Water Quality) and Section 3.15 (Utilities and Service Systems) of Chapter 3, and in the cumulative impact analysis presented in Chapter 5.

As discussed below, Chapter 5 of the Draft EIR has been revised to further clarify the distinction between these two topics and the nature of the cumulative impact findings in Chapter 5. These edits are presented in Chapter 3 of the Final EIR, "Errata."

The two topics of groundwater levels and water supplies are embodied in the following threshold questions:

1. Will the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

2. Will the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Question 1 concerns potential groundwater resource-related effects from groundwater extraction, including groundwater level decline and storage depletion. Potential impacts addressed under this question include adverse effects on existing wells, economic effects related to the need for deeper pumping levels and wells, and depletion of groundwater storage, which can affect the availability of groundwater supplies. The availability of groundwater supplies is also relevant to Question 2. Question 2 concerns Utilities and Service systems, and includes effects related to decreases or changes in the available supply, the need for additional water entitlements, or the need for new or upgraded water treatment, storage, or conveyance facilities. Groundwater supplies are only one consideration under Question 2, which also considers surface water supplies and all other aspects of water utility service systems.

For the project-level analysis detailed in Chapter 3 of the Draft EIR, the County has presented substantial evidence that the Specific Plan would have a less-than-significant impact for both Questions 1 and 2, as they relate to Hydrology and Water Quality (Section 3.10) and to Utilities and Service Systems (Section 3.15). The commenter is referred to pages 3.10-40 through 3.10-46 of the Draft EIR for Question 1, and pages 3.15-11 through 3.15-13 of the Draft EIR for Question 2. The commenter is also referred to the Responses to Comments 6-49 and 6-50 for additional information regarding the potential effect of the Specific Plan on groundwater levels, the analysis of potential environmental impacts that could result from groundwater drawdown, and the adequacy of the water supply for the Specific Plan, which is reliant entirely on groundwater.

The Draft EIR also presents a cumulative assessment for Questions 1 and 2 and associated environmental resource areas in Chapter 5. In this assessment, the Draft EIR takes into account not just the impacts of the Specific Plan, but impacts of past, present, and reasonably foreseeable future plans, projects, actions, and related trends that may combine with the Specific Plan to create cumulative impacts. The County has conservatively developed a broad and long-range cumulative context to ensure comprehensive treatment of any cumulative impact that could foreseeably be related to the Specific Plan. The Draft EIR considers the Stanislaus Council of Governments Regional Transportation Plan/Sustainable Communities Strategy, which was developed at the regional level and considers proposed land use changes in San Joaquin County and Merced County, as well as Stanislaus County (both incorporated and unincorporated areas), as well as the County's General Plan to establish the overall cumulative context. For the resource areas of Hydrology and Water Quality and Utilities and Service Systems, the Draft EIR and the Groundwater Resource Impact Assessment prepared to support it (which is included as Appendix B of the Final EIR) also considered historical groundwater level trends and water demand

forecasts in Urban Water Management Plans and planning studies in the area that could be affected by drawdown from the Specific Plan wells. In addition, implementation of the Sustainable Groundwater Management Act (SGMA) and potential future changes in agricultural water demand and surface water deliveries were considered.

Since the circulation of the Draft EIR (on June 26, 2018), the County certified the "Final Program Environmental Impact Report for the Stanislaus County Discretionary Well Permitting and Management Program" (JJ&A 2018), hereby incorporated by reference, which is the program under which the Specific Plan wells will be permitted. The Well Permitting Program EIR includes a County-wide cumulative impact assessment based on the results of an extensive regional groundwater modeling study. A numerical groundwater flow model was constructed to simulate a range of future groundwater pumping changes that could result from growth and development, and the resulting urban water demand growth, rural domestic demand growth, and agricultural groundwater demand changes. As discussed below, the findings of this study further corroborate the impact findings contained in the Draft EIR related to groundwater levels.

With respect to Question 1 and the groundwater supply aspects of Question 2, both the Draft EIR and the Well Permitting Program EIR evaluate whether increases in groundwater demand in the region would have the potential to lower groundwater levels or decrease the amount of usable groundwater supplies in storage. The Delta-Mendota Subbasin has been designated as critically overdrafted by the Department of Water Resources, largely due to pumping-induced land subsidence south of Stanislaus County. The impact analyses in both the Draft EIR and Well Permitting Program EIR evaluate the concern that increased reliance on groundwater could occur due to population changes, changes in agricultural land use and irrigation practices, and decreased surface water deliveries due to persistent drought conditions and changing surface water allocations. Both this EIR and the Well Permitting Program EIR conclude that these impacts will be less than cumulatively considerable, as discussed further below.

Current and historical groundwater level trends provide an important context when evaluating cumulative impacts related to groundwater levels. The Groundwater Resources Impact Assessment prepared to support the Draft EIR states that groundwater levels in northern portions of the Delta-Mendota Groundwater Subbasin were generally hydrologically balanced from 1993 to 2008. A study found minimal apparent net change in groundwater elevations, which indicates that there is an overall equilibrium between groundwater discharge (including pumping) and recharge in this region. Furthermore, water levels near the Specific Plan Area were found to be stable over the period of record (since 2011), which indicates recent pumping rates near the Specific Plan Area have been sustainable on an annual basis, even during the recent drought. A review of several hydrographs in the DWR's California Statewide Groundwater Elevation Monitoring (CASGEM) for wells located near the Specific Plan Area indicates groundwater levels, while still variable, have shown an overall increasing trend after the recent drought through the present. This is consistent with observations for a study conducted further to the north in the Delta-Mendota Subbasin (JJ&A 2015). Based on this information, the Specific Plan Area is not experiencing overdraft, and the proposed pumping will not contribute to any ongoing adverse groundwater effects or cumulatively considerable impacts in the Specific Plan Area that are resulting from current groundwater management conditions.

When assessing future cumulative impacts under Question 1 and the groundwater supply aspects of Question 2, it is important to note that long-term groundwater demand conditions are currently uncertain because the Groundwater Sustainability Plans (GSPs) required to comply with the SGMA are still being developed, and the outcome of other regulatory requirements that could profoundly affect the nature of water supply availability in

the area (i.e., the Bay-Delta Water Quality Control Plan amendments proposed by the State Water Resources Control Board) are currently uncertain. Simulation of a range of long-term groundwater demand trends for the Well Permitting Program EIR indicates that, in the absence of GSP implementation, there is a theoretical potential for groundwater levels to decline by tens of feet in some areas, depending on the amount and distribution of future groundwater extraction increases. Under such a scenario, the use of some existing wells could be adversely affected, groundwater supplies could become less economical and less available, and other adverse environmental, economic and societal effects could occur. However, development and implementation of GSPs under SGMA is required to mitigate such adverse effects, and to prevent "Undesirable Results," as defined in SGMA and in the County Groundwater Ordinance. As discussed in the Response to Comment 6-49, these "Undesirable Results" relate directly to Questions 1 and 2, above, as well as several other groundwater-related impact threshold questions examined in the Draft EIR. GSPs will define the sustainable yield of the subbasin, identify any special management areas, define management objectives, criteria and thresholds, and establish monitoring networks. After GSPs are adopted, GSAs will be responsible for their implementation and enforcement, with specific requirements for future Undesirable Results to be avoided, and any existing Undesirable Results to be ameliorated by 2042 in accordance with defined milestones. If GSAs fail to adopt adequate GSPs or fail to adequately implement them, the SGMA requires the State to intervene to ensure that the required sustainability goals are met.

The County Groundwater Ordinance also allows the County to intervene and regulate unsustainable groundwater extraction prior to State intervention, providing an additional safeguard against unsustainable groundwater extraction.

For these reasons, although the precise nature of the measures contained in local GSPs cannot yet be known, their effect on cumulative environmental impacts related to groundwater level decline and storage depletion are a regulatory certainty that will be enforced by both the State and the County. The actions required to be implemented by GSAs to comply with SGMA are reasonably expected to decrease any cumulative effects resulting from groundwater extraction, so that there would be no significant cumulative impact.

However, as stated above, Question 2 is related to water supply in a broader context than groundwater alone, and the County conservatively treated the cumulative impact assessment to Utilities and Service Systems at a broader scale, presenting details on water supply and demand related to the city of Patterson, city of Newman, Del Puerto Water District, Westley Community Services District, Patterson Irrigation District, Oak Flat Water District, Western Hills Water District, Crows Landing Community Services District, West Stanislaus Irrigation District, Eastin Water District, Central California Irrigation District, and El Solyo Water District. As a whole, these service systems depend not only on the availability of groundwater, but on surface water deliveries from the State and federal water projects, diversions from the San Joaquin River, and reclaimed water. In addition, water deliveries may be affected by water exchange agreements between districts or their customers that include surface, as well as groundwater, and by water transfers under the Warren Act.[7] This regional interdependence of supply and demand is made more complicated by the fact that the proposed amendments to the Bay Delta Water Quality Control Plan are not yet finalized, and their potential effects on regional supply and demand relationships are not

[7] The Warren Act of February 21, 1911, authorizes the Bureau of Reclamation to execute contracts for the conveyance and storage of non-Central Valley Project (CVP) water in Federal facilities when excess capacity exists. In addition to the Warren Act, Reclamation also uses the authority of §14 of the Reclamation Project Act of 1939 and §3408(c) of Central Valley Project Improvement Act (CVPIA) to facilitate the conveyance of non-CVP water and "water rights water" from willing sellers to willing buyers. Reclamation routinely facilitates such water transfers.

yet known. As such, the County conservatively determined that the Specific Plan's water demand could result in a significant cumulative impact to water service systems in the region, by indirectly adding to future effects on the water demand those systems must serve, or the amount of and sources of water supplies available to them**.** While the project-level impact related to groundwater demand is demonstrated to be less than significant in Chapter 3.15 of the Draft EIR based on a detailed water supply assessment (see Draft EIR, pages 3.15-11 through 3.15-13), the potential interplay between a water demand of the scale of the Specific Plan with future demand and supply changes in the area cannot be reliably predicted at this time, and could incrementally contribute to adverse water supply and demand changes affecting the cities, community service districts, water districts, and irrigation districts in the area. This is conservatively assumed to be a cumulatively considerable impact.

The Specific Plan includes goals, policies, and design guidelines, including goals to incorporate water-sensitive site design principles in the landscape, infrastructure, and building design, including on-site stormwater management. As stated in Chapter 5 of the Draft EIR, there is no additional feasible mitigation that can be identified at this time to allow the County to achieve the basic project objectives and further reduce water demand. It is not possible to predict if an increase in groundwater demand for a Specific Plan of this size would be less than cumulatively considerable within the cumulative context described above; therefore, the impact is conservatively assumed to be significant and unavoidable.

Response to Comment 6-66

See Master Response 1, which provides an overview of the extensive analysis provided in the Draft EIR related to growth inducement.

As *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App.4th at p. 20 (2001) explains, the level of detail required for growth-inducing impacts is less than what is required for a project's direct impacts on the environment:

> "Nothing in the Guidelines, or in the cases, requires more than a general analysis of projected growth. The detail required in any particular case necessarily depends on a multitude of factors, including, but not limited to, the nature of the project, the directness or indirectness of the contemplated impact and the ability to forecast the actual effects the project will have on the physical environment."

As a result, the court in Napa Citizens concluded that it would not be reasonable to require the EIR to "undertake a detailed analysis of the results of such growth" [91 Cal. App.4th at p. 369]. A generalized analysis of growth-inducing impacts was also upheld in *Clover Valley Foundation v. City of Rocklin*, 197 Cal. App. 4th, 200, 227 (2011).

The requirements to provide a generalized discussion of a project's growth-inducing impacts should not be confused with CEQA's requirements for mitigation. As stated in *Napa Citizens* [91 Cal. App.4th at p. 371]

> "Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a particular project on growth on other areas. In circumstances such as these, we think that it is enough that the FSEIR warns interested persons and governing bodies of the probability that additional housing will be needed so that they can take steps to prepare for or address that probability. The FSEIR need not forecast the impact that the housing will have on as

> yet unidentified areas and propose measures to mitigate that impact. That process is best reserved until such time as a particular housing project is proposed."

Thus, pursuant to *Napa Citizens*, growth-inducing effects of proposed projects should be acknowledged but discussed in less detail than other, more direct effects resulting from projects (see also *Defend the Bay*, 119 Cal.App.4th at pp. 1261, 1266 ["If a project will create jobs and bring people into the area, the EIR must discuss the resulting housing needs, but not in minute detail. It is enough to identify the housing required and its probable location"]). The analysis of growth-inducing impacts, therefore, is necessarily unique and distinct from the analysis in the individual impact chapters. This is because creating demand for growth does not in and of itself cause a direct physical impact; only a proposed project at a specific location would create physical impacts. Thus, no revisions to the Draft EIR are necessary based upon the comments.

Response to Comment 6-67

Section 2.6 of Chapter 2, "Project Description," of the Draft EIR provides a brief overview of the necessary sewer infrastructure improvements. A detailed discussion is provided in in Section 3.15, "Utilities and Service Systems," of the Draft EIR, and revisions are shown in Response to Comment 6-15 above.

See also Master Response 1.

Response to Comment 6-68

Please see Response to Comment 6-15.

Response to Comment 6-69

Please see Response to Comment 6-15.

Response to Comment 6-70

The following revision has been made on page 3.15-3 of the Draft EIR, the following text has been revised. The sentence referenced by the commenter has been revised. Please see Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR.

> The City has prepared improvement plans ~~and acquired land~~ to expand the WQCF capacity. WQCF expansion, generally referred to as the Phase III Expansion, would increase the plant capacity by 1.25 mgd to bring the total plant capacity to 3.5 mgd with a reliable treatment capacity of 3.1 mgd (Central Valley Regional Water Quality Control Board 2007, ~~Blackwater~~ Black Water Consulting Engineers 2017). The Central Valley Regional Water Quality Control Board has already authorized expansion of the facility under Order R5-2007-0147, which was issued in November of 2007 (Central Valley Regional Water Quality Control Board 2007). Additional WQCF expansion will be required to treat wastewater flows at buildout of the City of Patterson and Diablo Grande. Phase IV and Phase V expansions would increase the WQCF reliable treatment capacity to 4.25 mgd and 6.5 mgd, respectively (~~Blackwater~~ Black Water Consulting Engineers 2017). It is expected that future expansions would occur before the WQCF exceeds reliable capacity.

Response to Comment 6-71

The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR. The comment is noted and no further response is required.

Response to Comment 6-72

Please refer to Response to Comment 6-8.

Response to Comment 6-73

Please refer to Response to Comment 6-8.

Response to Comment 6-74

Please refer to Response to Comment 6-15.

Response to Comment 6-75

See Responses to Comments 6-10 through 6-18 related to wastewater treatment.

Response to Comment 6-76

WHWD flows would be verified at the time of design of Specific Plan wastewater infrastructure. However, the Specific Plan contemplates construction of a separate new pipeline on Ward Avenue and therefore, there will not ultimately be any relationship to these flows. Project cost estimates in Appendix H of the Specific Plan include construction of this sewer pipeline.

Response to Comment 6-77

Please see Response to Comment 6-9.

Response to Comment 6-78

Please see Response to Comment 6-17.

Response to Comment 6-79

The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. As stated in Response to Comment 6-15, to the text of Impact 3.15-4 in Section 3.15, "Utilities and Service Systems," of the Draft EIR has been revised. Please also see Response to Comment 6-8 and Chapter 3 of this Final EIR, "Errata." These edits clarify that temporary wastewater conveyance infrastructure required to serve the Specific Plan and do not change the analysis or conclusions of the Draft EIR. See Response to Comment 6-9 for a discussion of the City's WQCF.

Response to Comment 6-80

The State Water Quality Control Board supports the use of recycled water to promote water conservation in the Policy for Water Quality Control for Recycled Water (Recycled Water Policy). The purpose of the Recycled Water Policy is to increase the use of recycled wastewater from wastewater sources, including greywater, agricultural return water, industrial wastewater, and water produced from oil field operations. These types of water reuse are regulated through other programs. The Recycled Water Policy provides goals for recycled water use in California, guidance for use of recycled water that considers protection of water quality, criteria for streamlined permitting of recycled water projects, and requirements for monitoring recycled water for constituents of emerging concern. To the extent that future permits are required for this activity, and as relevant, the County will consult with other agencies. Response to Comment 6-81

The commenter states that Page 2-23 of the Draft EIR contains the duplicate phrase, "and other relevant standards." The phrase "and other relevant standards" has been deleted on page 2-23 of Chapter 2, "Project Description," of the Draft EIR. Please also see Response to Comment 6-8 and Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR.

Response to Comment 6-82

The duplicate word has been deleted on Page 3.15-1 in Section 3.15, "Utilities and Service Systems," of the Draft EIR. Please see Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR.

Response to Comment 6-83

The word "transmission" has been deleted from the last sentence on page 3.15-2 in Section 3.15, "Utilities and Service Systems," of the Draft EIR. Please see Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR.

Response to Comment 6-84

"Black Water" has been revised throughout Section 3.15, "Utilities and Service Systems," of the Draft EIR to reflect the company name is two words instead of one word.

Response to Comment 6-85

The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. The comment is noted and no further response is required.

Response to Comment 6-86

The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. The comment is noted and no further response is required.

Response to Comment 6-87

The comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. The comment is noted and no further response is required.

Response to Comment 6-88

The data provided in this comment are summarized in Impacts 3.15-4 and 3.15-5 in Section 3.15, "Utilities and Service Systems," of the Draft EIR. Please see Responses to Comments 6-8 and 6-15 above.

Response to Comment 6-89

The comment letter identifies impact fees and cost sharing estimates identified in the Black Water Engineers Consultants technical memorandum. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Response to Comment 6-90

These findings are summarized in Section 3.15, "Utilities and Service Systems," of the Draft EIR. The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project.

Response to Comment 6-91

The comment does not specify additional information needed in the Draft EIR and the comment does not pertain to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. See Appendix A of this Final EIR, which is the Transportation Infrastructure Plan.

Response to Comment 6-92

When the study included in the Draft EIR was prepared, it utilized the "Patterson Traffic Model", which was the most recent version of the StanCOG model with the land use and roadway network contained in the Patterson General Plan.

Response to Comment 6-93

Please see Response to Comment 6-92.

Response to Comment 6-94

The comment applies to the transportation infrastructure plan. Although this is a long analysis segment, it was discovered that splitting the section into smaller subsections would not change the results or recommendations.

This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the Specific Plan.

Response to Comment 6-95

The transportation infrastructure plan has been revised, as suggested. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. Appendix A to this Final EIR is the Transportation Infrastructure Plan.

Response to Comment 6-96

The transportation infrastructure plan has been revised to correct the typographical errors in Table VIII. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required. Appendix A to this Final EIR is the Transportation Infrastructure Plan.

Response to Comment 6-97

The transportation infrastructure plan has been revised to correct the error in Table IX. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. No further response is required.

Response to Comment 6-98

The transportation infrastructure plan has been revised to correct the error in Table XI. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project.

Response to Comment 6-99

The transportation infrastructure plan has been revised to correct these formatting errors. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project.

Response to Comment 6-100

The commenter discusses the age of the data used in the traffic report and provides information on recent traffic growth and provides examples of increased vehicles per day and percent growth on Sperry Avenue. The project impacts, mitigation measures, and fair-share analyses are based on the cumulative and cumulative plus project scenarios, which include all land use in the Patterson General Plan, including developments that have occurred since 2014. Therefore, the findings and conclusions of the Transportation Infrastructure Plan, upon which the Draft EIR is based, are relevant. Refer also to the Response to Comment 6-55.

Response to Comment 6-101

As explained in Response to Comment 6-22, Ward Avenue and Sperry Avenue has no feasible mitigation due to the presence of residential development in the southeast quadrant of the intersection – the traffic study indicates that the future South County Corridor (not accounted for in the analysis) will likely relieve Sperry Avenue congestion. The intersection of Ward Avenue and Las Palmas Avenue was recently improved and has no level of service issues in cumulative conditions.

Response to Comment 6-102

Please see Mitigation Measure 3.14-1 on page 3.14-16 of the Draft EIR, which requires signalization of Ike Crow Road/SR 33 and Fink Road/Bell Road. The EIR has been revised to add the requirement to signalize intersection #22, Marshall Road/Ward Avenue, too. These signalizations would provide LOS of at least C in cumulative plus project conditions. This revision is also shown in Chapter 3 of this Final EIR.

Response to Comment 6-103

Two versions of the October 13, 2017 Transportation Infrastructure Plan were produced, one with the project-only trips and another one that shows total trips. The County has included a PDF showing project-only morning and afternoon peak-hour trips as Appendix D.

Response to Comment 6-104

The traffic study notes a degradation of the LOS at several key City intersections including: I-5 ramps/Sperry, Ward Ave/Sperry, Ward Ave/Las Palmas, and Sperry Ave/SR 33.

The comment letter identifies degradation of LOS at key City intersections. These intersections are discussed in Section 3.14, "Traffic and Transportation," of the Draft EIR.

Response to Comment 6-105

Impact 3.14-1 in Section 3.14, "Traffic and Transportation," of the Draft EIR discuss the Specific Plan's impacts on study area intersections. Mitigation Measure 3.14-1 requires that the City would contribute its fair share to the intersection improvements that would operate at a LOS that would exceed a jurisdiction's thresholds (see p. 3.14-16 of the Draft EIR).

Response to Comment 6-106

On page 5-32, Table 5-5, the following revisions have been made to Intersections 9 and 13:

Table 5-5
Intersection Level of Service: 2035 No-Project and 2035 plus Project Conditions

Intersection		Traffic Control Type	2035 No-Project				2035 plus Project			
			A.M. Peak		P.M. Peak		A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
9	Ward Avenue / M Street	Signalized	35.5	D	33.3	C	48.0	D	~~97~~38.9	~~F~~D
13	Las Palmas Avenue / SR 33	Signalized	21.0	C	21.0	C	30.6~~6.0~~	C	24.1	C

This does not affect the findings or mitigation measures in the Draft EIR. This is shown also in Chapter 3 of this Final EIR.

2.3.7 LETTER 7, CHEVRON, DATED MARCH 6, 2018

Letter 7

Rachel Wyse - Crows Landing Industrial Business Park Draft Environmental Impact Report - Comment Lettter

From: "Anzelon, Danny B."
To: "Wyse, Rachel"
Date: 3/6/2018 2:36 PM
Subject: Crows Landing Industrial Business Park Draft Environmental Impact Report - Comment Lettter
CC: "Hoang, Tan T.", "Hurd, Michael T."

Attachments: Crows Landing DEIR Comment Letter.pdf

Good afternoon, Rachel.

On behalf of Chevron Environmental Management Company (CEMC), please see the attached comment letter for Crows Landing Industrial Business Park Draft Environmental Impact Report. This letter describes the background of inactive, historic crude-oil pipelines in Stanislaus County, including one map showing the approximate location of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) alignments with respect to the proposed phasing plan (Figure 1). 7-1

Please let me know if you have any questions. A hard copy of this letter will also be mailed to your office.

Thank you.

-Danny

Daniel Anzelon | Leidos
Project Geologist | Environmental Restoration Division
leidos.com/infrastructure

Mike N. Oliphant
Project Manager
Mining and Specialty
Portfolio

Chevron Environmental Management Company

March 6, 2018

Stakeholder Communication – Stanislaus County

Ms. Rachel Wyse
Associate Planner
Stanislaus County Planning & Community Development

Subject: **Comments on the Crows Landing Industrial Business Park Specific Plan Draft Environmental Impact Report**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Wyse:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently reviewed the Crows Landing Industrial Business Park Specific Plan Draft Environmental Impact Report. The information contained in this letter may help you to understand something about Chevron's former pipeline operations in Stanislaus County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of these former pipeline locations within the existing former pipeline rights of way (ROWs).

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines existed within the vicinity of the proposed planning area. These formerly active pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines. When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommissioning varied: in some instances the pipelines were removed, while in others they remained in place. Because these pipelines have been decommissioned, with the majority of pipelines having been removed, they are not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the proposed planning area. The locations of the pipelines shown on Figure 1 are based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP and TAOC pipelines were installed at depths of up to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACM.

7-2

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from these former pipelines is encountered during construction

7-3

activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of these former pipeline ROWs may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipelines and pipeline-related ACM during the course of their work.

7-3 Cont'd

For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd at (510) 466-7161 or Daniel Anzelon

Sincerely,

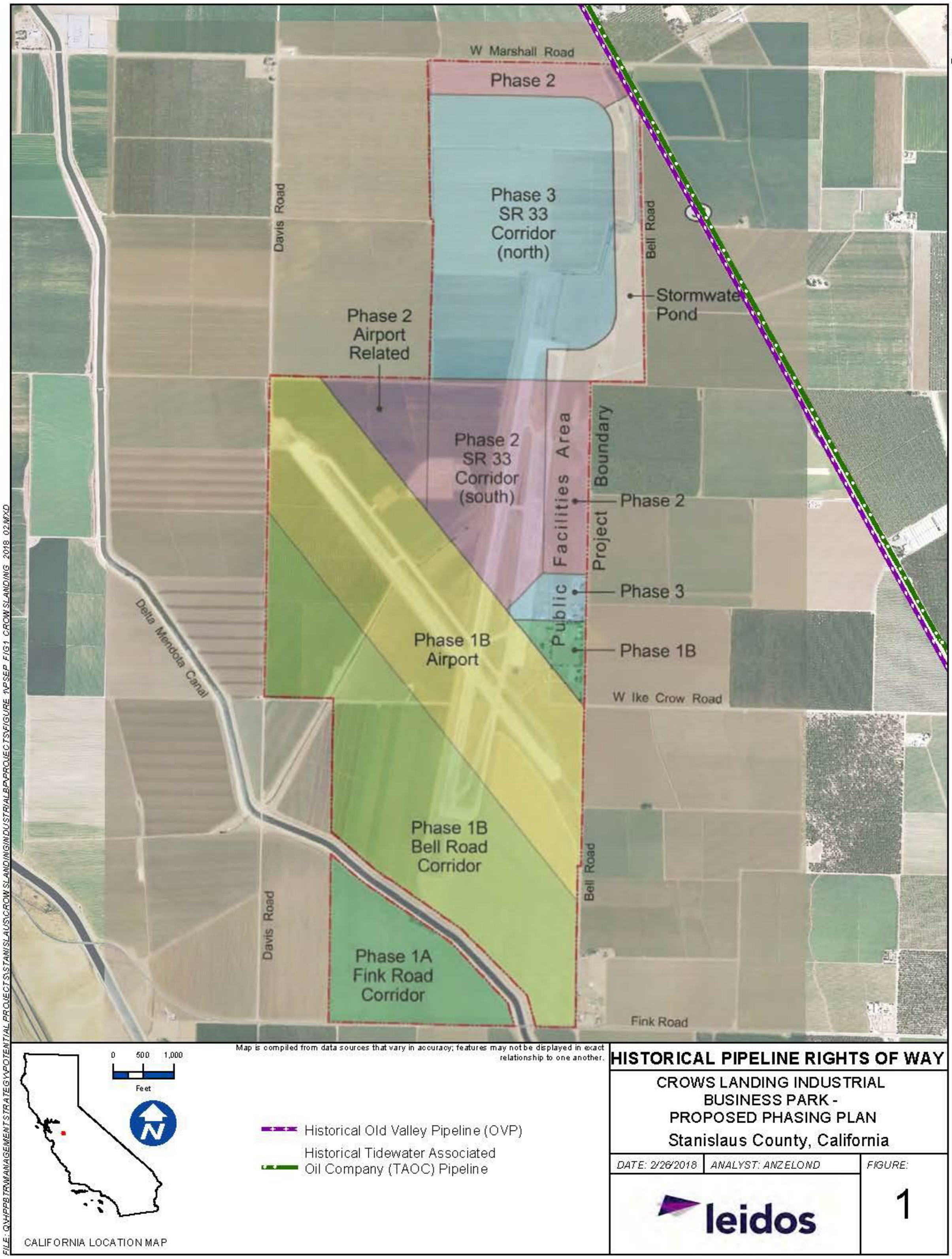
Mike Oliphant

MO/klg

Enclosure:
Figure 1. Historical Pipeline Rights of Way – Crows Landing Industrial Business Park – Proposed Phasing Plan

cc: Mr. Mike Hurd – Leidos

7-2
Cont'd


W Marshall Road
Phase 2
Phase 3
SR 33
Corridor
(north)
Davis Road
Bell Road
Stormwater
Pond
Phase 2
Airport
Related
Phase 2
SR 33
Corridor
(south)
Public Facilities Area
Project Boundary
Phase 2
Phase 3
Phase 1B
Delta Mendota Canal
Phase 1B
Airport
W Ike Crow Road
Phase 1B
Bell Road
Corridor
Bell Road
Davis Road
Phase 1A
Fink Road
Corridor
Fink Road
0 500 1,000
Feet
CALIFORNIA LOCATION MAP
Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another.
Historical Old Valley Pipeline (OVP)
Historical Tidewater Associated
Oil Company (TAOC) Pipeline
HISTORICAL PIPELINE RIGHTS OF WAY
CROWS LANDING INDUSTRIAL
BUSINESS PARK -
PROPOSED PHASING PLAN
Stanislaus County, California
DATE: 2/26/2018
ANALYST: ANZELOND
FIGURE:
1
leidos

RESPONSE TO COMMENT LETTER 6 – CHEVRON

Response to Comment 7-1

See Responses to Comments 7-2 and 7-3.

Response to Comment 7-2

The County appreciates the information provided by Chevron related to the former OVP and TAOC pipelines. Given that earthmoving activities in the northeastern portion of the project site have the potential to encounter these former pipelines, information related to the existence and location these pipelines has been added to the "Environmental Setting" subsection of Draft EIR Section 3.9, "Hazards and Hazardous Materials," as shown in Chapter 3, "Errata," of this Final EIR.

Response to Comment 7-3

The County appreciates the information provided by Chevron related to the former OVP and TAOC pipelines. Given that earthmoving activities in the northeastern portion of the project site have the potential to encounter these former pipelines, information related to the results of Chevron's former analytical results has been added to Draft EIR Impact 3.9-2 in Section 3.9, "Hazards and Hazardous Materials," as shown in Chapter 3, "Errata," of this Final EIR. Because the materials have been determined to be non-hazardous, impacts from encountering these former pipelines would be less than significant, and no mitigation is required.

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2.3.8 LETTER 8, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, DATED MARCH 6, 2018

Letter 8

Rachel Wyse - SJVAPCD Comment Letter for the Crows Landing Industrial Business Park Specific Plan EIR

From: Sharla Yang
To: Rachel Wyse, Stan County Planning, 3/6/2018 2:32 PM
Date: SJVAPCD Comment Letter for the Crows Landing Industrial Business Park Specific Plan EIR
Subject:

Attachments: 20180043 Comment Letter.pdf

Good afternoon,

Attached is a copy of the District's comment letter for the Crows Landing Industrial Business Park Specific Plan EIR. The original signed copy will follow in the mail. Please feel free to contact me should you have any questions or concerns.

Thank you,

Sharla Yang
Air Quality Specialist
San Joaquin Valley Air Pollution Control District

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STANISLAUS CO. PLANNING & COMMUNITY DEVELOPMENT DEPT.

Rachel Wyse
County of Stanislaus
Planning & Community Development Department

Project: Draft Environmental Impact Report (EIR) for the Crows Landing Industrial Business Park Specific Plan

District CEQA Reference No: 20180043

Dear Ms. Wyse:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (EIR) for the Crows Landing Industrial Business Park project. The proposed project consists of a request to adopt a Specific Plan allowing for the development of a 1,528 acre project site to support a mix of aviation-compatible industrial and business park uses, general aviation, aviation-related land uses, public facilities, a multimodal (bicycle/pedestrian) transportation corridor, and supportive infrastructure. The proposed project is anticipated to be developed in three phases over 30-years with a 370 acre public-use airport and 14 million square feet of building space with the potential to generate 14,500 jobs (Project). The Project is located approximately 1.5 mile east of Interstate 5 (I-5) and 2.5 miles west of the community of Crows Landing in an unincorporated portion of western Stanislaus County. The District offers the following comments: 8-1

1. **California Emissions Estimator Model (CalEEMod)** 8-2

The District recommends that future environmental documents use the current version of CalEEMod to analyze criteria pollutant emissions.

On December 1, 2017, the District transitioned from the use of the California Emissions Estimator Model (CalEEMod) version 2013.2.2 to the recently updated CalEEMod version 2016.3.2 when reviewing or preparing air impact assessments in compliance with provisions with District Rule 9510 (Indirect Source Review), California Environmental Quality Act (CEQA), and National Environmental Policy Act (NEPA) within the San Joaquin Valley Air Basin.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region | Central Region (Main Office) | Southern Region

www.valleyair.org www.healthyairliving.com

- As of December 1, 2017, the District requires the use of CalEEMod version 2016.3.2 when reviewing or preparing air impact assessment in compliance with CEQA.
- If your agency has not already signed up to the District's listserv to receive notices for advisories related to CEQA, the District recommends subscribing to the CEQA listserv at http://www.valleyair.org/lists/list.htm.

8-2 Cont'd

2. Significance Threshold for Toxic Air Contaminants (TACs)

The District recommends updating the Toxic Air Contaminants (TACs) significance threshold to 20 in one million for carcinogenic risk.

On Page 3.2-23, the Draft EIR list the thresholds of significance for toxic air contaminants in Table 3.2-6. The table lists a significance threshold of 10 in one million for carcinogenic risk. The District would like to clarify that the District's current significance threshold for carcinogenic risk is 20 in one million. Therefore, the District recommends the table be updated to show the correct significance threshold for carcinogenic risk. Current District thresholds of significance can be found online at: http://www.valleyair.org/transportation/ceqa_idx.htm.

8-3

3. Mitigation Measure 3.2-1a

The District recommends compliance with Rule 9510 and using all Tier 4 construction equipment listed in Mitigation Measure 3.2-1a be separated into two separate mitigation measures.

8-4

On Page 3.2-27, the Draft EIR's Mitigation Measure 3.2-1a states:

> *"As applicable, based on the project size thresholds specified in Rule 9510 (Indirect Source Review), projects within the Specific Plan Area shall comply with SJVAPCD's Rule 9510 Indirect Source Review (ISR). Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan area shall construct all facilities using current phase construction equipment (currently Tier 4)."*

This mitigation measure identifies Stanislaus County and the District as the enforcement agencies. The District does not foresee any issue with assisting with enforcing compliance with Rule 9510 because the District already has the mechanism and authority to enforce Rule 9510 as it is one of the District's rules. However, the District does not have the mechanism to enforce site developers, leaseholders, or project applicants to use all current phase construction equipment nor have a way to identify those who would be required to comply with this mitigation measure. Therefore, the District recommends that the Draft EIR be revised to separate this mitigation measure into two separate mitigation measures and to

clearly identify how Stanislaus County would identify developers, leaseholders, or project applicants subject to comply with the mitigation measure and how the County would enforce the use of "current phase construction equipment", i.e.: Tier 4.

8-4 Cont'd

4. Health Risk Screening/Assessment

The District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements.

8-5

Future development within the Crows Landing Industrial Business Park Specific Plan will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New developments may require further environmental review and mitigation.

The Draft EIR did not perform a health risk screening/assessment. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. Therefore, the District recommends that a health risk screening/assessment on surrounding receptors (on-site and off-site) resulting from operational and multi-year construction Toxic Air Contaminants (TACs) emissions be further reviewed when approving future projects, including those that would be exempt from CEQA requirements.

8-6

A health risk screening/assessment identifies potential TACs impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) (https://www.arb.ca.gov/toxics/healthval/healthval.htm) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. Industry specific TACs generated must also be identified and quantified.

i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed. The prioritization calculator can be found at: http:www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. It is recommended that the project

proponent contact the District to review the proposed modeling protocol. The project would be considered to have a significant health risk if the HRA demonstrates that the project related health impacts would exceed the Districts significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted for assistance; or
- Visiting the Districts website (Modeling Guidance) at http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

8-6 Cont'd

5. District Rule 9510 Indirect Source Review (ISR)

Individual development projects would be subject to District Rule 9510 Indirect Source Review (ISR) if upon full build-out the project would include or exceed any one of the following:

- 50 dwelling units
- 2,000 square feet of commercial space;
- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space; or
- 9,000 square feet of educational space; or
- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

8-7

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval.

If approval of the subject Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval. Information about how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

6. District Rules and Regulations

Individual development projects may also be subject to other District rules and regulations.

Individual development projects may also be subject to other District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). 8-8

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

7. Reducing Vehicle Miles Traveled

The District recommends design standards that reduce vehicles miles traveled.

The Crows Landing Industrial Business Park Specific Plan lays out a vision for this area over the plan's next 30-year horizon as a vibrant regional employment center that would provide residents and those living nearby Central Valley communities with opportunities to obtain sustainable-wage jobs that do not require long commute distances. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. Given the size of the Project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the Project related impacts on air quality, the Specific Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at http://www.valleyair.org/ISR/ISROnSite Measures.htm. 8-9

8. Voluntary Emission Reduction Agreement (VERA)

The District recommends that the Draft EIR be revised to include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

As presented in the Draft EIR, after implementation of all feasible mitigation, the Project's construction and operational criteria pollutant emissions would have a 8-10

significant and unavoidable impact on air quality. However, the Draft EIR does not discuss the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the Draft EIR be revised to include a discussion of the feasibility of implementing a VERA to mitigate Project specific impacts to less than significant levels.

8-10 Cont'd

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies and Incentive Program (SI). The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that project specific emissions have been mitigated to less than significant.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff

8-10 Cont'd

9. Referral Documents for New Developments

The District recommends that referral documents for new development projects include the following:

A project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.

8-11

The District recommends that a copy of the District's comments be provided to the Project proponent. If you have any questions or require further information, please call Sharla Yang

Sincerely,

Arnaud Marjollet
Director of Permit Services

Brian Clements
Program Manager

AM: sy

RESPONSE TO COMMENT LETTER 8 – SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Response to Comment 8-1

The County appreciates the commenter's review of the Draft EIR. The comment is noted and no further response is required.

Response to Comment 8-2

Although the Air District has not suggested that the analysis for this EIR use the updated version of CalEEMod, since it was initiated prior to the release of the new model, the County has nonetheless elected to prepare new analysis using the updated version of the model. The emissions estimates for construction-related and operational activities associated with implementation of the Specific Plan have been revised using the most recent CalEEMod Version 2016.3.2. Appendix F of this Final EIR provides updated modeling data and is available for review as part of the administrative record of this Final EIR.

The following updated emissions estimates are shown in Tables 3.2-7, 3.2-8, and 3.2-9 and in Tables 3.7-3 and 3.7-4. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. The conclusions of Impact 3.2-1 in Section 3.2, "Air Quality," of the Draft EIR remain the same; the proposed project's annual long-term operational emissions would still exceed the SJVAPCD thresholds of significance for ROG, NO_x, and CO. Impacts associated with greenhouse gas emissions described in Section 3.7, "Greenhouse Gas Emissions," of the Draft EIR would remain cumulatively considerable.

Table 3.2-7
Unmitigated Construction-Related Emissions

Construction Phase	Emissions (tons)[1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Phase 1	~~125.43~~118.17	~~165.30~~235.91	~~405.99~~186.74	~~1.10~~0.98	~~66.69~~61.30	~~21.36~~18.61
Phase 2	~~30.19~~29.78	~~34.18~~55.60	~~92.70~~51.72	~~0.31~~0.29	~~19.49~~22.48	~~6.23~~6.67
Phase 3	~~39.96~~37.97	~~10.78~~67.81	~~24.02~~46.54	~~0.05~~0.33	~~18.63~~22.18	~~5.04~~6.48
Total Construction Emissions	~~195.59~~185.92	~~210.26~~359.31	~~522.72~~285.01	~~1.46~~1.6	~~104.82~~105.96	~~32.63~~31.76
Annual Average Emissions (tons/year)[2]	~~6.52~~6.20	~~7.01~~11.98	~~17.42~~9.50	~~0.05~~0.05	~~3.49~~3.53	~~1.09~~1.06
Maximum Annual Emissions (tons/year)	~~15.31~~14.43	~~25.80~~35.14	~~58.1~~27.96	~~0.15~~0.14	~~8.36~~7.74	~~2.64~~2.27
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds?[3]	Yes	Yes	No	No	No	No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; SJVAPCD = San Joaquin Valley Air Pollution Control District

[1] All emissions are shown in units of tons unless noted otherwise.

[2] Total construction emissions were averaged over the total construction schedule (*i.e.*, 30 years) to calculate annual average construction emissions.

[3] Significance is determined using the maximum annual emissions.

Source: AECOM 2016

Table 3.2-8
Mitigated Construction-Related Emissions

Construction Phase	Emissions (tons) [1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Phase 1	~~123.42~~116.02	~~136.96~~195.28	~~404.15~~188.00	~~1.10~~0.98	~~64.18~~60.07	~~19.50~~17.21
Phase 2	~~28.99~~28.44	~~21.99~~46.70	~~94.36~~53.10	~~0.31~~0.29	~~18.24~~21.43	~~5.42~~6.05
Phase 3	~~38.79~~36.15	~~4.34~~61.91	~~27.21~~49.72	~~0.05~~0.33	~~17.67~~21.24	~~4.54~~6.00
Total Construction Emissions	~~191.20~~185.92	~~163.29~~359.31	~~525.72~~285.01	~~1.46~~1.60	~~100.09~~105.96	~~29.46~~31.76
Maximum Annual Emissions (tons/year)	~~15.05~~14.43	~~23.35~~35.14	~~58.15~~27.96	~~0.15~~0.14	~~8.19~~7.74	~~2.49~~2.27
Annual Average Emissions (tons/year) [2]	~~6.37~~6.20	~~5.44~~11.98	~~17.52~~9.50	~~0.05~~0.05	~~3.34~~3.53	~~0.98~~1.06
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds? [3]	Yes	Yes	No	No	No	No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; SJVAPCD = San Joaquin Valley Air Pollution Control District

[1] All emissions are shown in units of tons unless noted otherwise.

[2] Total construction emissions were averaged over the total construction schedule (*i.e.*, 30 years) to calculate annual average construction emissions.

[3] Significance is determined using the maximum annual emissions.

Source: AECOM 2016

Table 3.2-9
Crows Landing Annual Operational Emissions (Full Buildout)

Construction Phase	Emissions (tons/year) [1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area Sources	~~103.49~~103.54	0.00	0.21	0.00	0.00	~~0.00~~0.43
Energy Sources	~~1.94~~1.86	~~17.65~~16.90	~~14.83~~14.20	~~0.11~~0.10	~~1.34~~1.28	~~1.34~~1.28
Mobile Sources	~~20.82~~3.34	~~59.23~~28.22	~~241.68~~71.42	~~0.97~~0.57	~~59.61~~6.80	~~17.01~~2.73
Transport Refrigeration Units	~~38.08~~44.79	~~277.87~~326.83	~~399.76~~470.21	~~0.66~~0.77	~~1.34~~1.58	~~1.34~~1.58
Aircraft LTO	11.46	44.97	-	-	-	-
Total Operational Emissions	~~175.79~~164.99	~~399.72~~416.93	~~656.48~~556.03	~~1.74~~1.44	~~62.29~~9.66	~~19.69~~5.59
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds?	Yes	Yes	Yes	No	~~Yes~~No	~~Yes~~No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; LTO = landing and take-off; SJVAPCD = San Joaquin Valley Air Pollution Control District. ~~N~~ROG and NO_X are the most critical emissions associated with aircraft and, as a result, other criteria air pollutants are not reported.

[1] All emissions are shown in units of tons unless noted otherwise.

Source: AECOM 2016

Table 3.7-3
Construction-Related GHG Emissions

Construction Phase/Year	Emissions (MT CO_2e)
Phase 1 Subtotal	**~~83,229~~92,894**
Phase 2 Subtotal	**~~21,969~~26,493**
Phase 3 Subtotal	~~4,416~~30,972
Total Construction Emissions	**~~109,613~~150,359**
Annual Average Construction Emissions	**~~3,654~~5,012**
Amortized Construction Emissions[1]	~~3,654~~5,012

Notes: MT CO_2e = metric tons of carbon dioxide equivalent. Totals may not appear to add exactly due to rounding.

[1] Construction emissions were amortized over 30 years.

Source: AECOM 2016

Table 3.7-4 Operational GHG Emissions	
Emissions Source	Emissions (MT CO_2e/yr)
Area	~~0.42~~0.43
Energy	~~19,332~~126,749
Mobile	~~65,902~~64,475
Waste	~~11,419~~12,654
Water	~~6,251~~17,143
Transport Refrigeration Units	~~50,469~~59,804
High-GWP Refrigerants	19,180
Aircraft	175
Total Operational Emissions	**~~175,118~~301,609**
Amortized Construction Emissions[1]	~~3,654~~5,012
Total Annual Proposed Project Emissions[2]	**~~178,772~~306,621**
Project GHG Efficiency (emissions per service population)[3]	**~~11.76~~20.44**

Notes: MT CO_2e = metric tons of carbon dioxide equivalent; yr = year
Totals may not appear to add exactly due to rounding.
[1] Construction emissions were amortized over 30 years, which is the assumed lifetime of the proposed project. See Table 3.7-1 for detailed construction GHG emissions.
[2] The proposed project's total annual emissions include annual operational emissions added with construction emissions amortized over 30 years.
[3] The proposed project is anticipated to provide approximately 14,000 to 15,000 jobs at full buildout.
Source: AECOM 2016

Response to Comment 8-3

The listed threshold of significance for toxic air contaminants has been revised to reflect the current Air District threshold of 20 in one million. The relevant analysis reflects compliance with the District threshold. This does not change the findings, conclusions, or mitigation measures in the Draft EIR. The following change is reflected on page 3.2-23, Table 3.2-6, of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata."

4. Toxic Air Contaminants

Table 3.2-6 Thresholds of Significance for Toxic Air Contaminants	
Carcinogens	Maximally Exposed Individual risk **equals or exceeds ~~10~~20 in one million**
Non-carcinogens	**Acute:** Hazard Index **equals or exceeds 1** for the Maximally Exposed Individual
	Chronic: Hazard Index **equals or exceeds 1** for the Maximally Exposed Individual

Notes: Carcinogenic (cancer) risk is expressed as cancer cases per one million. Non-carcinogenic (acute and chronic) hazard indices (HI) are expressed as a ratio of expected exposure levels to acceptable exposure levels.
Source: SJVAPCD 2015

Response to Comment 8-4

As requested, Mitigation Measure 3.2-1a has been split into two separate mitigation measures, Mitigation Measure 3.2-1a and 3.2-1b, which now read as follows:

> Mitigation Measure 3.2-1a: Comply with Current ISR.
>
> As applicable, based on the project size thresholds specified in Rule 9510 (Indirect Source Review), projects within the Specific Plan Area shall comply with District Rule 9510 Indirect Source Review (ISR).
>
> **Implementation:** Leaseholder/developer/contractors.
>
> **Timing:** Demonstrate compliance prior to issuance of building permit.
>
> **Enforcement:** SJVAPCD.
>
> Mitigation Measure 3.2-1b: Use Current Phase Equipment for All Construction Equipment.
>
> Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan Area provide for County review and approval a proposed inventory of equipment for development within the Specific Plan Area that demonstrates use of current phase construction equipment (currently Tier 4).
>
> **Implementation:** Leaseholder/developer/contractors.
>
> **Timing:** Demonstrate compliance prior to issuance of building permit.
>
> **Enforcement:** Stanislaus County.

Mitigation Measure 3.2-1b has also been renamed Mitigation Measure 3.2-1c due to the addition of the new Mitigation Measure 3.2-1b. See also Chapter 3 of this Final EIR, "Errata."

Response to Comment 8-5

Following adoption of the Specific Plan and this EIR, the County will review all applications for development projects within the Plan Area for consistency and compliance with the Specific Plan and any other applicable County regulations in effect at the time of development. The Mitigation Monitoring and Reporting Program (MMRP) will be used by County staff to ensure compliance with adopted mitigation measures during project implementation.

The County will review future development proposals to determine whether they are within the scope of the EIR. At that time, the County will determine whether any additional environmental analysis required for future proposals.

Response to Comment 8-6

The discussion under Impact 3.2-3 (pages 3.2-34 through 3.2-38 of the Draft EIR) related to the exposure of sensitive receptors to emissions of toxic air contaminants, includes analysis of potential health risks to sensitive receptors from both construction and operational activities that could emit TACs. Because there are sensitive receptors in the vicinity of the project site that could be exposed to the total proposed project's construction-related TAC emissions and due to the unknown nature of construction emissions at the time of analysis for the Draft EIR, it is conservatively assumed that construction activities could potentially expose receptors to substantial TAC concentrations. Similarly, for operational considerations, because of the potential variability in land uses and intensity of uses within the project site, it is conservatively assumed that the proposed project's operational activities could generate substantial TAC emissions that would expose nearby sensitive receptors to substantial TAC concentrations.

Mitigation Measures 3.2-3a, 3.2-3b, and 3.2-3c are identified in the EIR to minimize potential exposure of sensitive receptors to TACs during construction and operational activities. Mitigation Measure 3.2-3a would ensure the use of current phase construction equipment (currently Tier 4) for all development within the Specific Plan Area and off-site construction. Tier 4 equipment exhaust standards have reduced the emissions rates from off-road engines so that they are similar to on-road heavy duty diesel engines, thereby significantly reducing construction-related emissions. Mitigation Measure 3.2-3b ensures that projects proposed within 1,000 feet of an existing daycare use or an off-site sensitive use shall be required to analyze and report on potential health risk impacts of particulate matter with aerodynamic diameter less than 2.5 microns ($PM_{2.5}$) and TAC concentrations from long-term operations prior to the issuance of a building permit for new construction, tenant improvement, or change of use. If health risk impacts are determined to exceed Air District thresholds of significance under any potential operational exposure scenario, projects shall implement Mitigation Measure 3.2-3c, identification and implementation of strategies to reduce impacts below applicable Air District thresholds of significance (clearly identified as the mitigation measure's performance standard).

The EIR concludes that Impact 3.2-3 is a potentially significant impact, and identifies Mitigation Measures 3.2-3a, 3.2-3b, and 3.2-3c, which are consistent with the commenter's suggestion to further review potential health risks when approving future projects within the Specific Plan Area.

Please refer also to the Responses to Comments 6-34 and 6-47.

Response to Comment 8-7

Analysis of Impact 3.2-1 (pages 3.2-23 through 3.2-32 of the EIR), *Generation of short-term construction and long-term operational emissions*, acknowledges that any applicant proposing a project within the Specific Plan Area that meets the specified threshold requirements will need to demonstrate compliance with District Rule 9510 as a condition of discretionary approval. The discussion on Draft EIR pages 3.2-25 and 3.2-26 describes the requirements that would need to be met with regard to compliance with Rule 9510. To ensure such compliance is met, Mitigation Measure 3.2-1a requires that all projects that meet the threshold requirements for applicability of Rule 9510 shall comply with Air District Rule 9510 prior to the issuance of a building permit. This mitigation measure would be enforceable by the Air District.

The County's process is to condition a project to require an Air Impact Analysis, as required under Rule 9510, and to have this analysis submitted, reviewed, and accepted by the SJVAPCD prior to the initiation of any

development. As discussed above, Mitigation Measure 3.2-1a requires compliance with Rule 9510, which would requires preparation of an Air Impact Analysis, prior to the issuance of a building permit. Sections 5.2.4 and 5.2.6 of the Specific Plan provide guidance that reviews require compliance with all applicable standards and regulations, including mitigation measures.

The of the EIR concludes that Impact 3.2-1 is a potentially significant impact, and identifies Mitigation Measure 3.2-1a, which is consistent with the commenter's statement that compliance with Rule 9510 is required for applicable projects no later than applying for final discretionary approval.

Response to Comment 8-8

As described in Section 3.2.2 (page 3.2-13 of the EIR), *Regulatory Framework*, all projects are subject to applicable Air District Rules and Regulations in effect at the time of construction. The rules and regulations specifically applicable to impact analyses are identified throughout the impact discussions of the Air Quality analysis.

Response to Comment 8-9

Objective 2 of the Specific Plan is to "Create a regional employment center on the former Crows Landing Air Facility property, conveyed to Stanislaus County through Public Law 106-82, that will promote development and reduce greenhouse gas emissions by bringing jobs closer to County residents." By increasing employment in proximity to housing, the proposed locally based job center is intended to reduce commute distances for County and Northern San Joaquin Valley residents and promote air quality improvements through reductions in vehicle miles traveled (VMT) (see Draft EIR, page 3.2-29).

Alternative modes of transportation are also promoted through elements of the Specific Plan. Section 3.3.1, *Circulation Framework*, of the Specific Plan describes the bicycle facilities and connectivity to SR 33, which is designated by the Stanislaus Council of Governments Non-Motorized Transportation Master Plan as a Class 3.5 bikeway or signed bicycle route with wide shoulders. Section 4.2.4, *Transportation Demand Management*, of the Specific Plan also describes the Transportation Demand Management (TDM) program that will be required for the businesses operating within the Specific Plan Area, Participation in the TDM program by the businesses operating in the Specific Plan Area will be mandatory, thereby resulting in greater use of alternative modes of transportation (rather than use of single occupant vehicles) for commuting to work and promoting overall more sustainable transportation modes within the Specific Plan Area and surrounding community. This program is specifically identified as Transportation Policy TP 11 of the Specific Plan.

In addition, Impact 3.2-1 requires implementation of Mitigation Measure 3.2-1b, *Reduce the Single Occupant Vehicle Commute*, (relabeled as Mitigation Measure 3.2-1c in the Final EIR) to reduce operational air quality impacts. This mitigation measure requires implementation of Policy Six of the Stanislaus County General Plan, which includes strategies to reduce vehicle trips and VMT, and therefore operational mobile emissions. To further reduce mobile source emissions, Mitigation Measure 3.2-1d, shown below, was added to the EIR. This mitigation measure requires the County to consult with local transit provider/s to promote transit to the workplace through appropriate placement and design of transit stops and expansion of services, such as park and ride lots, as appropriate. Please see also Chapter 3 of this Final EIR, "Errata."

Mitigation Measure 3.2-1d: Provide Transit to the Workplace.

- The County shall ensure that the placement and design of transit stops can accommodate public transit for employees and patrons. The County shall identify locations to expand services, including park and ride lots, to enable and encourage the use of transit to the workplace within the Crows Landing Specific Plan Area. The placement and design of transit stops within the Specific Plan Area shall be approved by the Stanislaus County Public Works Department based on generally accepted transit planning principles.

- The County shall ensure on-demand transit service to the Specific Plan Area once employment generating uses are established within the Specific Plan Area and fixed transit service upon completion of Phase 2.

- The overall operational air pollutant emissions mitigation performance standard is established by the San Joaquin Valley Air Pollution Control District through Rule 9510, the Indirect Source Rule, requiring applicable projects to achieve a minimum reduction of 33.3 percent of operational baseline NO_X emissions over a period of 10 years and a minimum reduction of 50 percent of operational PM_{10} emissions over a period of 10 years. Transit to the Specific Plan Area shall be established, monitored, and adjusted, if necessary, to contribute to this overall operational air pollutant emissions mitigation performance standard.

Implementation: Stanislaus County.

Timing: Upon operation of employment-generating uses for on-demand transit and fixed transit service upon completion of Phase 2.

Enforcement: Stanislaus County.

As explained in the discussion of Impact 3.2-1, the project is intended to provide air quality and greenhouse gas emissions benefits by reducing the amount of commute-related VMT by Stanislaus County residents who would choose to work in the Specific Plan Area instead of more distant locations and by accommodating the use of transit, it is not possible to quantify these benefits for the purposes of the transportation, energy, greenhouse gas emissions, or air quality analysis presented in the EIR. Household decisions related to housing location have to do with the employment locations of potentially multiple members of each household, the cost of housing, the cost of transportation, school districts, and other factors over which the County exercises little or no influence. Therefore, the operational air pollutant emissions results presented within the EIR would tend to overestimate the actual impact of the Specific Plan. The above described elements of the Specific Plan are anticipated to reduce actual VMT, but in order to maintain a more conservative analysis, these elements were not considered for the purposes of quantifying air pollutant emissions within the EIR; therefore, this impact will remain significant and unavoidable. No change has been made to the EIR.

Response to Comment 8-10

Mitigation Measure 3.2-1a has been revised to mention the potential to use a VERA to reduce emissions, as shown below and in Chapter 3 of this Final EIR, "Errata."

Mitigation Measure 3.2-1a: Comply with Current ISR ~~and Use Current Phase Equipment for All Construction Equipment~~.

As applicable, based on the project size thresholds specified in Rule 9510 (Indirect Source Review), projects within the Specific Plan Area shall comply with SJVAPCD's Rule 9510 Indirect Source Review (ISR) and reduce criteria air pollutant emissions consistent with SJVAPCD performance standards through feasible on-site strategies and, if necessary, feasible payment of off-site mitigation fees to SJVAPCD through a voluntary emission reduction agreement (VERA) or other appropriate mechanism. ~~Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan area shall construct all facilities using current phase construction equipment (currently Tier 4).~~

Implementation: Leaseholder/developer/contractors.

Timing: Demonstrate compliance prior to issuance of building permit.

Enforcement: ~~Stanislaus County and~~ SJVAPCD.

Response to Comment 8-11

Following adoption of the Specific Plan, all applications for proposed development projects within the Specific Plan Area will be reviewed for consistency and compliance with the Specific Plan, and subject to the review and entitlement processes in section 5.2.4 of the Specific Plan, and any other County regulations in effect at the time of development.

Future development will require compliance with all applicable design and development standards, as detailed in Appendix B of the Specific Plan, as well as all other regulations required for issuance of a building permit. All of the commenter's recommendations are covered by the County application forms, which are also provided to responsible agencies as part of the standard referral and consultation process for discretionary permits. In the case of an Air Impact Assessment, please see response to Comment 8-7.

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2.3.9 LETTER 9, CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED MARCH 7, 2018

Letter 9

Rachel Wyse - FW: Crows Landing Industrial Business Park, State Clearinghouse No. 2014102035

From: "Jaramillo-Landeros, Janet"
To: "Rachel Wyse, state.clearinghouse"
Date: 3/7/2018 3:58 PM
Subject: FW: Crows Landing Industrial Business Park, State Clearinghouse No. 2014102035
Attachments: D10 Planning_20180307_154825.pdf

Good afternoon,

Please find attached Caltrans, District 10, comment letter regarding the above reference subject.

Thank you,

Janet

JANET P. JARAMILLO
Caltrans
CALIFORNIA DEPARTMENT OF TRANSPORTATION
District 10 – Planning Department
Office of Metropolitan Planning

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY Jerry Brown, Governor

DEPARTMENT OF TRANSPORTATION

N

Serious Drought!
Help save water!

March 7, 2018

10-STA-33-PM 6.730 – 010.230
10-STA-5-PM 010.568 – 010.876
Crows Landing Industrial Business Park
State Clearinghouse No. 2014102035

Rachel Wyse
Stanislaus County Planning &
Community Development Center

Dear Ms. Wyse:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Crows Landing Industrial Business Park Specific Plan Environmental Impact Report (EIR), dated January 2018, and prepared by AECOM. The proposed project is a request to adopt a Specific Plan allowing for the development of a 1,528 acre project site to support a mix of aviation-compatible industrial and business park uses, general aviation, aviation-related land uses, public facilities, a multimodal (bicycle/pedestrian) transportation corridor and supportive infrastructure. The project is anticipated to develop in three phases over 30-years. Caltrans has the following comments: 9-1

1. The projects within the Crows Landing Industrial park area may cause a significant impact to State Routes. As the proposed planned projects within the influence area of the State Highway System (SHS) move forward, a traffic analysis for this development will be required. Please refer to the "Guide for the Preparation of Traffic Impact Studies (TIS)" developed by Caltrans, in order to determine impacts and mitigations to the affected SHS. Please provide this TIS for Traffic Operations to review. 9-2

2. The Traffic and Transportation Section 3.14 of the Crows Landing EIR page 3.14-16, indicates that mitigation for the industrial park would be to signalize the following intersections: 9-3

   a) Sperry Avenue / State Route 33
   b) West Ike Crow Road / State Route 33
   c) Fink Road / State Route 33
   d) Marshall Road / State Route 33

"Caltrans improves mobility across California"

All of these intersections will have an impact on opening day to the SHS; therefore, the mitigations to the State Highway will need to be in place prior to opening day. Fair share for the intersection when the existing plus project condition is when the LOS degrades is not acceptable. These need to be mitigated prior to opening day. 9-3 Cont'd

Were there other improvements considered rather than a signal? Please provide the other improvements considered for a review. Please provide the signal warrant analysis for all of the intersections that a signal is recommended as mitigation. 9-4

This section goes on to say this is less than significant with mitigation; therefore, the mitigations will need to be made. The impact is a direct impact from the industrial park to the intersections that require mitigation. 9-5

We look forward to continuing to work with you in a cooperative manner. If you have any questions, please contact Janet P. Jaramillo or myself

Sincerely,

Janet P. Jaramillo

for TOM DUMAS, Chief
Office of Metropolitan Planning

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

RESPONSE TO COMMENT LETTER 9 – CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 10

Response to Comment 9-1

The County appreciates the commenter's review of the Draft EIR. The comment is noted and no further response is required.

Response to Comment 9-2

The *Transportation Infrastructure Master Plan, Crows Landing Industrial Park*, dated October 13, 2017, and the Draft EIR both describe the methodology for the transportation analysis. The study provides a comprehensive analysis of State Route 33 and Interstate 5 and its interchanges that are affected by the project, including mitigation requirements. As noted in the Draft EIR and noticing for the Draft EIR, the Transportation Infrastructure Plan is under separate cover and on file with the County Planning and Community Development Department.

Response to Comment 9-3

None of the intersections listed in Comment 9-3 meet signal warrants on opening day. Based on the County's experience, Caltrans traffic operations personnel typically refuse to allow installation of traffic signals that do not meet established signal warrants. Given the scale of the Specific Plan, it would not be appropriate to install signals at initiation of project construction. The first phase of the project generates over 19,000 daily trips. Instead, the improvements will be phased to be constructed when signal warrants are met. When the signals are nearing meeting traffic signal warrants, the County will initiate efforts to design and install such signals, subject to approval of Caltrans.

Response to Comment 9-4

As noted in the Transportation Infrastructure Plan, when traffic signal warrants are met, the agencies involved in each intersection, including Caltrans, will determine whether a traffic signal or a warrant is most appropriate to satisfy mitigation requirements. TJKM used the California Manual on Uniform Traffic Control Devices peak-hour signal warrants to evaluate the need for signals. For information regarding methodology, calculations, and criteria by jurisdiction, please refer to the revised Transportation Infrastructure Plan, which is Appendix A to this Final EIR. This document evaluate signal warrants under both near-term and 2035 conditions and evaluates under which of three project phases the signals will likely meet the signal warrants. County Traffic Engineering, in coordination with Caltrans Traffic Operations, will prepare the future traffic operation analysis, as described in Mitigation Measure 3.14-1 necessary to determine when improvements that are attributable to the Specific Plan require mitigation.

Response to Comment 9-5

Please see Responses to Comments 9-3 and 9-4.

2.3.10 LETTER 10, SIERRA ACADEMY OF AERONAUTICS, DATED MARCH 9, 2018

Letter 10

SIERRA

Robert Deklinski, Director of Business Operations
Sierra Academy of Aeronautics
Castle Airport

March 9, 2018

Stanislaus County
Planning and Community Development Department
Rachel Wyse, Senior Planner

To whom it may concern,

On behalf of Sierra Academy of Aeronautics, which is located at Castle Airport, in Atwater, California, I would like to express my support for the development of the Crows Landing Industrial Business Park project and especially its runway restoration and airport development plans.

Sierra Academy is an international flight school that began its operations in 1964, and conducts an average of 80,000 flight operations per year. For over 50 years, our mission has been to train the next generation of commercial airline pilots by providing quality, ab-initio training in a safe, efficient and professional manner. With that in mind, we proudly trained a student population consisting of both domestic and international students from around the world.

Due to the high volume of operations being conducted at Castle Airport we consistently have a need to use other General Aviation (GA) airports in the area to conduct flight operations; therefore, we would wholeheartedly support and gladly partner with the Planning and Community Development team of Stanislaus county.

Though Sierra is in the adjoining county of Merced the ability to use Crows Landing Airport for our landing and takeoff operations as well as possible future stationing of aircraft would greatly enhance Sierra's operational capabilities, as well as increase its student body size.

On behalf of Sierra Academy of Aeronautics, please accept our full endorsement for the development of the Crows Landing project.

10-1

Robert Deklinski

Robert Deklinski
Director of Business Operations

SIERRA ACADEMY OF AERONAUTICS – INTERNATIONAL TRAINING CENTER
2305 Jetlift Drive, Atwater, California 95301 USA
PHONE: (209) 722-7522 EMAIL: officemgr@sierraacademy.com WEBSITE: sierraacademy.com

RESPONSE TO COMMENT LETTER 10 – SIERRA ACADEMY OF AERONAUTICS

Response to Comment 10-1

The commenter's support for the project is acknowledged.

2.3.11 LETTER 11, STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE, DATED MARCH 9, 2018

Letter 11

CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

March 9, 2018

Rachel Wyse, Senior Planner
Stanislaus County Planning and Community Development

SUBJECT: ENVIRONMENTAL REFERRAL – CROWS LANDING INDUSTRIAL BUSINESS PARK – PUBLIC NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)

Ms. Wyse:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time. 11-1

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

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RESPONSE TO COMMENT LETTER 11 – STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

Response to Comment 11-1

The County appreciates the commenter's review of the Draft EIR.

2.3.12 LETTER 12, CITY OF MODESTO, DATED MARCH 23, 2018

Letter 12

CITY OF MODESTO CALIFORNIA

City of Modesto
Community and Economic
Development Department/Planning Division

March 23, 2018

Angela Freitas, Director
County of Stanislaus Community Development

RE: Crows Landing Industrial Business Park, PLN-2013-091 (PRR-18-001)

Dear Angela:

Thank you for providing the City of Modesto with the opportunity to review the Crows Landing Industrial Business Park Draft EIR. We offer the following broad comment related to potentially significant traffic impacts to City roadways.

The Draft EIR estimates that there would be a total of 14,447 employees when the specific plan is developed. These employees would come from the surrounding communities. Modesto's population is approximately 47 percent of the County total, and approximately 40 percent of the future project employees could reasonably be expected to live in Modesto – approximately 5,779 employees. Using this assumption, Modesto's share of the 52,422 daily, 5,653 am peak and 6,345 pm peak hour trips would be approximately 20,969 daily, 2,261 am peak, and 2,538 pm peak hour trips.

Staff estimates the trip distribution of Modesto-based project employees would result in approximately 75 percent of trips using Crows Landing Road for at least part of the trip, approximately 15 percent of trips using Carpenter Road, and approximately 15 percent of trips using Mitchell Road. Some trips would shift between routes along the journey.

12-1

Due to the significant trip generation and associated peak-hour traffic volumes, traffic impacts should be analyzed at the SR99 / Crows Landing Road interchange and at the intersections of Crows Landing Road / Hatch Road, Crows Landing Road / Whitmore Avenue, Mitchell Road / Yosemite Boulevard, Carpenter Road / Paradise Road, Carpenter Road / Hatch Road, and on the segments of Crows Landing Road from the SR99 northbound on- and off-ramps to Whitmore Avenue for each phase of the project and for the cumulative conditions.

12-2

The City of Modesto General Plan is being amended now. Crows Landing Road will be designated as a four-lane minor arterial. The EIR traffic analysis should assume a four-lane Crows Landing Road at the buildout / cumulative scenario. 12-3

The City of Ceres West Landing Specific Plan area is located along Crows Landing Rd. The Specific Plan covers 960 acres of regional commercial, community commercial, light industrial, offices, and residential developments. The cumulative, or "buildout," scenario analysis in the Draft EIR should assume that all 960 acres are developed consistent with the Specific Plan. 12-4

Should you have any questions regarding the above comments, please contact me

Regards,

Patrick Kelly, AICP
Planning Manager

RESPONSE TO COMMENT LETTER 12 – CITY OF MODESTO

Response to Comment 12-1

Based on project records, projected Specific Plan daily trips at the City Limits near Whitmore Avenue are 4,600 vehicle trips per day (vpd) on Carpenter Road and 1,600 vpd on Crows Landing Road. Together, these trips constitute about 12.6 percent of all non-internal project trips. See Appendix D of this Final EIR.

The traffic model shows that the intersection of West Main Avenue and South Carpenter Road, which is in the County's Public Facilities Fees/Regional Transportation Impact Fee Program (PFF/RTIF), will need to be improved. The project will pay its fair share via the PFF/RTIF program. The County will design and construct this improvement via this impact fee program. Near-term project traffic does not require widening of either Crows Landing or Carpenter Road within Modesto city limits. Mitchell Road is more than 22 miles away from the Specific Plan Area and therefore beyond the scope of the County's study area for the Specific Plan EIR, as Specific Plan-related traffic will not appreciably affect this facility.

Response to Comment 12-2

The estimated buildout average daily traffic (ADT) on Carpenter Road is 23,000 vehicles per day (vpd) near the southern City limits, based on current volumes and a 1.15-percent annual growth rate. In this instance, the Specific Plan daily volumes constitute 20 percent of the future link volumes near the Hatch Road/ Carpenter Road intersection. It should be noted that these volumes are primarily employee-related trips drawn from existing and future Modesto area residents. In that sense, they are primarily redirected, rather than new trips.

On Crows Landing Road, based on a 2018 traffic study of the Crows Landing Road corridor between Hatch Road and Whitmore Avenue, the daily buildout traffic volumes will be 19,300 vpd south of Whitmore Avenue, where the Specific Plan will generate about 1,600 vpd, or about 8.3 percent of the total. See Appendix H of this Final EIR, which is the Crows Landing Corridor Study. On Crows Landing Road north of Hatch Road, the future estimated ADT is 31,620 vpd and the Specific Plan contributes about 1,100 vpd, or about 3.4 percent of the total. Near the Crows Landing Road/SR 99 interchange, the volumes on Crows Landing Road increase slightly and the project volumes decrease slightly. At the interchange, it is estimated that the Specific Plan traffic volumes will constitute no more than 3.4 percent of the total. An effort is being made to start a cooperative PSR/PID for this interchange with Caltrans, the City of Modesto, and the City of Ceres.

Mitchell Road will not be heavily used by Specific Plan traffic. About 350 vpd are expected to use the intersection of Mitchell Road and Whitmore Road, which is estimated to constitute less than 2 percent of the future traffic. At Mitchell Road and Yosemite Boulevard, the Specific Plan contribution is estimated to be less than 1 percent.

Response to Comment 12-3

Please see the Response to Comment to 12-2, which is based on analysis that assumes a four-lane Crows Landing Road.

Response to Comment 12-4

Section 5.1, “Cumulative Impacts,” in Chapter 5, “Other CEQA,” of the Draft EIR describes the Cumulative plus Project Conditions scenario. The Tri-County Traffic Model was used in the analysis for travel demand forecasts. The model geographically covers the counties of San Joaquin, Stanislaus, and Merced. It was developed by the San Joaquin Council of Governments (SJCOG) and recalibrated so that it closely replicates existing conditions. In addition, three new traffic analysis zones (TAZs) were developed for the vicinity of the Specific Plan Area, loaded with the ITE trip generation into the model for trip distribution and assignment. The model integrates the network and land use information from the StanCOG model, the SJCOG travel demand forecasting model, and the Merced County Association of Governments (MCAG) travel demand forecasting model. The combined model provides adequate coverage of the study area, extending from Tracy-Stockton to the north to Los Banos to the south. Therefore, this methodology provides a comprehensive forecast for the analysis of Cumulative plus Project Conditions, including, as appropriate, land use change in Ceres, as well as other locations in Stanislaus, San Joaquin, and Merced counties.

2.3.13 LETTER 13, DEL PUERTO HEALTH CARE DISTRICT, DATED APRIL 17, 2018

Letter 13

DEL PUERTO
Health Care District

April 17, 2018

Rachel Wyse
Senior Planner
Dept. of Planning & Community Development
Stanislaus County

Subject: **Draft Environmental Impact Report (DEIR) for the Proposed Crows Landing Industrial Business Park Project SCH No. 2014102035**

Dear Ms. Wyse:

The Del Puerto Health Care District, dba Del Puerto Health Center and Patterson District Ambulance, (hereinafter referred to as the "District") has reviewed the DEIR referenced above to evaluate the responses to the questions and concerns we raised in our correspondence to Stanislaus County dated November 12, 2014. It appears that the project has now been defined in better terms according to the guiding principles outlined in the draft Specific Plan dated January of 2018. The project as proposed could generate 14,447 new jobs and nearly 14.2 million square feet of new industrial development. This creates a tremendous workforce population of primary workers as well as workers associated with support services. The planned area workforce will need the emergency services of Del Puerto Health Care District in the future and providing appropriate emergency services is of the utmost concern of the District. We are appreciative of the designation of nearly 68 acres of the 1,274 acre project site for Public Facilities such as fire suppression, law enforcement and other emergency services. I suspect the details of this arrangement will be worked out between the County and the District in the future. The purpose of this letter is to provide Stanislaus County comments on the above-mentioned DEIR. 13-1

The District, located in the western portion of Stanislaus County, was established in 1946 to provide health care services to residents and employees living in the City of Patterson and unincorporated areas within western Stanislaus County. District services are also available to residents/patients living or working in the greater service area, including the Cities of Gustine and Newman. In its current form, the District provides primary care and routine medical services, as well as emergency medical services (EMS). The proposed Crows Landing Industrial Business Park Project is located within the District's service boundary and the Exclusive Operating Area (EOA) of the District's ambulance service. 13-2

The District's Mission Statement is as follows; "The District's primary mission is to provide the highest quality service through Patterson District Ambulance and Del Puerto Health Center, while expanding the healthcare availability to the citizens of the Del Puerto Health Care District." Because the proposed Crows Landing Industrial Business Park Project is within the District's service boundary, it is our goal to work with the County (and any future Project Proponent) to ensure the above Mission Statement is

executed with the highest quality service to the future employees and potential future residents generated as a direct result of the Crows Landing Industrial Business Park Project.

13-2 Cont'd

In general, based on our review of the DEIR, it is our understanding the proposed Crows Landing Industrial Business Park Project is comprised of site development over three phases of construction and will include the following:

Phase 1 ***(2016-2025)***

- Revitalization of the former military runway (Runway 11-29) to a General Aviation (GA) Airport
- Promoting the reuse of the State Route (SR) 33 Corridor and Public Facility areas northeast of the proposed airport
- On and off-site infrastructure improvements, including roadway and public facility upgrades

Phase 2 ***(2026-2035)***

- Development of additional facilities in SR 33 Corridor, north of the proposed GA Airport
- Additional infrastructure and roadway improvements, in support of Phase 2 development

Phase 3 ***(2036-2045)***

- Development of two areas located south of the Crows Landing Airport, identified as the Fink Road Corridor and the Bell Road Corridor

13-3

Based on the above project summary, the County has prepared a public review DEIR circulated January 22, 2018. In our review of the DEIR we anticipated the consideration of the broad environmental effects of adoption and implementation of the Project's General Plan Amendment, Specific Plan, Airport Land Use Compatibility Plan Amendment, Rezoning, Development Agreement, and off-site project Related Improvements. As such, the purpose of this letter is to provide the County with our comments as it relates to the DEIR presented for our review. Below, under each respective topic are items which still need to be addressed in the EIR process:

13-4

Hazards & Hazardous Materials Section 3.9 of the DEIR:

The EIR should evaluate the potential environmental impacts for hazardous material storage, disposal or transport within the proposed project and evaluate potential significant impacts created as a result of these hazardous materials on the surrounding environment. Special equipment, training and the like will need to be evaluated as a direct result of potential hazardous materials use within the project. Fire suppression systems, roadway circulation and land use patterns may influence the impacts in this regard based on the types of hazardous materials storage. The concern here is with future uses within the Business park rather than the concerns expressed with the ongoing remediation effort associated with the base closure.

13-5

Public Services Section 3.13 of the DEIR:

As noted previously, the proposed project is located within the boundary of the Del Puerto Health Care District. As such, the DEIR failed to evaluate the proposed projects potential effects on the District, as well as the potential need for expansion of District services and facilities as either a direct or indirect result of the proposed project. The District anticipates that implementation of the proposed project will

13-6

have a significant impact on the Emergency Medical Services of the District and potentially require the need for additional Health Care Facilities including medical staff, land and building facilities, and quite possible the expansion of other areas of medical service needed to allow the continued healthcare access to the residents in west Stanislaus County. In this regard, we are encouraged by the opportunity communicated in 2014 for a dedicated five (5) acre site in the project area. This land dedication could allow for the future location of both a satellite healthcare clinic and an ambulance sub-station if District financial conditions allow this expansion. Additional discussion needs to take place between the District and Stanislaus County to set forth the terms and conditions of this communication.

13-6 Cont'd

The District requested that the County and the preparers of the EIR consult and coordinate with District Staff in determining impacts and potential mitigation measures dealing with public services, and specifically, the impacts said project may have on the District's responsibility to provide medical care to residents within the District's boundary. The DEIR fails to address the concerns expressed above.

13-7

We further request that the County instruct their consulting team to modify Section 3.13 of the DEIR to add adopted language of the Land Use Element of the Stanislaus County General Plan Goal Four, Policy Twenty Four which states "Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, roads systems, schools, health care facilities, etc." and Implementation Measure 4 which states "the County shall continue to work with independent fire districts and health care districts to implement fees to help finance facilities to support their services".

13-8

Traffic and Circulation Section 3.14 of the DEIR:

As it relates to the County's Emergency Response Plan, the DEIR fails to evaluate the potential environmental impacts to the District's ability to provide emergency response to all areas of the proposed industrial project via the regional and local circulation network. Locations of the District's emergency services and health care facilities will need to be considered in exploring appropriate methods to adequately serve the proposed workforce. The DEIR must evaluate mandated response times established by the County and the distance of the proposed project to the location of existing District EMS facilities. The ability to meet mandated response times must not adversely affect District finances and existing service level demands.

13-9

On behalf of the Del Puerto Health Care District, thank you again for the opportunity to provide Stanislaus County with comments on the proposed Crows Landing Industrial Business Park Project DEIR. Should you have any questions, please do not hesitate to contact me

Sincerely,

Karin Hennings
Administrative Director/CEO
Del Puerto Health Care District

cc: John B. Anderson, President of JB Anderson Land Use Planning
Ken Irwin, City Manager, City of Patterson
Project File

3 of 3

RESPONSE TO COMMENT LETTER 13 – DEL PUERTO HEALTH CARE DISTRICT

Response to Comment 13-1

The County appreciates the commenter's review of the Draft EIR.

Response to Comment 13-2

The County appreciates this background information on the District.

Response to Comment 13-3

The County acknowledges this summary of the main elements of the Specific Plan.

Response to Comment 13-4

Comments on specific topics provided by the District in this letter are addressed in the responses to Comments 13-5 through 13-9, below.

Response to Comment 13-5

Please see Responses to Comments 6-34 and 6-47.

The Specific Plan can accommodate a variety of land uses, including uses where it is possible that hazardous materials could be temporarily stored or transported. As discussed in detail in Draft EIR Chapter 2, "Project Description," (pp. 2-19 and 2-20), the County prepared a *Transportation Infrastructure Plan* to analyze circulation and access needs related to the development of the Specific Plan. The purpose of the analysis was to determine the transportation improvements that would be required to accommodate proposed development, including: the construction of on-site backbone and secondary streets; the reconstruction or widening of off-site two lane streets; additional off-site traffic signals; and Fink Road interchange improvements. On-site transportation improvements, such as the construction of backbone and secondary roads, would be constructed as part of the project to facilitate transportation needs that are appropriate to the proposed land uses. Planned roadway improvements are shown in Draft EIR Exhibit 3.14-2 in Section 3.14, "Traffic and Transportation" (page 3.14-14), and are discussed in detail on page 3.14-13 under the heading "Specific Plan Circulation System." As stated in the Draft EIR, new local industrial roads within the project site would typically have a 120-foot right-of-way with two travel lanes, one center-aligned left-turn lane, a parking lane, drainage swale, and sidewalk on each side. The northern portion of the local industrial road that intersects with the West Marshall Road entrance to the project site would require widening to accommodate four travel lanes. This cross section would maintain the 120-foot right-of-way and will consist of four travel lanes, one center-aligned left-turn lane, as well as paved shoulder, wide drainage swale, and sidewalk on each side. Most of the roadway improvements would have two lanes. For streets with greater traffic demands, a four-lane roadway with a median to accommodate left-turn lanes would be constructed. The transportation system ensures adequate access for operation of the uses in the Specific Plan, as well as emergency access.

Fire suppression systems that are required for specific types of land uses are governed by the federal Occupational Safety and Health Administration (OSHA) (29 Code of Federal Regulations [CFR] Part 1910); Cal/OSHA through the California Fire Code (CCR Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment)" (p. 3.13-2); the California Building Standards Code; and by local County permitting

regulations. Draft EIR Section 3.13, "Public Services," describes the existing fire protection services in the vicinity of the Specific Plan Area (page 3.13-1). Draft EIR Impact 3.13-1 (pages 3.13-5 and 3.13-6) states that Specific Plan-related development will be required to comply with all California Fire Code (CFC) requirements. Facility designs will provide for fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, and hazardous materials storage and use. In addition, the County will require tenants to modify facility designs, when necessary, to ensure that buildings can provide adequate access for emergency vehicles. Building Permit applications for the Specific Plan Area will be referred to the Stanislaus County Fire Prevention Bureau and the West Stanislaus Fire Protection District for review. Conditions of approval identified by either the Fire Prevention Bureau or the West Stanislaus Fire Prevention District will be implemented through the building permit process. Individual tenants and/or site developers, as appropriate, will be responsible for incorporating all California Fire Code, County Fire Protection District, and West Stanislaus Fire District requirements into designs, and for paying the Fire Protection Facilities Fee as a condition of building permit approval. Furthermore, approximately 15 acres in the southernmost portion of the Public Facilities area located west of the intersection of Ike Crow Road and Bell Road have been designated as an appropriate location for the development of on-site fire and law enforcement facilities (in Phase 1). The implementation of these requirements would provide sufficient fire protection services and personnel to serve the Specific Plan.

Draft EIR Impact 3.9-1 (pp., 3.9-17 and 3.9-18) evaluates the potential for accidental spills and routine use and transport of hazardous materials. As explained on Draft EIR page 3.9-18, during project operations, any future businesses or public agency operations that handle hazardous materials are required by law to comply with federal, State, and local laws, regulations, and policies regarding the handling, storage, reporting, tracking, and cleanup (if any accidental spills occurred) of hazardous materials, including preparation of a hazardous materials business plan and disclosure of hazardous materials inventories.

The Stanislaus County Department of Environmental Resources (DER) is the Certified Unified Program Agency (CUPA) responsible for oversight of local businesses that handle hazardous materials. Any types of specialized equipment and training that may be necessary related to on-site use of hazardous materials is thoroughly regulated at the federal, State, and local level. Some of the numerous regulatory controls over hazardous materials are presented and discussed on Draft EIR pages 3.9-10 through 3.9-15. Construction contractors and future site operational users are required by law to implement and comply with existing hazardous material regulations. Each of these regulations is specifically designed to protect public health and safety through improved procedures for the handling of hazardous materials, better technology in the equipment used to transport these materials, and a more coordinated and quicker response to emergencies.

Please see also Master Response 1.

Response to Comment 13-6

Based on Appendix G of the CEQA Guidelines, an impact related to public services is considered significant if the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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. Changes in service ratios, response time, and performance objectives are not, by themselves, physical environmental impacts on the environment. The Draft

EIR comprehensively analyzes reasonably foreseeable adverse physical environmental effects associated with the Specific Plan, including on- and off-site effects.

The Draft EIR presents a comprehensive assessment of reasonably foreseeable impacts of the Specific Plan, along with mitigation for all potentially significant and significant impacts. Chapter 3 examines the project-level impacts and Chapter 5 analyzes the cumulative impacts of Specific Plan impacts in combination with the impacts of past, current, and probable future plans and projects. The discussion of impacts in the EIR is organized by environmental topic area. For example, air quality effects are discussed in Section 3.2, biological resources effects are discussed in Section 3.4, and so forth. Throughout these environmental topic sections is an assessment of the project's direct effects a well as reasonably foreseeable indirect effects. Thus, the air quality analysis includes not only the direct impacts associated with construction equipment use during buildout of the Specific Plan Area, but also emissions associated with vehicles accessing the Specific Plan Area – deliveries, pickups, employees, visitors, and any other type of vehicular traffic attracted to the Specific Plan Area at full buildout. This is true for each environmental topic – direct and reasonably foreseeable indirect effects are addressed together within each environmental topic-specific section.

Regarding the commenter's suggestion that the County dedicate a five-acre site in the Specific Plan Area for a health clinic and an ambulance sub-station, the County will coordinate with the District and other service agencies and departments within the County, as the Specific Plan builds out, on the planning for emergency response, fire suppression, and law enforcement in the Specific Plan Area. The County appreciates the District's suggestion and will coordinate as the Specific Plan develops with this suggestion in mind.

Please see also Master Response 1.

Approximately 15 acres in the southernmost portion of the Public Facilities area located west of the intersection of Ike Crow Road and Bell Road have been designated in the Specific Plan as an appropriate location for the development of an on-site emergency services facility. Consistent with this designation of land within the Specific Plan Area, the County will continue to implement the following policy from the Land Use Element of the General Plan in collaboration with other service providers:

> POLICY THIRTY-ONE – The County shall support efforts to improve local health care options through the siting of new facilities in locations with the infrastructure (including, but not limited to, transportation and utility) to support both facility and client needs.

Also consistent with the designation of land for public services in the Specific Plan Area and the extensive infrastructure master planning and financing in the Specific Plan, the County will continue to follow the following General Plan guidance throughout implementation of the Specific Plan:

> POLICY TWENTY-FOUR – Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.
>
> IMPLEMENTATION MEASURE 4 – The County shall continue to work with independent fire districts and health care districts to implement fees to help finance public facilities to support their services.

Physical impacts associated with construction and operation of emergency service facilities are evaluated in the other sections of this the Draft EIR. There are no additional reasonably foreseeable significant impacts associated with construction of on-site facilities beyond those comprehensively considered throughout the other sections of the Draft EIR.

However, regarding the suggestion of a dedicated five (5) acre site in the Specific Plan Area for a health clinic and an ambulance sub-station, the County appreciates the District's suggestion and will coordinate as the Specific Plan develops with this suggestion in mind.

The County understands that, in 2008, it was determined that the Health Center was out of room. Instead of seeking additional space, the District decided to purchase or construct a building for specialists, additional providers, and ancillary services (Stanislaus LAFCO 2013). In 2012, the District relocated administrative offices and the Health Center to a newly remodeled, 11,000 square foot building in the Keystone Business Park in Patterson (Stanislaus LAFCO 2015). A District Fee Study estimated a service population within the District of 22,189 persons in 2005 with a projected service population of 55,511 in 2020. The County understands that the District is funded through a share of the County property tax revenues, special assessments, health center revenues, ambulance service fees, developer/mitigation fees collected from new development, and interest income.

Response to Comment 13-7

Please see Response to Comment 13-6 and Master Response 1. The County invited early input via an Agency and Stakeholder Coordination Meeting on February 5, 2014, attended by Richard Nakamura, District CEO prior to preparation of the Specific Plan and EIR.

As stated in the response to Comment 13-6, above, based on Appendix G of the CEQA Guidelines, an impact related to public services is considered significant if a proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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. Changes in service ratios, response time, and performance objectives or costs to provide services are not physical environmental impacts on the environment.

Please refer also to the Response to Comment 13-6.

The County initiated meetings to gather input from the District and other agencies and interested individuals, including, but not limited to the following:

- **Future Strategies Sessions (often referred to as fingerprint meetings)**
  - 2013, October & November
- **Agency & Stakeholder Meetings**
  - 2014, January & February
- **Notice of Preparation**

- October 13 – November 13, 2014

► **Scoping Meetings**

- October 23, 2014 – Patterson
- October 30, 2014 – Crows Landing

Response to Comment 13-8

Please see Responses to Comments 13-6 and 13-7 and Master Response 1.

See page 3.13-3 of the Draft EIR, which includes the referenced policy language for County General Plan, Land Use Element Policy Twenty-Four. See Chapter 3 of this Final EIR, which shows the addition of Specific Plan Policy Thirty-One and Implementation Measure 4, as well. These revisions do change the analysis in or conclusions of the Draft EIR.

Response to Comment 13-9

Please see Responses to Comments 13-6 and 13-7 and Master Response 1. Please refer to Section 3.14, "Traffic and Transportation," and Chapter 5, "Other CEQA," which evaluates the potential impacts of the Specific Plan related to level of service for existing and future local and regional roadway networks, and the Transportation Infrastructure Plan, which is provided for additional review as Appendix A to this Final EIR. Please see also Specific Plan Policy 2, Implementation Measures 12 regarding emergency response. Please see also pages 3.9-31 and 32, which address emergency access.

2.3.14 LETTER 14, CITY OF NEWMAN, DATED APRIL 24, 2018

April 24, 2018

Letter 14

Stanislaus County Planning and Community Development Department
c/o Rachel Wyse, Senior Planner

RE: Review and Comment on the Crows Landing Industrial Park DEIR

Dear Ms. Wyse:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Crows Landing Industrial Park Specific Plan. The proposed project envisions industrial and distribution type uses and covers roughly 1,528 acres located about 6½ miles northwest of the City of Newman. 14-1

The City of Newman reviewed the DEIR with the intent of considering: 14-2

- Conversion of agricultural land and potential housing need impacts
- How the City of Newman's circulation system is considered in the analysis.
- What impacts to the City of Newman Sphere of Influence are identified.
- What mitigation measures are identified to address impacts within the City of Newman.
- Does the document address the topic of circulation and transportation in a manner that is adequate under the California Environmental Quality Act (CEQA) and standard engineering practice.

AGRICULTURE

The Draft EIR identifies several policies that both the County and Stanislaus County Local Agency Formation Commission ("LAFCO") have adopted to ensure that any conversion of agricultural land to urban use is mitigated through their entitlement processes. The Draft EIR then asserts that there is either no feasible mitigation measure for these types of impacts from this Project or that the impacts to agricultural resources are less than significant.[1] However, both the County's own requirements and LAFCO's policies provide mitigation measures that could address impacts from the Project, but are not applied in the Draft EIR. In addition, agricultural mitigation has been recognized as feasible mitigation to address environmental impacts related to the loss of farmland under CEQA. Stanislaus County, in fact, helped pioneer these obligations under CEQA. 14-3

However, because the Project does not involve residential development, the Draft EIR assumes that no mitigation is required for the Project.[2] The County is therefore exempting itself from addressing an impact of the Project that other public agencies, such as the City, will not be exempt when additional

[1] Draft EIR, Agricultural Resources, 3.3-17-19.

[2] Draft EIR, Agricultural Resources, 3.3-17.

residential development is required to serve the growth that results from the Project. The Draft EIR must be reconsidered in light of the existing requirements under CEQA for farmland mitigation. 14-3 Cont'd

Finally, the Draft EIR identifies the loss of 30.5 acres of agricultural land, 15.8 of which are Williamson Act land, as less than significant. In the analysis of this conversion, the Draft EIR relies on the idea that the Project will not "generate pressure to convert off-site agricultural use" to urban uses.[3] This analysis neglects the impact from the Project of attracting new residents to the County seeking employment opportunities. It is reasonably foreseeable that a Project that contemplates creating 14,000 to 15,000 new jobs will attract new residents to the County. This increase in residents will in turn require additional residential uses in the County, which will generate pressure to convert off-site agricultural uses to residential use. Therefore, impacts of the Project on agricultural uses are clearly not less than significant. 14-4

Action / Comments.

1. Based on the conversion of agricultural land as identified in the DEIR, the City requests that the impacts of the Project on agricultural uses be further analyzed and mitigated, as is the requirement for other public agencies. 14-5
2. Due to the Project's provision of new employment opportunities, additional housing will likely be necessary, if not required, by the State (i.e. RHNA). The City requests an analysis be included in the EIR to address said housing impacts. 14-6

TRANSPORTATION

Background Information

We reviewed the January 2018 DEIR's Traffic and Transportation Section (3.14) and the October 2017 Transportation Infrastructure Plan.

Study Area. We reviewed the study area limits to determine how roads within the Newman Sphere of influence were addressed. The study didn't address any intersections in Newman. The report did address SR 33 from Fink Road to Stuhr Road from Stuhr Road to "Newman". Because the Stanislaus County General Plan Circulation Element addresses SR 33 as far south as Jensen Road, we assumed that this is the southern limit of the segment ending at "Newman". The report didn't address any other roads that extend north from Stuhr Road, nor the I-5 / Stuhr Road interchange. 14-7

The Stanislaus County Circulation Element notes that State Route 33 is a Limited Access Control-Principal Arterial from Jensen Road north to Fink Road. State Route 33 within the Cities of Patterson and Newman is planned to be an 80-foot Minor Arterial, unless otherwise determined by Caltrans. 14-8

Existing Setting Thresholds. The Transportation Plan capacity analysis identified SR 33 as a "two lane undivided state road" capable of carrying an Average Daily Traffic (ADT) volume of 11,800 vehicles per day at LOS C and 20,000 ADT at LOS D, based on Stanislaus County Standards and Specifications Table 3-12. However, while this threshold is similar to the level included in the City of Newman's General Plan Circulation Element (i.e., 18,000 ADT at LOS D) review of Table 3-12 identifies lower Levels of Service thresholds based on vehicles/per day/per lane. Table 3-12 indicates the maximum volumes for a 2-lane road were 6,800 ADT at LOS C / 11,800 ADT at LOS D and 20,000 at LOS E, while in rural areas the thresholds are half of those totals. Thus, while the analysis appears to overstate the capacity of County roads, they were not too far off of what the City of Newman assumes on SR 33 in the community. 14-9

[3] Draft EIR, Agricultural Resources, 3.3-18.

Existing Setting Conditions. The DEIR notes that SR 33 from Fink Road to Stuhr Road and from Stuhr Road to "Newman" carries 5,123 ADT and 8,197 ADT respectively. These volumes indicate LOS C or better conditions under the thresholds presented. While no supporting traffic count information for either segments or intersections was included, these daily volumes are consistent with those reported by Caltrans, which published 2016 totals of 4,400 ADT and 8,400 ADT respectively. 14-10

The analysis doesn't speak to intersections on SR 33 through downtown Newman. The City's Northwest Newman Master Plan DEIR traffic study indicated that SR 33 / Stuhr Road operates at LOS B and the SR 33 / Jensen Road intersection operated at LOS C or D in 2014, and neither location was reported to satisfy traffic signal warrants. The General Plan EIR indicated that the other intersections on SR 33 in downtown Newman operated at LOS C or better.

Traffic Characteristics of Crows Landing Industrial Business Park. The DEIR indicated that the proposed project could produce up to 14,447 employees and generate a total of 52,422 daily trips, with 5,653 a.m. peak hour and 6,344 p.m. peak hour trips. However, the analysis did not speak to the share of project traffic that may be generated by large trucks, which would normally be an appreciable share of the traffic generated by High-Cube Warehouse / Distribution Center and General Light Industrial type projects. The facts of large trucks are often specifically aggressed based on *Passenger Care Equivalents* of 2.0 to 4.0 automobiles per truck. The report didn't indicate that any adjustment was made. 14-11

The trip distribution assumptions were made based on travel patterns created using the StanCOG Tri-County regional travel demand forecasting model. A plot of project specific peak hour traffic was included in the Appendix A to the Infrastructure plan, but as that illustration went no farther south than Marshall Road, it was not possible to validate the distribution assumptions in the area from Marshall Road south to Fink Road or on to Newman. 14-12

The City attempted to determine the distribution of project traffic based on the roadway segments volumes included in the evaluation of exiting plus project impacts (i.e., TIP Table VI) but that source did not include all of the roads that provide access to the proposed project. The total external daily volume that was identifiable totaled 35,536 vehicles per day. (Note: this total did not include any projection for Bell Road south of Fink Road). Because the total daily project trip generation totaled 52,422, roughly 16,886 daily trips must have been "internal". Of the external trips, 7,760 or 22% of the total continued on SR 33 south of Stuhr Road into Newman under short-term conditions. 14-13

Existing Plus Project Impacts. The materials available did not include the intersection Level of Service calculations, so the City did not attempt to review or check the calculations or to see how they addressed trucks. However, impacts were identified at all of the intersections on SR 33 south of Sperry Road. 14-14

The roadway segment analysis addressed SR 33 south of Stuhr Road. While the Proposed Project's trips would nearly double the current volume, the Level of Service would remain LOS D under the City's General Plan thresholds and under the thresholds employed for this analysis. 14-15

A relevant question would be how this additional traffic may impact the intersection on SR 33 from Stuhr Road through downtown Newman. The Master Plan Area DEIR traffic study concluded that while a traffic signal was not warranted at the SR 33 / Stuhr Road intersection under existing conditions, a signal would eventually be needed. Review of current traffic volumes and the amount of traffic contributed by the Proposed Project indicates that because minor street volumes on Stuhr Road already exceed the minimum needed to satisfy peak hour warrants, the additional SR 33 traffic caused by the Project could result in satisfaction of warrants at this location. 14-16

The City has not attempted to carry the DEIR analysis further, but has investigated the SR 33 / Inyo Avenue intersection via other projects. That location did not satisfy traffic signal warrants, primarily because the volume of traffic on SR 33 itself was too low to meet the "major street" requirement. The addition of 7,760 more trips through Newman, including an appreciable number of trucks, is likely to result in satisfaction of peak hour signal warrants at that location. 14-17

Cumulative Traffic Impacts. The DEIR's cumulative impact analysis makes use of Year 2035 traffic volume forecasts derived from the StanCOG Tri-County model. The TIP states that the traffic model was calibrated to existing conditions and as a result, its future forecasts are valid. However, no supporting information to back up the validation claim was provided and the City would appreciate seeing the information for SR 33 south of Stuhr Road. Historically, the Tri-County model has been a questionable tool and while we understand the model is being or has been updated; it has not been accepted by many jurisdictions. 14-18

The DEIR suggests that without the Proposed Project the daily traffic volume on SR 33 will increase. South of Stuhr Road the daily volume is expected to increase from 8,197 to 16,567 ADT. The Year 2035 volume will be LOS D under the City General Plan threshold for a 2-lane road. North of Stuhr Road the volume is projected at 10,296, which is LOS C or better under the criteria employed in the DEIR. 14-19

With the Proposed Project, the volume south of Stuhr is projected to increase to 23,599 ADT, which is reported to be LOS E. The roadway would operate at LOS F under the City's criteria, and a 4-lane facility is needed in either case. A 4-lane road is consistent with the City's General Plan and Traffic Impact Fee program. The analysis suggests that the volume north of Stuhr Road will reach 18,000 ADT but states that this segment will still operate at LOS D. In this case, the choice of capacity threshold noted earlier has a bearing, as the threshold identified in Table 3-12 would yield LOS E. While this area is beyond the Newman Sphere of Influence, Newman residents who frequently travel on SR 33 to Patterson will be affected by congestion on this route if improvements are not made. 14-20

The analysis did not include the SR 33 / Stuhr Road intersection. As noted earlier, this location is expected to warrant a signal in the future whether the Proposed Project is built or not. 14-21

Mitigations. The DEIR introduces a variety of improvements to intersection and roadway segments all of which are located north beyond the Newman Sphere of Influence. The TIP speaks to SR 33 through Newman.

SR 33 – South of Stuhr Road north of Newman. This section of roadway will exceed two-lane capacity by the end of Phase 3 when combined with 2035 growth traffic. SR 33 through Newman appears to have an ultimate width of three lanes in the existing urbanized area. If such a road section were extended north to Stuhr Road with signalization and other intersection improvements at Stuhr Road, this should supply adequate capacity. TJKM recommends that improvements to this corridor not be included in the initial CLIBP requirements but be handled with a traffic fee arrangement. 14-22

While the TIP speaks to a three-lane road, there is no identified volume threshold that suggests that a 3-lane facility provides the capacity needed to deliver LOS D. The DEIR deals with a 4-lane facility.

Mitigation on DEIR page 5-35 requires a fair share contribution to the cost of widening SR 33 to 4-lanes south of Stuhr Road. Three details need to be addressed with this mitigation: 14-23

1. ***What is the applicable "fair share"?*** Caltrans' standard approach for fair share calculation is based on a project's share of the total net new traffic on a facility after discount for existing

traffic. In this case the net new traffic on this segment of SR 33 is 15,402 ADT, and the Proposed Project contributes 6,824 ADT, or 44%. This is the value in the TIP. 14-23 Cont'd

2. ***Limits of improvements?*** As noted previously, the southerly limit of the roadway segment addressed in the DEIR appears to be Jensen Road. The basis for that limit is uncertain, as the analysis considers may other facilities within the limits of the City of Patterson so stopping at the City limit does not appear justified. It can be argued that the impact and mitigation area should extend all the way through the City unless some other agreement has been established previously between City and Stanislaus County to limit each other's areas of responsibility. 14-24
3. ***Significant and Unavoidable.*** As is typically the case when DEIR impacts cross jurisdictional boundaries, the DEIR concludes that Stanislaus County cannot guarantee that funding will be available for the balance of the cost of improving SR 33 from Stuhr Road to Newman. Thus, the document concludes that the impact is significant and unavoidable. The key issue is whether that finding relieves development in Crows Landing of the responsibility to pay its fair share of the cost of an "infeasible" mitigation. 14-25

A fair share contribution to the cost of improving the SR 33 / Stuhr Road intersection would be a reasonable mitigation as well, as would participation in the cost of SR 33 improvements south of Jensen Road. However, there is no nexus for the impact necessitating these improvements in the DEIR. 14-26

Action / Comments.

3. Based on the share of the Proposed Project's trips that appear to travel through Newman and the level of analysis provided for locations within the limits of Patterson, it would be in the City's interest to have the DEIR address impacts to locations previously not considered, such as: 14-27
    a. SR 33 / Stuhr Road
    b. SR 33 south of Jensen Road
    c. Intersections on SR 33 in Newman
4. The City requests clarification of the County's expectation for "fair share" contribution to SR 33 improvements. 14-28

MISCELLANEOUS

Airport Layout Plan (ALP)

Airport activity forecasts, maps and figures largely exclude impacts to the City of Newman in its analysis; there is concern that current and future impacts may exist. 14-29

The ALP's Narrative Report states, "The airport's use by large air cargo aircraft is neither envisioned not considered in this ALP report."[4] Is there any possibility that this may change? The aviation forecast summary states that the "… proposed Crows Landing Airport has approximately 132 acres available at build-out for future aviation-related development."[5] This alludes to possible changes in aircraft use of the Project.

Furthermore, Map CRO-5 identifies the airport's overflight zones. Although the City is not included in the Overflight Notification Area, the map suggests that the City would be directly under the flight path towards the Project. Further analysis is warranted. 14-30

[4] Draft EIR, Appendix B – ALP and Narrative Report, 2-1.
[5] Draft EIR, Appendix B – ALP and Narrative Report, 2-6.

Due to increased aircraft overflight as a result of the Project, aircraft noise is also expected to increase. However, the City of Newman was not included in the ALP's noise analysis. Have said impacts been deemed less than significant? If so, a discussion and summary should be included in the ALP. 14-31

Action / Comments.

5. Please revise the following to include the City of Newman: 14-32
    a. ALP Figure 1A. Location Map
    b. ALP Appendix C, Exhibit CRO-5
6. If the use of large air cargo aircraft is a potential use at the Project site, the impacts should be analyzed and distributed for public review and comment. 14-33
7. It is requested that additional flight path analysis (including noise impacts) be conducted to include the City of Newman. 14-34

The City of Newman appreciates your review, consideration and response to the above comments.

Please feel free to contact me, option 4 with any questions you may have. Sincerely,

Stephanie Ocasio

STEPHANIE OCASIO
City Planner

cc: Newman City Council
Michael Holland, Newman City Manager
Nubia Goldstein, Newman City Attorney
Jim DeMartini, Stanislaus County Supervisor
Keith Boggs, Stanislaus County Assistant Executive Officer
Angela Freitas, Stanislaus County Planning & Community Development Department Director

RESPONSE TO COMMENT LETTER 14 – CITY OF NEWMAN

Response to Comment 14-1

The County appreciates the commenter's review of the Draft EIR.

Response to Comment 14-2

The City's considerations identified in this comment are addressed in Responses to Comments 14-3 through 14-34 below. See also the Response to Comment 6-36 and Master Response 1.

Response to Comment 14-3

Please refer to the Response to Comment 6-36.

Response to Comment 14-4

Please refer to the Response to Comment 6-36.

Response to Comment 14-5

Please refer to the Response to Comment 6-36.

Response to Comment 14-6

Please refer to Master Response 1 and the Responses to Comment 6-17 and 6-28.

Response to Comment 14-7

TJKM revised the Transportation Infrastructure Plan (TIP) in 2018 for the Newman area after considering the information in the City of Newman General Plan and the Northwest Newman Master Plan and the traffic studies prepared to support these plans. Those documents identify future traffic volumes and widening plans for SR 33 within the City of Newman and signalization plans for SR 33 intersections. The updated TIP addresses many of the City comments. See Appendix A to this Final EIR, which is the updated TIP.

There will not be significant Specific Plan-related traffic using Stuhr Road between SR 33 and I-5, because use of Bell Road is quicker for Specific Plan traffic to reach the Stuhr Road interchange. There will be minor use of Bell Road between the Specific Plan Area and the Stuhr Road/I-5 interchange, but these volumes will not be appreciable because of the good connection between the Specific Plan Area and the Fink Road/I-5 interchange. At buildout, the Specific Plan will contribute less than 1,000 daily trips to the Stuhr Road interchange (via Bell Road). The Stanislaus County General Plan (April 2016) indicates this section of Stuhr Road will carry about 6,000 vehicles per day (vpd). This indicates that the Specific Plan would constitute approximately 17 percent of the total volume at the interchange during the cumulative scenario (please see Appendix A for more detail). However, these future volumes would not require any capacity improvements.

Please see also the Response to Comment 14-25.

Response to Comment 14-8

This comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project.

Please see also the Response to Comment 14-25.

Response to Comment 14-9

Please see Response to Comment 14-20.

Response to Comment 14-10

Please refer to Responses to Comments 14-7 and 14-20.

Response to Comment 14-11

A typical truck percentage of daily traffic for distribution centers and light industrial uses is 20 to 25 percent. Most trucks will travel to the north or south on I-5, or to the east or north destinations including Modesto, Turlock, and the SR 99 corridor. However, trucks bound for destinations such as Gustine, Volta, or Los Banos are not likely to travel on SR 33 through Newman, because the use of I-5 interchanges with SR 140, SR 33, and SR 152 afford quicker truck and passenger vehicle trips to these areas and beyond.

Response to Comment 14-12

Please refer to Responses to Comments 14-13 and 14-15. See Appendix D to this Final EIR.

Response to Comment 14-13

A better gauge of project distribution than the hypothetical scenario proposed by the commenter is buildout plus project conditions, when both the project and the surrounding land uses are built out. In this scenario, about 6.5 percent of the project trips are internalized, with 49,035 distributed on the roadway system. The SR 33 count south of Stuhr Road is 6,842, or approximately 14 percent of all project traffic.

Response to Comment 14-14

TJKM revised the Transportation Infrastructure Plan (TIP) in 2018 for the Newman area after considering the information in the City of Newman General Plan and the Northwest Newman Master Plan and the traffic studies prepared to support these plans. Those documents identify future traffic volumes and widening plans for SR 33 within the City of Newman and signalization plans for SR 33 intersections. Please see Appendix A to this Final EIR, which is the updated TIP.

Please see also the Response to Comment 14-7.

Response to Comment 14-15

Based on information in the updated TIP, future volumes on SR 33 within the City of Newman would require six lanes to reach acceptable levels of service. The City opted to plan to build a maximum of four lanes, which results in conditions worse than LOS D. Please see also the Responses to Comments 14-7, 14-13, and 14-14.

Response to Comment 14-16

As explained in the updated TIP and the Response to Comment 14-7, it is likely that signals will be warranted at four additional locations based on General Plan and Northwest Newman Master Plan traffic studies. The Specific Plan's fair share of these impacts would be approximately 14 percent.

Response to Comment 14-17

Inyo Street is one of the four locations along SR 33 identified as likely to meet traffic signal warrants as a result of growth in traffic. As noted above, the Specific Plan's fair share of this impact would be approximately 14 percent.

Response to Comment 14-18

In the updated TIP, SR 33 traffic volumes in Newman are based on traffic studies prepared to support the Newman General Plan and the Northwest Newman Master Plan. Please refer to the Response to Comment 14-25 for a detailed description of the StanCOG Tri-County model. The Tri-County model is the best tool available to distribute Specific Plan traffic. Using these sources, the Specific Plan's fair share of this impact would be approximately 14 percent.

Response to Comment 14-19

As stated in the Response to Comment 14-7, above, the updated TIP shows higher volumes on SR 33 south of Stuhr Road, based on City of Newman plans and associated traffic studies. Those volumes have been incorporated into the updated analyses. The commenter cites data included in Table 3.14-3 of Section 3.14, "Traffic and Transportation," and Table 5-6 in Section 5.1, "Cumulative Impacts," in Chapter 5.0, "Other CEQA," of the Draft EIR.

Response to Comment 14-20

For the section of SR 33 south of Stuhr Road, the City General Plan upper LOS D limit is 18,000 vehicles per day (vpd). The General Plan and Northwest Newman Master Plan traffic studies indicate that this threshold will be exceeded. North of Stuhr Road, the Stanislaus County LOS D Standard ranges from 10,800 vehicles per day to 20,000 vpd. Regardless of the threshold, when the 18,000 vpd volume level is reached, SR 33 will be very busy. The area between Stuhr Road and Fink Road has no major intersections and few side streets and driveways, so the lack of "friction" allows the street to perform better at high-volume levels. County staff have experience with major 2-lane roads of this nature operating successfully at over 18,000 vpd. These volumes would occur at full buildout of the Specific Plan and the region in the cumulative scenario, so this condition may not happen for at least 15 to 20 years. The project is expected to pay its fair share of the improvements that will be required. Based on the procedures described in the traffic study, with existing volumes of 5,123 vpd, future 2035 plus project volumes of 18,000 vpd and project traffic of 7,704 vpd, the project traffic would create a 59.8 percent increase. Based on the assumption that most of these trips are generated by residents living south of this area, the project's fair share is calculated at 29.9 percent.

Response to Comment 14-21

Please refer to Response to Comment 14-7. The Newman traffic studies indicate that future traffic signals in the SR 33 corridor in and near Newman will include intersections at Stuhr Road, Jensen Road, Yolo Street, and Inyo

Street. Traffic from the Specific Plan will contribute to all four of the new traffic signals. These studies seem reasonable because they are based on generalized standards for traffic signals being warranted when total intersection volumes reach 24,000 vpd with at least 3,000 vehicles on one leg of the side street. All four of the signals may not be warranted for many years. Mitigation Measure – Cumulative with Project Transportation 1: Traffic Signal Installation has been revised to require fair-share contribution to the signalization of SR 33 intersections with Stuhr Road, Jensen Road, Yolo Street, and Inyo Street.

Please see Chapter 3 of this Final EIR for revisions to the Draft EIR.

Response to Comment 14-22

See the updated TIP for responses. The City's plans indicate this area will ultimately require four lanes, resulting in a Specific Plan fair-share responsibility of 14 percent, as currently estimated. Mitigation Measure – Cumulative with Project Transportation 1: Traffic Signal Installation has been revised to require fair-share contribution to the signalization of SR 33 intersections with Stuhr Road, Jensen Road, Yolo Street, and Inyo Street. Please see Chapter 3 of this Final EIR for revisions to the Draft EIR. In addition, Mitigation Measure – Cumulative with Project Transportation 2: Roadway Widening has been revised to require fair-share contributions to the widening of SR 33 south of Stuhr Road to Inyo Street. Please see Chapter 3 of this Final EIR for revisions to the Draft EIR.

Please see the updated TIP, which is Appendix A of this Final EIR, starting on page 36, in particular. Please refer also to Response to Comment 14-7.

Response to Comment 14-23

The Draft EIR uses the same fair-share calculation methodology recommended by Caltrans. However, based on the City's General Plan and Northwest Newman Master Plan traffic studies, within the SR 33 corridor south of Stuhr Road, the Specific Plan fair-share calculation is approximately 14 percent. Please see the updated TIP, which is Appendix A of this Final EIR, starting on page 36, in particular.

Response to Comment 14-24

Please see the Response to Comment 14-7 and the updated TIP. The calculated fair share for improvements to SR 33 within the City of Newman is 14 percent. Please see the updated TIP, which is Appendix A of this Final EIR, starting on page 36, in particular.

Response to Comment 14-25

The Draft EIR utilized the Tri-County traffic model to evaluate traffic conditions. The model was used to evaluate Existing Plus project, 2035 no project, and 2035 Plus Project. There would be no impacts to SR 33 north of the City of Newman due to the fact that other area roadway improvements and the subsequent draw of traffic away from this area. Although the project cannot alone improve the State Route 33 corridor, if and when improvements are made, the project will pay a fair share of 14 percent. Because the project would not be solely responsible for the improvements, and because the County alone cannot guarantee implementation of the required improvements, the impact is considered significant and unavoidable. However, this does not relieve the County of the obligation to contribute a fair share to the specified improvements as they are planned.

The Tri-County Traffic Model for travel demand forecasts was used in the analysis. The model geographically covers the counties of San Joaquin, Stanislaus, and Merced. It was developed by the San Joaquin Council of Governments (SJCOG) and recalibrated so that it closely replicated the existing conditions. In addition, three new traffic analysis zones (TAZs) were developed for the project area, and loaded with the ITE trip generation into the model for trip distribution and assignment. The model integrates the network and land use information from the StanCOG model, the SJCOG travel demand forecasting model, and the Merced County Association of Governments (MCAG) travel demand forecasting model. The combined model provides good coverage of the study area, extending from Tracy-Stockton to the north to Los Banos to the south. The model was used to forecast A.M. and P.M. peak-hour and daily trips. Therefore, this methodology provides an accurate forecast of Cumulative plus Project Conditions.

Response to Comment 14-26

As stated in previous Responses to Comments 14-23 and 14-25, above, the Specific Plan's fair share for improvements along SR 33 within the city of Newman is estimated to be 14 percent.

Response to Comment 14-27

Please see previous Responses to Comment 14-22, above.

Development in the Specific Plan Area will fund its fair share of traffic improvements. Based on the City's General Plan, it appears that SR 33 will eventually need to be widened to four lanes to the southern City limits. As stated in the responses cited above, the Specific Plan's fair share of such improvements would be 14 percent. However, based on current counts of about 6,000 to 7,000 vpd near the southern City limits, it will be many years before widening is needed in this area.

Response to Comment 14-28

As used in this Draft EIR, fair share is defined as the proportion of traffic growth attributable to the Specific Plan at a given location. Please see the Responses to Comment 14-22, above. Please see also the updated TIP, included as Appendix A of this Final EIR.

Response to Comment 14-29

The Specific Plan envisions an airport in accordance with FAA Airport Reference Code (ARC) B II, which is associated with small aircraft, such as the Cirrus SR22, Grumman Ag Cat, and Citation II (small business jet). The facilities envisioned for the first 30 years of operation would not support large air cargo aircraft. Facility development beyond the 30-year timeframe would occur based on demand, are not considered reasonably foreseeable at this time, and are not envisioned in association with a specific aviation use.

If aviation demand changes and larger aircraft need to use the airport regularly, additional improvements will be required such as runway lengthening, increased runway-to-taxiway separation, and new lighting and navigational aids.

The Airport Layout Plan identifies approximately 132 acres for future aviation-related development, primarily on the southwest side of the runway. Improvements would be constructed in that area as additional facilities are warranted. Additional environmental review would be required at that time to evaluate the potential

environmental effects associated with those improvements, including property acquisition, and necessary revisions to the Airport Land Use Compatibility Plan.

As detailed on pages 1-2 and 1-3, the Specific Plan and EIR anticipate the effects of subsequent projects proposed within the Specific Plan Area, as well as infrastructure improvements needed to support future development within the Specific Plan Area. Future projects that are consistent with the Specific Plan would either require no further environmental analysis or focused environmental analysis. The County will examine all applications for projects within the Specific Plan Area to determine whether additional CEQA analysis will be necessary. If unanticipated changes to the airport element or other components of the Specific Plan are proposed, additional environmental review and mitigation may be required. This EIR will be used for the tiering of later project-specific reviews.

Response to Comment 14-30

Overflight policies serve primarily to establish the form and requirements for notification about airport proximity and aircraft overflight to be given in conjunction with local agency approval of new residential development and certain real estate transactions involving existing residential development.

ALP Exhibit CRO-5 in Appendix C of this Final EIR shows potential flight paths for the Specific Plan. This information was used to develop ALUCP policy maps. The boundary of the overflight area for the proposed Crows Landing Airport is depicted on proposed ALCUP Map CRO-5, Overflight Zones Policy Map. The overflight area encompasses locations where approximately 80 percent or more of the aircraft overflight will occur in conjunction with the proposed airport. The Newman City limits are about 6.5 miles from the nearest runway end. Although some aircraft will fly over the City of Newman, the pattern of aircraft arriving and departing the Airport will be dispersed based on the distance between the City and the proposed airport and the different origins and destinations for each flight. At that distance from the Airport, the variation in flight paths by the small aircraft is too great to support evaluation of overflights.

Please refer also to the Response to Comment 14-31.

Response to Comment 14-31

The geographic extent of the area associated with aircraft noise was evaluated in the Draft EIR, and the geographic area associated with significant aircraft noise exposure does not extend to the City of Newman or its sphere of influence. The City was not omitted from the analysis.

As described in Chapter 3.12, “Noise and Vibration”, neither the city of Newman nor the area in its sphere of influence would be exposed to aircraft noise at levels exceeding regulatory thresholds. The California Code of Regulations (CCR) states that “The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a Community Noise Equivalent Level (CNEL) value of 65 dB for purposes of these regulations.” As shown on Exhibits 3.12-6 and 3.12-7 in Section 3.12 of the Draft EIR, the area associated with the 65 CNEL noise contour would remain entirely within the airport boundaries for the first 30 years of airport operation.

The Stanislaus County Airport Land Use Compatibility Plan (2016) includes specific policies for proposed development in areas exposed to aircraft noise at levels greater than 55 CNEL, and the policies summarizing land

use and noise exposure are summarized in Table 3.12-9. As shown on Exhibits 3.12-6 and 3.12-7 in Section 3.12 of the Draft EIR, aircraft noise exposure within the 55 CNEL noise contour would remain almost entirely on airport property for the first 10 years of aircraft operation and extends only to adjacent agricultural parcels for the first 30 years of airport operation. Aircraft noise exposure at levels less than 55 CNEL are considered less than significant. The City of Newman and its sphere of influence are located more than five miles from the Specific Plan Area and the 55 CNEL noise contour.

Response to Comment 14-32

The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR. The comment seems to refer to ALUCP Exhibit CRO-5. The updated documents are included as Appendix C to this Final EIR. ALP Figure 1A and ALUCP Exhibit CRO-5 have been revised to identify the location of the City of Newman.

Response to Comment 14-33

The Specific Plan is envisioned primarily as a mixed-use industrial business park designed to support a variety of light industrial, logistics, warehouse, distribution, office, and aviation-related land uses. Only the general aviation airport, which will be constructed to reuse a former military runway (Runway 12-30), is fixed by size and location. Please also see Response to Comment 14-29.

Response to Comment 14-34

The number and location of forecast aircraft operations used as input to the aircraft noise analysis is described in the Draft EIR. As shown on Airport Layout Plan Exhibit CRO-5 and ALUCP Map CRO-5, more than 80 percent of the aircraft overflight will occur outside of the city of Newman. A noise analysis was performed to identify aircraft noise exposure within the flight pattern was also performed. As presented in Section 3.12, “Noise and Vibration,” and Chapter 5.0, “Other CEQA,” of the Draft EIR, cumulative noise effects exceeding 65 CNEL would remain entirely within airport boundaries, and cumulative noise effects exceeding 55 CNEL are unlikely to extend beyond the airport and its immediately adjacent parcels during the first 30 years of operation. Aircraft related noise exposure outside of the 55 CNEL noise contour is considered less than significant.

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2.3.15 LETTER 15, NORTHERN DELTA MENDOTA, DATED APRIL 26, 2018

Letter 15

(received May 15, 2018)

NORTHERN DELTA MENDOTA

April 26, 2018

Delivered by e-mail

Stanislaus County
Planning and Community Development Department
c/o: Rachel Wyse, Senior Planner

Subject: **Comments on Draft Environmental Impact Report for the proposed Crows Landing Industrial Business Park Project;**
State Clearinghouse No.2014102035

Dear Rachel Wyse,

The San Luis & Delta-Mendota Water Authority (SLDMWA) on behalf of the Central Delta-Mendota Region Multi-Agency GSA, City of Patterson GSA, DM-II GSA, Northwestern Delta-Mendota GSA, Patterson Irrigation District, West Stanislaus Irrigation District – 1 & 2 GSA, collectively the Northern and Central Delta-Mendota Region GSA's ("GSA's"), appreciate this opportunity to submit comments on Stanislaus Counties Draft Environmental Impact Report (the "DEIR") for the Crows Landing Industrial Business Park Project (the "Project"). 15-1

Background

In August of 2014, Governor Brown signed into law the Sustainable Groundwater Management Act ("SGMA"). SGMA intends "to provide local groundwater agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater" (California Water Code Section 10720(d)). Pursuant to Water Code Section 107271, sustainable groundwater management is defined as "[m]anagement and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results." 15-2

According to Water Code Section 10721, there are six (6) criteria used to determine whether or not undesirable results are occurring in a subbasin and they include (1) chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and

implementation horizon; (2) significant and unreasonable reduction of groundwater storage; (3) significant and unreasonable seawater intrusion; (4) significant and unreasonable degraded water quality; including the migration of contaminant plumes that impair water supplies; (5) significant and unreasonable land subsidence that substantially interferes with surface land uses; and (6) depletion of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of surface water.

15-2 Cont'd

The aforementioned Northern and Central Delta-Mendota Region GSA's are legislatively formed agencies created to develop and implement a groundwater sustainability plan ("GSP") and to sustainably management groundwater within their boundaries and the subbasin. These exclusive GSA's encompass an area of more than 320,000 acres within the counties of Stanislaus, Merced, and Fresno and their boundaries are as follows: western boundary generally follows the Coast Range, eastern boundary is the San Joaquin River in Stanislaus county and the water district boundaries in Merced and Fresno counties, northern boundary to the south of the City of Tracy, and southern boundary is the northern perimeter of the Westside subbasin as described in a California Department of Water Resources report titled "California's Groundwater – Bulletin 118, Interim Update 2016." In February of 2017, the Northern and Central Delta-Mendota Region GSA's began coordinating with the SLDMWA to obtain coordinated access to administrative and technical resources through SLDMWA to comply with the sustainable management of groundwater pursuant to SGMA, which is codified in the California Water Code.

15-3

Comments

As the exclusive GSA's overlying and adjacent to the area in which the Project is planned, the GSA's are responsible for developing a GSP with a goal of the local groundwater supply reaching sustainability by 2040. New developments that rely on groundwater are of concern to the GSA's and as such SLDMWA, on behalf of the GSA's, has reviewed the DEIR document with a focus on SGMA criteria.

The DEIR specifically mentions the regulatory framework in the Project area, specifically SGMA and its 'undesirable results.' Although SGMA is referenced as well as the individual undesirable results, the Project will not be initially governed by SGMA but by the Stanislaus County Groundwater Ordinance (Chapter 9.37 of the Stanislaus County Code). Prior to GSP adoption, the Stanislaus County Groundwater Ordinance provides a mechanism to conduct water resources and environmental impact evaluations for non-exempt water well extractions utilizing the concept of avoiding "undesirable results" in the same resource areas of concern as described in SGMA and the GSP regulations.

15-4

Conclusion

The Delta-Mendota subbasin is defined by the Department of Water Resources as being critically overdrafted and any project relying upon that same resource could exacerbate the problem. That being said, being as there is currently no final Groundwater Sustainability Plan or measurable objectives with respect to sustainability in the area, the GSA's acknowledge the Project should be controlled by the Stanislaus County Groundwater Ordinance until such time that a GSP is adopted. In addition, the final EIR must acknowledge that Project wells extraction permits will be limited to terms aligned with the overlying GSA and GSP adoption and update cycles.

15-5

Thank you for the opportunity to submit and for considering these comments. These comments are provided to assist Stanislaus County in developing a final EIR addressing how the Project will be sustainable and not contribute to undesirable results within the Delta-Mendota Subbasin. The Northern & Central Delta-Mendota Region GSA's look forward to collaboration with the County as it incorporates the requirements of SGMA into the Project analysis. 15-6

If you have any questions, Andrew Garcia with my staff is available. Additionally, the GSA's request that you provide Mr. Garcia with copies of all notices for or regarding the Project. Notices may be sent via email

Sincerely,

Frances C. Mizuno
Assistant Executive Director

RESPONSE TO COMMENT LETTER 15 – SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

Response to Comment 15-1

The County appreciates the commenter's review of the Draft EIR.

Response to Comment 15-2

The Draft EIR provides a detailed description of the Sustainable Groundwater Management Act on page 3.10-22, in Section 3.10," Hydrology and Water Quality," of the Draft EIR.

Response to Comment 15-3

The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR. The following revision has been made to page 3.11-22 in Section 3.10, "Hydrology and Water Quality," of the Draft EIR. Please see also Chapter 3 of this Final EIR, "Errata." These edits do not change the analysis or conclusions of the Draft EIR. Rather, these revisions provide additional information regarding the Northern and Central Delta Mendota Region GSAs.

> Locally established GSAs are part of the Northern Delta-Mendota Management Committee, and include the City of Patterson GSA, DM-II GSA, North-Western GSA, Patterson Irrigation District GSA, and West Stanislaus Irrigation District – 1 & 2 GSAs. Together with other GSAs established in the central and southern portions of the subbasin, they encompass an area of more than 320,000 acres within the counties of Stanislaus, Merced, and Fresno. Their boundaries are as follows: the western boundary generally follows the Coast Range, the eastern boundary is the San Joaquin River in Stanislaus County and the water district boundaries in Merced and Fresno counties, the northern boundary is located to the south of the City of Tracy, and southern boundary is the northern perimeter of the Westside subbasin. In February 2017, the Northern Delta-Mendota Management Committee and the Central Delta-Mendota Management Committee began coordinating with the SLDMWA to obtain coordinated access to administrative and technical resources through the San Luis & Delta-Mendota Water Authority to comply with the sustainable management of groundwater pursuant to SGMA.

Response to Comment 15-4

Please see Response to Comment 15-5.

Response to Comment 15-5

As discussed in Responses to Comments 6-49 and 6-50, the evaluation presented in Section 3.10 of the Draft EIR and in the Groundwater Resources Impact Assessment prepared to support the EIR demonstrates that the Project will not contribute to critical overdraft in the Delta-Mendota Subbasin because it will not contribute to "undesirable results" as defined in SGMA. See Appendix B to the Final EIR for the Groundwater Resources Impact Assessment.

Section 3.10, "Hydrology and Water Quality," of the Draft EIR provides a detailed regulatory description of the Stanislaus County Groundwater Ordinance. Page 3.10-25 of the Draft EIR states that Stanislaus County's Groundwater Ordinance is aligned with the requirements of Sustainable Groundwater Management Act. The

Ordinance requires that applications for new wells proposed to be installed before a GSP is adopted include substantial evidence they will not be withdrawing groundwater unsustainably. Impact 3.10-4 analyzes the potential impacts of the Specific Plan on groundwater resources (pages 3.10-40 to 3.10-46 of the Draft EIR). The Groundwater Resources Impact Assessment prepared to support the EIR provides the substantial evidence required for wells associated with the Specific Plan. As discussed in Response to Comment 6-50, the Groundwater Ordinance requires that the extraction permits issued for Specific Plan wells must be aligned with GSP adoption and update cycles. Mitigation Measure 3.10-4b, "Conduct and Report Groundwater Level Monitoring," requires the County to coordinate with the Groundwater Sustainability Agency to prepare on groundwater monitoring conducted as a part of implementation of the Groundwater Sustainability Plan for the vicinity of the Specific Plan Area. Groundwater level monitoring activities, findings, and reporting schedule will also be defined in the Groundwater Sustainability Plan, along with the Minimum Thresholds and Measurable Objectives required in a Groundwater Sustainability Plan that govern when investigation and intervention is required and what adjustments to well field operation or other actions are required to avoid effects to existing off-site wells.

In addition, development of groundwater resources to support the Specific Plan must comply with the Stanislaus County Groundwater Ordinance. As stated on page 3.10-46 of the Draft EIR, prior to issuing a permit to construct a new groundwater supply well, the County must review information and make a determination whether it constitutes substantial evidence that the proposed groundwater extraction will not cause or contribute to one or more of the above undesirable results. The Groundwater Resources Impact Assessment prepared to support the EIR fulfills the substantial evidence requirement for demonstrating compliance with the sustainable groundwater management requirements in the Stanislaus County Groundwater Ordinance. See Appendix B to the Final EIR for the Groundwater Resources Impact Assessment.

Please also see Response to Comments 6-49 and 6-50.

Response to Comment 15-6

Please see Response to Comment 15-5. Please also see Response to Comment 6-49.

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2.3.16 LETTER 16, KEN MUSTOE, DATE NOT PROVIDED

Letter 16

Stanislaus County Planning and Community Development Department
C/O Rachel Wyse, Senior Planner

The Crows Landing Industrial Business Park Specific Plan Draft EIR is deficient in fully disclosing the scope of the project and evaluating its impacts. 16-1

Lack of Buildout Square Footage

The lack of a buildout square footage value in the Draft EIR is a major red flag and suggests that the project remains ill-defined at this point in the process. 16-2

Water and Wastewater

The water supply and wastewater plans do not appear to be well developed. Both service systems rely on the cooperation of third-party agencies (such as the City of Patterson), which may not have the resources or the willingness to provide services to Crows Landing. Moreover, the EIR acknowledges that the City of Patterson has not accounted for the project in its utility planning efforts and the City itself has previously gone on record with its opposition to a previous incarnation of this project (WestPark). Thus, there is no reason to believe that the City would be willing to provide water and wastewater service to this project. The water and wastewater section are deficient. The project does not have sewer and water is not proven to be available. 16-3

Traffic

For a project that would generate more than 52,000 daily trips at buildout, the EIR's traffic analysis is surprisingly brief and only evaluates Existing Plus Project intersection operations and roadway segments. It is rather eyebrow-raising that the existing Interstate 5/Fink Road interchange can serve a 15,000-worker employment center with only fairly modest improvements (signalization and a westbound left turn lane). The EIR traffic section is deficient. 16-4

Airport Runway Extension

Another item of concern is that the Specific Plan and Airport Layout Plan have different visions for the general aviation airport. The Airport Layout Plan contemplates a 1,000-foot extension of the existing 5,175-foot runway, which would make the airport suitable for commercial jets such as Boeing 737s. However, the Specific Plan deems this as "speculative" and does not contemplate such an extension. We would note that this sets the stage for the County to come back at a later date and process an addendum to the certified EIR to allow for a runway extension should it be deemed viable in the future. As a matter of good CEQA practice, the County should be up front and identify the 1,000-foot runway extension as an element of the Specific Plan and evaluate the impacts in the EIR. 16-5

Lastly, the alternatives analysis is wholly inadequate and is clearly designed to "sell the project." Only one alternative is evaluated in detail and other, feasible alternatives are dismissed early on. 16-6

Conclusion

The Crows Landing site is poorly suited to support the level of development contemplated by the Specific Plan. Furthermore, there are better sites that are currently entitled for light industrial and business park development within incorporated cities in western Stanislaus County, specifically the City of Patterson. From a regional planning standpoint, it makes far more sense to promote buildout of these established employment centers first, and then move to more isolated sites such as Crows Landing. 16-7

Finally, the County would be better served if focused only on establishing a general aviation airport at Crows Landing. The EIR makes clear that Crows Landing has very few constraints for aviation-related uses and has an existing concrete runway that can be readily rehabilitated. Furthermore, there is a need for a modern general aviation airport on the Westside, particularly with the closure of the antiquated Patterson Airport. Such a facility could be expanded in the future and would have the ability to cater to specialized aviation activities such as firefighting, commercial flight instruction, or air shows that may not be suitable or compatible at urban aviation facilities such as Modesto City County Airport. At a minimum, the EIR should have considered this as a project alternative. 16-8

Sincerely,

Ken Mustoe

2

RESPONSE TO COMMENT LETTER 16 – KEN MUSTOE

Response to Comment 16-1

The commenter has made a general statement regarding disclosure of the project's scope and evaluation of impacts. Please see Master Response 1.

Response to Comment 16-2

There are a variety of ways a lead agency can characterize plans and projects. Draft EIR Table 2-1 (page 2-12) lists each type of projected land use at the project site, along with a brief description of what that land use would entail, and then specifies the number of acres at the project site that would be devoted to that land use. The land uses are described on Draft EIR pages 2-12, 2-15, and 2-15, and are shown graphically in Exhibit 2-5 (page 2-13). As stated on Draft EIR page 2-11, "[T]hese land uses would be developed in three 10-year phases to provide the opportunity for approximately 14,000 to 15,000 jobs at full buildout." The Draft EIR has clearly and comprehensively identified and described the types of land uses that would occur, the locations where such land uses would occur, and has stated the number of expected new jobs, as well the full complement of infrastructure required to serve the project at buildout. The detailed project description from Chapter 2 of the Draft EIR supports the comprehensive analysis of the project's potential impacts on the environment throughout Chapters 3, 4, and 5.

See also Master Response 1.

Response to Comment 16-3

Please refer to Responses to Comments 6-10 through 6-20, 6-49, and 6-50 related to water supply and wastewater treatment.

Response to Comment 16-4

Section 5.1, "Cumulative Impacts," in Chapter 5, "Other CEQA," of the Draft EIR describes the Cumulative plus Project Conditions scenario. As described in Section 3.14 of the Draft EIR, "Traffic and Transportation," mitigation measures would require signalization of the intersections of I-5 NB Ramps and Fink Road and I-5 SB Ramps and Fink Road. With signalization of the intersections of I-5 NB Ramps and Fink Road and I-5 SB Ramps and Fink Road, the resultant LOS would be LOS C or better, which meets the County's goal of at least LOS C for intersections. Please also see Response to Comment 6-64.

For information regarding trip generation methodology and calculations, criteria by jurisdiction, and required intersection improvements please refer to the *Transportation Infrastructure Plan*, available as Appendix A to this Final EIR.

Response to Comment 16-5

The Specific Plan does not propose a runway extension and does not include plans for air cargo terminal. The proposed Crows Landing Airport Layout Plan identifies potential airport development over a 30-year timeframe. The airport will include a 5,175-foot runway the first 30 years of operation. Although the Airport Layout Plan identifies that a runway extension may occur after the 30-year planning horizon, the extension would occur only as warranted by user demand and when funding is available. Therefore, this future runway extension is neither reasonably foreseeable at this time nor identified as phased improvement. The potential effects of the future

runway extension are considered Section 5.1.3, "Cumulative Impacts Analysis" of the Draft EIR. Supplemental environmental analyses and revisions to the County's Airport Land Use Compatibility Plan will be required prior to the construction of a runway extension.

Please see Response to Comment 14-29, Master Response 1, and Master Response 2.

Response to Comment 16-6

Please see Responses to Comment 6-58 and 6-62 for further discussion related to selection of alternatives considered in the Draft EIR.

Response to Comment 16-7

The commenter does not identify specific sites that are entitled for light industrial and business park development in the city of Patterson or in the region. It is the commenter's opinion that buildout of these sites should occur before development of the Specific Plan.

See Responses to Comment 6-58 and 6-62 and Master Response 1.

Response to Comment 16-8

See Responses to Comment 6-58 and 6-62 and Master Response 1 for further discussion related to the project objectives and selection of alternatives considered in the Draft EIR.

3 ERRATA

Chapter 4 identifies revisions to the Draft EIR. The changes are presented in the order in which they appear and identified by page number. Text deletions are shown in strikeout (~~strikeout~~) and additions are underlined (underlined). These edits provide clarifications or additional supportive information and do not change the analysis or conclusions of the Draft EIR.

EXECUTIVE SUMMARY

On page ES-43 of the Draft EIR, Table ES-1, the number of the following mitigation measure has been updated:

> Mitigation Measure 3.15-~~4~~5. Demonstrate Adequate Wastewater Treatment Capacity.

CHAPTER 2, PROJECT DESCRIPTION

Page 2-23 of the Draft EIR has been revised as follows:

> During Phase 1, the County may allow ~~use of~~ new on-site systems until the permanent sewer system and ultimate connection to the City of Patterson Water Quality Control Facility has been completed for the~~ir~~ area served. If on-site wastewater treatment facilities are used, the systems will be required to meet Stanislaus County's Guidelines for Septic System Design and other relevant standards ~~and other relevant standards~~.

CHAPTER 3, ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

SECTION 3.2, AIR QUALITY

On page 3.2-20 of the Draft EIR, the following revised text was incorporated under the section entitled "Methodology":

> The proposed project's construction-related air quality emissions were estimated using California Emissions Estimator Model (CalEEMod), Version ~~2013.2.2~~2016.3.2 (CAPCOA ~~2013~~2016).
>
> and
>
> Regional operational emissions of criteria air pollutants and precursors were also estimated using the CalEEMod Version ~~2013.2.2~~2016.3.2 (CAPCOA ~~2013~~2016).

On page 3.2-21 of the Draft EIR, the following revised text was incorporated under the section entitled "Methodology":

> Air quality emissions associated with TRUs were estimated assuming that approximately ~~60~~100 percent of heavy-duty truck trips for Refrigerated Warehouses and 20 percent of heavy-duty truck trips for General Light Industrial land uses, respectively, would be equipped with a TRU.

On page 3.2-21 of the Draft EIR, the following revised text has been incorporated under Methodology:

The proposed project's operational emissions at full buildout were modeled for the year ~~2035~~2045, which is the ~~latest~~ year for operational emissions in CalEEMod that is nearest to the anticipated full buildout year of 2046. Annual operational emissions were compared with SJVAPCD thresholds of significance.

On page 3.2-23 of the Draft EIR, Table 3.2-6, the threshold of significance was updated:

4. Toxic Air Contaminants

Table 3.2-6
Thresholds of Significance for Toxic Air Contaminants

Carcinogens	Maximally Exposed Individual risk **equals or exceeds ~~10~~20 in one million**
Non-carcinogens	**Acute:** Hazard Index **equals or exceeds 1** for the Maximally Exposed Individual
	Chronic: Hazard Index **equals or exceeds 1** for the Maximally Exposed Individual

Notes: Carcinogenic (cancer) risk is expressed as cancer cases per one million. Non-carcinogenic (acute and chronic) hazard indices (HI) are expressed as a ratio of expected exposure levels to acceptable exposure levels.

Source: SJVAPCD 2015

On Page 3.2-24 of the Draft EIR, Table 3.2-7 the emissions estimates were revised based on use of the new version of emissions model:

Table 3.2-7
Unmitigated Construction-Related Emissions

Construction Phase	Emissions (tons)[1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Phase 1	~~125.43~~118.17	~~165.30~~235.91	~~405.99~~186.74	~~1.10~~0.98	~~66.69~~61.30	~~21.36~~18.61
Phase 2	~~30.19~~29.78	~~34.18~~55.60	~~92.70~~51.72	~~0.31~~0.29	~~19.49~~22.48	~~6.23~~6.67
Phase 3	~~39.96~~37.97	~~10.78~~67.81	~~24.02~~46.54	~~0.05~~0.33	~~18.63~~22.18	~~5.04~~6.48
Total Construction Emissions	~~195.59~~185.92	~~210.26~~359.31	~~522.72~~285.01	~~1.46~~1.6	~~104.82~~105.96	~~32.63~~31.76
Annual Average Emissions (tons/year)[2]	~~6.52~~6.20	~~7.01~~11.98	~~17.42~~9.50	~~0.05~~0.05	~~3.49~~3.53	~~1.09~~1.06
Maximum Annual Emissions (tons/year)	~~15.31~~14.43	~~25.80~~35.14	~~58.1~~27.96	~~0.15~~0.14	~~8.36~~7.74	~~2.64~~2.27
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds?[3]	Yes	Yes	No	No	No	No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; SJVAPCD = San Joaquin Valley Air Pollution Control District

[1] All emissions are shown in units of tons unless noted otherwise.

[2] Total construction emissions were averaged over the total construction schedule (*i.e.*, 30 years) to calculate annual average construction emissions.

[3] Significance is determined using the maximum annual emissions.

Table 3.2-7 Unmitigated Construction-Related Emissions						
Construction Phase	Emissions (tons)[1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Source: AECOM 2016~~8~~						

On page 3.2-27 of the Draft EIR, Mitigation Measure 3.2-1a was split into two measures to clarify enforcement responsibilities for two distinct parts of the previous Mitigation Measure 3.2-1a. Mitigation Measure 3.2-1a from the Draft EIR is now Mitigation Measures 3.2-1a and 3.2-1b. Compliance with requirements of the Air District's Rule 9510 is under Mitigation Measure 3.2-1a, with the Air District responsible for enforcement oversight. The newly labeled Mitigation Measure 3.2-1b addresses the type of construction equipment used, and the County is responsible for enforcement oversight. Mitigation Measure 3.2-1a has also been revised to mention the potential to use a voluntary emissions reduction agreement to reduce emissions.

Mitigation Measure 3.2-1a: Comply with Current ISR ~~and Use Current Phase Equipment for All Construction Equipment~~.

As applicable, based on the project size thresholds specified in Rule 9510 (Indirect Source Review), projects within the Specific Plan Area shall comply with SJVAPCD's Rule 9510 Indirect Source Review (ISR) and reduce criteria air pollutant emissions consistent with SJVAPCD performance standards through feasible on-site strategies and, if necessary, feasible payment of off-site mitigation fees to SJVAPCD through a voluntary emission reduction agreement (VERA) or other appropriate mechanism. ~~Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan area shall construct all facilities using current phase construction equipment (currently Tier 4).~~

Implementation: Leaseholder/developer/contractors.

Timing: Demonstrate compliance prior to issuance of building permit.

Enforcement: ~~Stanislaus County and~~ SJVAPCD.

Mitigation Measure 3.2-1b: Use Current Phase Equipment for All Construction Equipment.

Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan Area shall ~~construct~~ provide for County review and approval a proposed inventory of equipment for development within the Specific Plan Area that demonstrates use of ~~all facilities using~~ current phase construction equipment (currently Tier 4).

Implementation: Leaseholder/developer/contractors.

Timing: Demonstrate compliance prior to issuance of building permit.

Enforcement: Stanislaus County.

On page 3.2-28 of the Draft EIR, the following revised text was incorporated under the discussion of "Significance after Mitigation":

Compliance with regulatory requirements and the implementation of Mitigation Measure 3.2-1a and Mitigation Measure 3.2-1b would reduce on-site construction-related air quality emissions.

On page 3.2-28 of the Draft EIR, Table 3.2-8, the emissions estimates were revised with the results from the new version of the emissions model:

Table 3.2-8
Mitigated Construction-Related Emissions

Construction Phase	Emissions (tons) [1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Phase 1	~~123.42~~116.02	~~136.96~~195.28	~~404.15~~188.00	~~1.10~~0.98	~~64.18~~60.07	~~19.50~~17.21
Phase 2	~~28.99~~28.44	~~21.99~~46.70	~~94.36~~53.10	~~0.31~~0.29	~~18.24~~21.43	~~5.42~~6.05
Phase 3	~~38.79~~36.15	~~4.34~~61.91	~~27.21~~49.72	~~0.05~~0.33	~~17.67~~21.24	~~4.54~~6.00
Total Construction Emissions	~~191.20~~185.92	~~163.29~~359.31	~~525.72~~285.01	~~1.46~~1.60	~~100.09~~105.96	~~29.46~~31.76
Maximum Annual Emissions (tons/year)	~~15.05~~14.43	~~23.35~~35.14	~~58.15~~27.96	~~0.15~~0.14	~~8.19~~7.74	~~2.49~~2.27
Annual Average Emissions (tons/year) [2]	~~6.37~~6.20	~~5.44~~11.98	~~17.52~~9.50	~~0.05~~0.05	~~3.34~~3.53	~~0.98~~1.06
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds? [3]	Yes	Yes	No	No	No	No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; SJVAPCD = San Joaquin Valley Air Pollution Control District

[1] All emissions are shown in units of tons unless noted otherwise.

[2] Total construction emissions were averaged over the total construction schedule (*i.e.*, 30 years) to calculate annual average construction emissions.

[3] Significance is determined using the maximum annual emissions.

Source: AECOM 2016~~8~~

On page 3.2-29, Table 3.2-9, the emissions estimates and associated text were revised with the results from the new version of the emissions model:

As shown in Table 3.2-9, the proposed project's annual long-term operational emissions would exceed the SJVAPCD thresholds of significance for ROG, NO_x, and CO~~, PM_{10}, and $PM_{2.5}$~~. The impact would be **significant**.

Table 3.2-9
Crows Landing Annual Operational Emissions (Full Buildout)

Construction Phase	Emissions (tons/year) [1]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area Sources	~~103.49~~103.54	0.00	0.21	0.00	0.00	~~0.00~~0.43
Energy Sources	~~1.94~~1.86	~~17.65~~16.90	~~14.83~~14.20	~~0.11~~0.10	~~1.34~~1.28	~~1.34~~1.28
Mobile Sources	~~20.82~~3.34	~~59.23~~28.22	~~241.68~~71.42	~~0.97~~0.57	~~59.61~~6.80	~~17.01~~2.73
Transport Refrigeration Units	~~38.08~~44.79	~~277.87~~326.83	~~399.76~~470.21	~~0.66~~0.77	~~1.34~~1.58	~~1.34~~1.58
Aircraft LTO	11.46	44.97	-	-	-	-
Total Operational Emissions	~~175.79~~164.99	~~399.72~~416.93	~~656.48~~556.03	~~1.74~~1.44	~~62.29~~9.66	~~19.69~~5.59
SJVAPCD Thresholds (tons/year)	10	10	100	27	15	15
Exceeds Thresholds?	Yes	Yes	Yes	No	~~Yes~~No	~~Yes~~No

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter less than or equal to 10 microns in diameter; $PM_{2.5}$ = particular matter less than or equal 2.5 microns in diameter; ROG = reactive organic gases; LTO = landing and take-off; SJVAPCD = San Joaquin Valley Air Pollution Control District. ~~N~~ROG and NO_X are the most critical emissions associated with aircraft and, as a result, other criteria air pollutants are not reported.

[1] All emissions are shown in units of tons unless noted otherwise.

Source: AECOM 2016~~8~~

On page 3.2-30, of the Draft EIR, the following text has been incorporated into discussion of Impact 3.2-1:

To further reduce potential operational emissions associated with mobile sources, Mitigation Measure 3.2-1d would support the use of alternative transportation by future employees within the Specific Plan Area.

On page 3.2-30 of the Draft EIR, the label of Mitigation Measure 3.2-1b was revised (to be labeled Mitigation Measure 3.2-1c, instead) and the text was revised as shown below:

> Mitigation Measure 3.2-1~~b~~c: ~~Encourage Alternatives to~~ Reduce the Single Occupant Vehicle Commute.
>
> Policy Six of the Stanislaus County General Plan reads "The County shall strive to reduce motor vehicle emissions and vehicle trips by encouraging the use of alternatives to the single occupant vehicle." The project shall implement Policy Six through the incorporation of the following strategies or alternative strategies determined to be equally or more effective in reducing the rate of single-occupant vehicle commutes to the project site at buildout:
>
> - Prior to the occupancy of the first building within the Crows Landing Industrial Business Park, a TDM or similar program shall be established or an existing program, such as the Commute Connection program, shall be designated to represent the project. The program will provide a comprehensive strategy to reduce solo occupant vehicle travel by employees, business vehicles including trucks, and visitors. The program shall identify TDM goals for CLIBP, including goals to reduce daily travel and travel during morning and afternoon peak-demand periods. The overall operational air pollutant emissions mitigation performance standard is established by the San Joaquin Valley Air Pollution Control District through Rule 9510, the Indirect Source Rule, requiring applicable projects to achieve a minimum reduction of 33.3 percent of operational baseline NO_X emissions over a period of 10 years and a minimum reduction of 50 percent of operational PM_{10} emissions over a period of 10 years. TDM goals for CLIBP shall be established, monitored, and adjusted, if necessary, to contribute to this overall operational air pollutant emissions mitigation performance standard.
>
> - The CLIBP TDM program shall require mandatory annual employee surveys with a response rate of at least 90 percent. The surveys will include, as a minimum, mode and time of travel by employees. The CLIBP TDM program shall prepare an annual report indicating status of compliance with the TDM goals established by the County.
>
> - The individual companies and the CLIBP TDM program shall consider the following items or other measures to reduce travel demand and achieve TDM goals:
>
>   - Encourage employers to use flex-time
>   - Carpool matching programs
>   - Preferred parking for carpoolers
>   - Van pool programs
>   - On-site facilities such as break rooms and shower facilities
>   - Establishment of employer sponsored shuttles from Turlock and Modesto
>   - On-site secure bicycle racks
>   - Bike share programs for employee usage at lunchtime
>   - Other measures

- All employers operating within the Specific Plan Area shall participate in the TDM or Commute Connection program or future program providing the same services to allow employees to conveniently identify non-single occupancy vehicle methods to reach the proposed project site. Employers should not be considered as separate entities, but rather the entire site shall be considered collectively as a participating entity. The requirement to participate in the Commute Connection program shall be included in leases for Specific Plan developments. A person(s) shall be assigned to represent CLIBP on an ongoing basis to coordinate with individual businesses.

- New development projects that anticipate 100 or more full-time equivalent employees shall coordinate participation in the Commute Connection program or similar future program to reduce employee commute trips and to promote transportation other than the single passenger motor vehicle, including, but not limited to carpools, vanpools, buspools, public transit, and bicycling. The employee commute trip reduction program should include incentives, services, and policies. This program shall include preferential parking in relatively more convenient locations for electric vehicles, carpools, vanpools and other vehicles carrying commuter passengers on a regular basis.

- The County shall identify and accommodate at least one transit stop or commuter shuttle to serve the project site that would provide feasible commuter service for project employees.

Implementation: Stanislaus County and leaseholder/developer/contractors.

Timing: Demonstrate compliance prior to issuance of business license.

Enforcement: Stanislaus County.

On page 3.2-31, the following new mitigation measure was incorporated to reduce Impact 3.2-1:

Mitigation Measure 3.2-1d: Provide Transit to the Workplace.

- The County shall ensure that the placement and design of transit stops can accommodate public transit for employees and patrons. The County shall identify locations to expand services, including park and ride lots, to enable and encourage the use of transit to the workplace within the Crows Landing Specific Plan Area. The placement and design of transit stops within the Specific Plan Area shall be approved by the Stanislaus County Public Works Department based on generally accepted transit planning principles.

- The County shall ensure on-demand transit service to the Specific Plan Area once employment generating uses are established within the Specific Plan Area and fixed transit service upon completion of Phase 2.

- The overall operational air pollutant emissions mitigation performance standard is established by the San Joaquin Valley Air Pollution Control District through Rule 9510, the Indirect Source Rule, requiring applicable projects to achieve a minimum reduction of 33.3 percent of operational

baseline NO_X emissions over a period of 10 years and a minimum reduction of 50 percent of operational PM_{10} emissions over a period of 10 years. Transit to the Specific Plan Area shall be established, monitored, and adjusted, if necessary, to contribute to this overall operational air pollutant emissions mitigation performance standard.

Implementation: Stanislaus County.

Timing: Upon operation of employment-generating uses for on-demand transit and fixed transit service upon completion of Phase 2.

Enforcement: Stanislaus County.

On pages 3.2-31 and 3.2-32, the following text was revised to reflect the re-labeling of Mitigation Measure 3.2-1b and the addition of Mitigation Measure 3.2-1d:

Significance after Mitigation

Compliance with SJVAPCD's ISR (Rule 9510) would reduce operational impacts. The County requires projects to comply with applicable SJVAPCD rules, including Rule 9510. Compliance with regulations and implementation of Mitigation Measure 3.2-1bc would help reduce long-term operational air quality emissions associated with the proposed project. Mitigation Measures 3.2-1~~b~~c and 3.2-1d would include measures to reduce VMT and vehicle trips, which would help reduce long-term operational exhaust-related ROG, NO_X, CO, PM_{10}, and $PM_{2.5}$ emissions. Trip and VMT reduction would also reduce entrained PM_{10} and $PM_{2.5}$ road dust emissions. However, even with inclusion of these potential emissions reductions, it is anticipated that the proposed project's long-term emissions would continue to exceed SJVAPCD thresholds of significance. There is no additional feasible mitigation available to the County that would reduce this impact. Therefore, even with implementation of mitigation measures, the proposed project's operational emissions could violate or contribute substantially to an existing or projected air quality violation. As noted previously, the Specific Plan would accommodate employment options in three of the five industries where there is the most out-commuting by residents, which could provide some air quality benefit, although it is not possible at this time to quantify this potential benefit. This impact would be significant and unavoidable.

On page 3.2-32, Mitigation Measure 3.2-2a was revised to reflect the division of Draft EIR Mitigation Measure 3.2-1a in to Mitigation Measures 3.2-1a and 3.2-1b, as noted above, to clearly distinguish enforcement associated with the mitigation measure:

Mitigation Measure 3.2-2a: Implement Mitigation Measure 3.2-1a and Mitigation Measure 3.2-1b.

Compliance with regulatory requirements and the implementation of Mitigation Measure 3.2-1a and Mitigation Measure 3.2-1b would reduce on-site construction-related air quality emissions.

On page 3.2-34 of the Draft EIR, the following revision was made to Mitigation Measure 3.2-2b and the discussion under the heading, "Significance after Mitigation," to reflect the change to the mitigation label.

Mitigation Measure 3.2-2b: Implement Mitigation Measure 3.2-1~~b~~c.

Significance after Mitigation

Implementation of Mitigation Measure 3.2-1~~b~~c would help reduce long-term operational air quality emissions associated with the proposed project.

On pages 3.2-35 and 3.2-36 of the Draft EIR, the following revision was incorporated into the discussion of Impact 3.2-3, Mitigation Measure 3.2-3a and the "Significance after Mitigation" discussion to reflect the division of Draft EIR Mitigation Measure 3.2-1a in to Mitigation Measures 3.2-1a and 3.2-1b, as noted above, to clearly distinguish enforcement associated with the mitigation measure:

Table 3.2-8 presents construction emissions with implementation of Mitigation Measure 3.2-1~~a~~b, which would help reduce diesel PM emissions. However, because construction activities would occur in later years when fleet turnover and incorporation of higher tier (less polluting) equipment into construction fleets has already occurred, reductions associated with Mitigation Measure 3.2-1~~a~~b would not be as substantial in future years. It is anticipated that increased emissions control technology and standards will occur in the future; however, at the time of this writing and development of CalEEMod, these standards are not yet feasible to model. Thus, because there are sensitive receptors in the vicinity of the project site that could be exposed to the total proposed project's construction-related TAC emissions and the unknown nature of construction activities, it is conservatively assumed that construction activities could potentially expose receptors to substantial TAC concentrations and this impact is considered potentially significant.

Mitigation Measure 3.2-3a: Implement Mitigation Measure 3.2-1~~a~~b.

Significance after Mitigation

Implementation of Mitigation Measure 3.2-1~~a~~b requires the use of current phase construction equipment. In December 2004, ARB adopted a fourth phase of emission standards (Tier 4) and engine manufacturers are now required to meet after-treatment-based exhaust standards for NO_X and PM starting in 2011 that are more than 90 percent lower than current levels, putting emissions from off-road engines virtually on par with those from on-road heavy-duty diesel engines. The impact is less than significant with mitigation.

On page 3.2-36, the following text was incorporated into discussion of Impact 3.2-3. The additional text was provided to expand the discussion of potential exposure of sensitive receptors to emissions of toxic air contaminants from aircraft operations:

Operational Emissions

The proposed project would accommodate commercial and light industrial land uses, as well as aviation land uses, that could generate TAC emissions. Potential TAC emissions associated with the proposed land uses include stationary sources, manufacturing processes, and mobile sources, such as aircraft and diesel-fueled heavy-duty trucks associated with goods distribution. To a lesser extent, proposed land uses could also involve visitors and employees coming to and from the project site in diesel-fueled vehicles.

Aviation land use is consistent with the proposed CLIBP Specific Plan. This type of use could result in emissions of TACs from aircraft operations. Generally, approximately 10 percent of aircraft emissions are emitted close to the ground surface (less than 3,000 feet above ground level). and the remaining 90 percent of emissions are emitted at altitudes above 3,000 feet. As an exception to this, approximately 30 percent of CO and hydrocarbon (HC) emissions are produced at altitudes below 3,000 feet (FAA 2015). The proposed project does not propose residential uses, but it is possible that certain areas could include daycare centers for employees' children, which would be considered sensitive land uses. These receptors and existing sensitive receptors surrounding the project site could be exposed to aircraft emissions.

Similar to vehicles, aircraft engines and jet fuel are regulated to limit harmful emissions. The potential health impacts of these emissions have been of particular focus in recent research and regulations pertaining to the aviation industry, which have focused on strategies to reduce aircraft emissions. For example, ASTM D7566-18 was revised and approved in 2011 to include provisions for inclusion of up to 50 percent bio-derived synthetic fuel components with conventional jet fuel, increasing use of cleaner, alternative fuels in aviation. In addition, in 2012, the Federal Aviation Administration (FAA) published the Aviation Environmental and Energy Policy Statement, which asserts FAA's commitment to "environmental protection that allows sustained aviation growth" (FAA 2015).

Proposed aviation land use would initially include up to 2,000 annual aircraft operations (4,000 landing-take offs [LTOs]), with the potential for growth up to 17,000 annual aircraft operations (34,000 LTOs) in 30 years. The level of operations at the proposed airport are extremely low relative to the average airport operations in California, which was approximately 128,000 operations per airport in 2016 (FAA 2018). Given the anticipated level of operations at the Specific Plan Area, a comparison with another airport could be helpful in better understanding potential impacts. Planning for improvements to the Sonoma County Airport took place in 2011 and included evaluation of the existing inhalation cancer risk and acute, 8-hour, and chronic non-cancer hazard index for surrounding receptors (Sonoma County 2011). Average temperature throughout the year in Sonoma County is similar to that in Stanislaus County. The rainy season is relatively similar to that of Stanislaus County, although Sonoma County does tend to receive more rain during the rainy season of November through March. The air quality assessment for the Sonoma County Airport used mixing height data from Oakland, California, which is also the nearest data station to the Specific Plan Area (US EPA 1972). The assessment was for up to 90,660 annual operations, with a mix of about 7 percent jet aircraft, 89 percent piston aircraft, and 4 percent helicopter operations. The jet and piston operations are similar to those proposed for the Specific Plan Area. Sensitive receptors considered for the model ranged in distance from the runways from about 1,000 feet to over 1.5 miles, in all directions. The analysis for Sonoma County Airport shows that the inhalation cancer risk would not exceed 20 in a million at any receptor, the 8-hour and chronic non-cancer hazard index would not exceed 1, and that acute non-cancer hazard index for the nearest receptors could slightly exceed 1 for eyes and respiratory system, which could cause irritation or exacerbation of pre-existing asthma and allergies. This analysis is for operations over five times those of the proposed project. Therefore, it is highly unlikely that health risks associated with aircraft operations of the proposed project would exceed SJVAPCD thresholds of significance for TACs.

SECTION 3.6, ENERGY

On page 3.6-6 of the Draft EIR, the following discussion of "Methods of Analysis" was revised to reflect the use of a revised emissions model:

> The County conducted an evaluation of potential energy impacts using the California Emissions Estimator Model (CalEEMod), Version ~~2013.2.2~~2016.3.2, the *California Energy Demand 2010–2020, Adopted Forecast* (CEC 2009), as well as documents and regulations pertaining to the proposed project. Future energy demand was calculated based on proposed land uses and modeling conducted by AECOM for the greenhouse gas inventory using the CalEEMod, Version ~~2013.2.2~~2016.3.2.

On page 3.6-6, Table 3.6-3, the emissions estimates were revised to incorporate data using CalEEMod, Version 2016.3.2:

Table 3.6-3
Estimated Electrical and Natural Gas Demand from Implementation of the Proposed Project

Land Use Type	Electrical Demand (kWh/year)	Natural Gas Demand (kBtu/year)
General Light Industrial	~~130,197,000~~118,876,000	~~293,281,000~~281,226,000
Government Office Building/Public Facilities	~~6,810,760~~6,748,800	~~9,233,560~~9,657,000
Refrigerated Warehouse	~~151,197,000~~148,339,000	~~952,800~~893,250
Office	~~30,134,700~~27,132,800	~~55,685,100~~53,009,100
Total	**~~318,339,460~~301,096,600**	**~~359,152,460~~344,785,350**

Notes: kWh = kilowatt-hours; kBtu = thousand British thermal unit

Source: Data compiled by AECOM in 2015 and 2018

On page 3.6-7, the following discussion associated with Impact 3.6-1 was updated to reflect the revised data in Table 3.6-3:

> The proposed project's annual electrical and natural gas demand would be approximately ~~318.34~~301 million kWh and approximately ~~359,152.46~~345.35 million British thermal units (MMBtu).

SECTION 3.7, GREENHOUSE GAS EMISSIONS

On page 3.7-10, the "Methodology" discussion was revised to identify the use of a new version of the emissions model:

> The proposed project's GHG emissions were estimated using similar methods as those described in Chapter 3.2, "Air Quality." In addition to criteria air pollutants, CalEEMod Version ~~2013.2.2~~ 2016.3.2 and Sacramento Metropolitan Air Quality Management District's Roadway Construction Emissions Model Version 7.1.5.1 can also estimate GHG emissions associated with construction and operational activities.

On page 3.7-16, Table 3.7-3 was updated to included revised emissions estimates using CalEEMod Version 2016.3.2:

Table 3.7-3
Construction-Related GHG Emissions

Construction Phase/Year	Emissions (MT CO_2e)
Phase 1 Subtotal	~~83,229~~92,894
Phase 2 Subtotal	~~21,969~~26,493
Phase 3 Subtotal	~~4,416~~30,972
Total Construction Emissions	**~~109,613~~150,359**
Annual Average Construction Emissions	**~~3,654~~5,012**
Amortized Construction Emissions[1]	~~3,654~~5,012

Notes: MT CO_2e = metric tons of carbon dioxide equivalent. Totals may not appear to add exactly due to rounding.

[1] Construction emissions were amortized over 30 years.

Source: AECOM 201~~6~~8

On page 3.7-17, Table 3.7-4 was updated to include revised emissions estimates using CalEEMod Version 2016.3.2:

Table 3.7-4
Operational GHG Emissions

Emissions Source	Emissions (MT CO_2e/yr)
Area	~~0.42~~0.43
Energy	~~19,332~~126,749
Mobile	~~65,902~~64,475
Waste	~~11,419~~12,654
Water	~~6,251~~17,143
Transport Refrigeration Units	~~50,469~~59,804
High-GWP Refrigerants	19,180
Aircraft	175
Total Operational Emissions	**~~175,118~~301,609**
Amortized Construction Emissions[1]	~~3,654~~5,012
Total Annual Proposed Project Emissions[2]	**~~178,772~~306,621**
Project GHG Efficiency (emissions per service population)[3]	**~~11.76~~20.44**

Notes: MT CO_2e = metric tons of carbon dioxide equivalent; yr = year

Totals may not appear to add exactly due to rounding.

[1] Construction emissions were amortized over 30 years, which is the assumed lifetime of the proposed project. See Table 3.7-1 for detailed construction GHG emissions.

[2] The proposed project's total annual emissions include annual operational emissions added with construction emissions amortized over 30 years.

[3] The proposed project is anticipated to provide approximately 14,000 to 15,000 jobs at full buildout.

Source: AECOM 201~~6~~8

SECTION 3.8, GEOLOGY, SOILS, MINERALS, AND PALEONTOLOGICAL RESOURCES

On page 3.8-4 and 3.8-19 of the Draft EIR, a typo related to measured instantaneous subsidence rates has been corrected:

> Surveying conducted in support of this program indicates that the average subsidence rate near the project site has been in the range of 0 to ~~01.5~~ 0.15 feet per year between December 2011 and December 2015 (USBR 2016). Surveys conducted between December 2012 and December 2013 indicate slightly accelerated short term subsidence rates during that time period between 0.15 and 0.3 feet per year (USBR 2014).

This does not affect the analysis, findings, or mitigation in the EIR.

SECTION 3.9, HAZARDS AND HAZARDOUS MATERIALS

On page 3.9-7 of the Draft EIR, the following text has been incorporated into the "Environmental Setting" discussion:

> **Former Oil Pipelines**
>
> The former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) pipelines may be present along State Route (SR) 33. Therefore, one or both of these pipelines may be located underground at the northeast corner of the project site. OVP and TAOC pipeline operations ceased in the 1940s and 1970s, and when pipeline operations ceased, the pipelines were taken out of commission. However, the degree and method of decommissioning varied: in some instances the pipelines were removed, while others remained in place. The OVP and TAOC pipelines were installed to depths of 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and ACMs (Oliphant, pers. comm., 2018).

On page 3.9-18, of the Draft EIR, the following text and mitigation measure has been imposed on an impact that is already less than significant:

> However, the County has imposed the following mitigation measure to formalize the official route for trucking access to the Specific Plan Area.
>
> Mitigation Measure 3.9-1: Designate Official Trucking Route.
>
> The County shall designate the official trucking terminal access route for the Specific Plan from the Fink Road/Interstate 5 interchange directly to the Specific Plan Area. This trucking route shall apply to large trucks regulated by the Surface Transportation Assistance Act, referred to as STAA trucks.

Implementation: Leaseholders/developers/contractors.

Timing: Establish prior to construction and enforce during construction and operation of projects implemented within the Specific Plan Area.

Enforcement: Stanislaus County.

On page 3.9-23, of the Draft EIR, the following additional text has been incorporated into the discussion of Impact 3.9-2:

Former Oil Pipelines

The Chevron Environmental Management Agency (Oliphant, pers. comm., 2018) conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP and TAOC pipelines. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, if soil affected by the historical release of crude oil from these former pipelines is encountered during construction activities at the northeast corner of the project site, it may be reused as backfill on site. Furthermore, properly abandoned crude-oil pipeline may be left in the ground. Therefore, this impact is considered **less than significant**. No mitigation is required.

SECTION 3.10, HYDROLOGY AND WATER QUALITY

On page 3.10-22, the following text has been added to the "Regulatory Framework" discussion:

Locally established GSAs are part of the Northern Delta-Mendota Management Committee, and include the City of Patterson GSA, DM-II GSA, North-Western GSA, Patterson Irrigation District GSA, and West Stanislaus Irrigation District – 1 & 2 GSAs. Together with other GSAs established in the central and southern portions of the subbasin, they encompass an area of more than 320,000 acres within the counties of Stanislaus, Merced, and Fresno. Their boundaries are as follows: the western boundary generally follows the Coast Range, the eastern boundary is the San Joaquin River in Stanislaus County and the water district boundaries in Merced and Fresno counties, the northern boundary is located to the south of the City of Tracy, and southern boundary is the northern perimeter of the Westside subbasin. In February 2017, the Northern Delta-Mendota Management Committee and the Central Delta-Mendota Management Committee began coordinating with the SLDMWA to obtain coordinated access to administrative and technical resources through the San Luis & Delta-Mendota Water Authority to comply with the sustainable management of groundwater pursuant to SGMA.

On page 3.10-44, the following clarification has been made to Mitigation Measure 3.10-4b:

Mitigation Measure 3.10-4b: Conduct and Report Groundwater Level Monitoring

The County shall coordinate with the Groundwater Sustainability Agency to conduct ~~prepare on~~ groundwater monitoring ~~conducted~~ as a part of implementation of the Groundwater Sustainability Plan for the vicinity of the Specific Plan Area. The exact construction, placement, and monitoring methodology will be defined in a groundwater level monitoring program in the Groundwater Sustainability Plan. Groundwater level monitoring activities, findings, and reporting schedule will also be defined in the Groundwater Sustainability Plan, along with the Minimum Thresholds and Measurable

Objectives required in a Groundwater Sustainability Plan that govern when investigation and intervention is required and what adjustments to well field operation or other actions are required to avoid effects to existing off-site wells. Groundwater level monitoring shall commence prior to project implementation to establish baseline conditions.

SECTION 3.11, LAND USE AND PLANNING AND POPULATION, HOUSING, AND EMPLOYMENT

The following revision has been made on page 3.11-19 to Impact 3.11-4 in Section 3.11, "Land Use and Planning and Population, Housing, and Employment," of the Draft EIR.

The purpose of the proposed project is to reuse the former Crows Landing military facility to create a regional employment center that will provide local job opportunities to the residents of Stanislaus County, some of whom may be unemployed at the time jobs are available at the project site. In addition, as described in Chapter 2, "Project Description," one of the objectives of the project is to provide sustainable-wage jobs. CLIBP employees could reside in communities near the Specific Plan Area, such as the cities of Patterson and Newman, and along the Interstate 5 and State Route (SR) 33 corridors. Because the proposed project is located along primary transportation corridors, CLIBP employees also could be drawn from adjacent San Joaquin and Merced counties. There is existing housing in communities located along these corridors that could potentially serve employees.~~, and o~~ Over the 30-year buildout of the project, ~~it is likely that~~ additional housing opportunities will be developed.

SECTION 3.13, PUBLIC SERVICES

The language from the County's General Plan has been added on page 3.13-3:

Land Use Element

- **GOAL FOUR –** Ensure that an effective level of public service is provided in unincorporated areas.
- **POLICY TWENTY-FOUR –** Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.
- **IMPLEMENTATION MEASURE 1 –** The County shall continue to implement its Public Facilities Fees Program, which is intended to help finance public facilities needed to maintain current levels of service.
- **IMPLEMENTATION MEASURE 3 –** Benefit assessment districts, County Service Areas (CSAs), Mello-Roos Districts, or other similar districts shall be formed as needed to pay for the cost of providing ongoing appropriate services.
- **IMPLEMENTATION MEASURE 4 –** The County shall continue to work with independent fire districts and health care districts to implement fees to help finance public facilities to support their services.
- **GOAL FIVE –** Promote and protect healthy living environments.

- **POLICY THIRTY-ONE –** The County shall support efforts to improve local health care options through the siting of new facilities in locations with the infrastructure (including, but not limited to, transportation and utility) to support both facility and client needs.

SECTION 3.14, TRAFFIC AND TRANSPORTATION

The following revisions were made to Mitigation Measure 3.14-1 in in Section 3.14, "Traffic and Transportation," of the Draft EIR:

Mitigation Measure 3.14-1: Off-site Traffic Signal or Roundabout Installations and Intersection Improvements.

The following intersections are expected to meet signal warrants during peak-hour periods when the project is in place. The impact can be alleviated by installing traffic signals at the intersections where LOS would be degraded in exceedance of relevant thresholds. The affected jurisdictions can consider roundabouts as an alternative to traffic signals. The project shall contribute on a fair-share basis to the following improvements.

Phase 1

- Signalize Intersection 14. Sperry Avenue / SR 33 (~~City of Patterson~~ Caltrans)
- Signalize Intersection 24. West Ike Crow Road / SR 33 (Stanislaus County)
- Signalize Intersection 26. Fink Road / Bell Road (Stanislaus County)
- Signalize Project Entrance / Fink Road (Stanislaus County)

Fink Road Interchange – Contribute on a fair-share basis to the improvement of the Fink Road interchange. Improvements recommended for the Fink Road interchange include signalizing the northbound ramps prior to completion of Phase 1 and widening the roadway beneath the freeway to create a westbound left turn lane at the southbound ramps intersection.

Phase 2

- Signalize Intersection ~~22~~ 20. Marshall Road / SR 33 (Caltrans)
- Signalize Intersection 22. Marshall Road / Ward Avenue (Stanislaus County)
- Signalize Intersection 25. Fink Road ~~at~~/ SR 33 (Stanislaus County)

Implementation: Leaseholders/developers/contractors will contribute on a fair-share basis to fee to reimburse for off-site improvements and implementation will be directed by Stanislaus County.

Timing: Prior to completion of Phase 1 and Phase 2, as specified.

Enforcement: Stanislaus County.

Significance after Mitigation

With the signalization of Intersections 24, 26, Project Entrance, 22, and 25, the resultant LOS would be LOS C or better. The impact at these intersections is considered **less than significant** with mitigation.

For Intersections 14 and 20, signalization would allow LOS of D or better. However, the County cannot guarantee that this improvement would be implemented since this would be under the jurisdiction of ~~the City of Patterson~~ Caltrans. This impact is **significant and unavoidable**.

SECTION 3.15, UTILITIES AND SERVICE SYSTEMS

On pages 3.15-2 and 3.15-3, the "Environmental Setting" discussion was revised to clarify the use of an acronym and correct the name of the resource cited:

Wastewater flows from the WHWD are discharged into the Patterson Trunk Sewer, which conveys sewer flows to the City of Patterson Water Quality Control Facility (WQCF) for treatment (Stanislaus Local Agency Formation Commission [LAFCO] 2016:5). The City of Patterson owns and operates the 240-acre WQCF, which is located approximately 9 miles north of the project site at 14901 Poplar Avenue. The WQCF provides wastewater ~~transmission,~~ treatment~~,~~ and disposal for both the City of Patterson and the community of Diablo Grande. The City of Patterson WQCF has a current design capacity of 2.25 million gallons per day (mgd) average dry-weather flow, but it has a reliable treatment capacity of 1.85 mgd (~~Blackwater~~ Black Water Consulting Engineers 2017).[1] As of 2016, the WQCF treats 1.44 mgd average dry-weather flow (~~Blackwater~~ Black Water Consulting Engineers 2017). The City anticipates that flows to the WQFC at buildout of all known planned development within the City of Patterson, its sphere of influence, and the community of Diablo Grande would exceed the design capacity of the treatment plant. Table 3.15-2 shows the estimated WQCF average dry-weather flow at buildout of the City of Patterson and Diablo Grande.

Table 3.15-2
Estimated City of Patterson Water Quality Control Facility Average Dry-Weather Flow (mgd)

Year	City of Patterson	Diablo Grande	Total
2018	1.51	0.05	1.56
2029	2.15	0.11	2.26
2040	2.49	0.16	2.65
2050	2.80	0.22	3.02
Buildout	5.54	0.75	6.29

Note: mgd = million gallon per day
Source: ~~Blackwater~~ Black Water Consulting Engineers 2017

The City has prepared improvement plans ~~and acquired land~~ to expand the WQCF capacity. WQCF expansion, generally referred to as the Phase III Expansion, would increase the plant capacity by 1.25 mgd to bring the total plant capacity to 3.5 mgd with a reliable treatment capacity of 3.1 mgd (Central Valley Regional Water Quality Control Board 2007, ~~Blackwater~~ Black Water Consulting Engineers 2017). The Central Valley Regional Water Quality Control Board has already authorized expansion of the facility under Order R5-2007-0147, which was issued in November of 2007 (Central Valley Regional

[1] The existing reliable capacity for the WQCF differs from the permitted capacity. The WQCF's waste discharge requirements identified in Central Valley Regional Water Quality Control Board Order R5-2007-0147 include effluent nitrogen limits that have been challenging for the older treatment facilities at the WQCF to meet. Therefore, the City of Patterson considers the reliable capacity of the WQCF to be less than the permitted capacity to ensure compliance with the waste discharge requirements.

Water Quality Control Board 2007). Additional WQCF expansion will be required to treat wastewater flows at buildout of the City of Patterson and Diablo Grande. Phase IV and Phase V expansions would increase the WQCF reliable treatment capacity to 4.25 mgd and 6.5 mgd, respectively (~~Blackwater~~ Black Water Consulting Engineers 2017). It is expected that future expansions would occur before the WQCF exceeds reliable capacity.

On page 3.15-10 of the Draft EIR, the following text in the discussion of "Methodology" was revised to provide additional clarity:

- *Technical Memorandum. Potential Impacts to Patterson Wastewater Facilities from Crows Landing Industrial Business Park (~~Blackwater~~ Black Water Engineering Consultants 2017)*

On pages 3.15-15 and 3.15-16, the following revisions have been incorporated into Impact 3.15-4:

Implementation of the proposed project would require construction of on-site wastewater collection and conveyance facilities. The *Crows Landing Industrial Business Park Sanitary Sewer Infrastructure and Facilities Study (*Sanitary Sewer Study*)* was prepared for the proposed project to identify wastewater collection and conveyance facilities design (VVH Consulting *Engineers* and AECOM 2016b).

Backbone wastewater collection and conveyance infrastructure facilities necessary to serve Phase 1 include gravity trunk mains, a 2.66-mgd sanitary sewer lift station southwest of the Marshall Road and State Route 33 intersection, a ~~0.065~~0.32-mgd sanitary lift station south of the airfield near the Delta Mendota Canal, and an 12-inch force main within Marshall Road to convey effluent to the existing off-site WHWD 18-inch trunk main in Ward Avenue. This temporary connection will be replaced with a permanent connection to the proposed South Patterson Trunk Sewer at the intersection of Bartch Avenue and Ward Avenue as part of Phase 2. The gravity trunk mains, lift station, and force main would be sized to accommodate effluent from Phases 1, 2, and 3 (VVH Consulting Engineers and AECOM 2016b:9).

The proposed South Patterson Trunk Sewer would be designed to have sufficient capacity to accommodate flows at buildout of the Specific Plan. The City of Patterson would correct the pipeline deficiencies in the Ward Avenue trunk line at the intersection of Ward Avenue and M Street and upsize existing 21-inch sewer pipes to 24 inches prior to serving the Specific Plan (VVH Consulting Engineers and AECOM 2016b:19). New wastewater infrastructure would be constructed per design criteria identified in the City's Wastewater Master Plan.

On pages 3.15-16 and 3.15-17, the following revisions have been incorporated into the discussion of Impact 3.15-5:

IMPACT 3.15-5 Increased demand at City of Patterson Water Quality Control Facility (WQCF). Implementation of the proposed project would result in an increase in wastewater flows that exceed the current City of Patterson WQCF design capacity. This impact is considered significant.

Wastewater treatment for the proposed project is anticipated to be provided by the City of Patterson WQCF, which has a current design capacity of 2.25 mgd average dry-weather flow and a reliable treatment capacity of 1.85 mgd (~~Blackwater~~ Black Water Consulting Engineers 2017). As of 2016, the WQCF treats 1.44 mgd average dry-weather flow. The City has prepared improvement plans ~~and acquired~~

~~land~~ for WQCF expansion to achieve a design capacity of 3.5 mgd, with a reliable capacity of 3.1 mgd.

Phases 1, 2, and 3 of the project could generate an average dry-weather flow of 0.394 mgd, 0.223 mgd, and 0.274 mgd, respectively, for a total of 0.891 mgd average dry-weather flow at site buildout (~~Blackwater~~ Black Water Consulting Engineers 2017). This estimate is based on accepted industry standard loading factors and input from the County of Stanislaus and the City of Modesto. The estimate is conservative and does not consider California Green Building Standards or the Specific Plan policies that reduce water use. Section 5.303 of the California Green Building Standards covers indoor water use and includes policies to reduce the overall use of potable water by 20 percent. Section 5.304 covers outdoor water use and requires irrigation controllers and sensors to reduce water use. Compliance with the California Green Building Standards would reduce water use and associated wastewater generation. The Specific Plan also promotes water efficiency and conservation, by encouraging energy star appliances, water sensitive design techniques, individual water metering, drought-tolerant and native plant landscaping, and by making reclaimed water available for cooling and other industrial uses.

The City of Patterson did not account for the project's wastewater flows in its planned design expansion to 3.5 mgd. Wastewater treatment capacity is allocated on a "first come, first serve" basis. Early phases of development would generate wastewater flows that could be accommodated by on-site septic systems, as described above in Impact 3.15-4, or by the WQCF, if sufficient capacity is available. Because there are other approved and planned projects in the Patterson area, it is possible that capacity may need to be added to the WQCF to serve one or more phases of the proposed project, should these other projects break ground before the proposed project. The City's Wastewater Master Plan examines alternatives to expansion of the WQCF to handle 7.0 mgd and serve 76,000 residents, 675 acres of commercial development, and 2,227 acres of industrial development. Subsequent projects and leasehold development would be required to pay fair-share fees to the City of Patterson for wastewater treatment. Capacity expansion for the WQCF could be required to provide for the proposed project's long-term wastewater treatment demands. This impact is considered **significant**.

On page 3.15-17, the description of Mitigation Measure 3.15-5 was revised to provide greater clarity:

Mitigation Measure 3.15-5: Demonstrate Adequate Wastewater Treatment Capacity.

Before the County will issue any building permit for a use proposing to connect to public sewer or construction of backbone sewer infrastructure connecting to the WHWD sewer line, the project applicant ~~will~~ shall be required to provide written documentation to verify that existing treatment capacity is, or will be, available at the WQCF to support the proposed development. If treatment capacity is provided at the City of Patterson WQCF, projects within the Specific Plan Area shall contribute on a fair-share basis to the cost associated with such treatment capacity. Written documentation may include proof of executions of all financing agreements and/or other mechanisms, to the satisfaction of the City of Patterson, to ensure ~~and~~ that any physical improvements required to treat wastewater associated with the proposed development will be in place prior to occupancy.

Implementation: Leaseholders/developers/contractors.

Timing: Prior to issuance of any building permits.

Enforcement: Stanislaus County.

CHAPTER 4, ALTERNATIVES

Alternative 2 would reduce the scale of the Specific Plan and wastewater demand requiring treatment at the City's WQCF. Table 4-5 in Chapter 4, "Alternatives," of the Draft EIR has been revised accordingly. This edit does not change the analysis or conclusions of the Draft EIR.

Table 4-5
Comparison of Infrastructure Improvements Needed

Type	Alternative 2	Proposed Project
Dry Utilities (Electricity, Natural Gas, Communications)	Utility service would be provided by Pacific Gas & Electric Company (PG&E) (natural gas), Turlock Irrigation District (TID, electric) and AT&T (communications). Utilities would be located in joint trenches along the western or southern sides of on-site roadways.	Same as Alternative 2.
Sewer	Alternative 2 would require the construction of gravity trunk mains, a 2.66-Million Gallons per Day (MGD) sanitary sewer lift station southwest of the Marshall Road and State Route 33 intersection, a ~~0.065~~0.32-MGD sanitary lift station south of the airfield near the Delta Mendota Canal, and a force main within Marshall Road to convey effluent to the existing Western Hills Water District (WHWD) trunk main in Ward Avenue. Less development under Alternative 2 would generate less wastewater as compared to the proposed project.	Same as Alternative 2, plus the construction of a force main to convey sewage from the site to the City of Patterson wastewater treatment facility.
Storm Drainage	To accommodate flows on Little Salado Creek, an existing channel south of the airport would be improved. The existing box culverts would be replaced by three 4-by-8-foot box culverts to convey flows beneath the runway.	Same as Alternative 2, plus the creation of a detention basin in the northeast corner of the project site to detain flows.
Water	On-site groundwater wells and wellhead treatment would fulfill site demand. Under Alternative 2, existing on-site groundwater wells would be developed with a wellhead treatment system to provide water to the Fink Road Corridor, Bell Road Corridor, airport, and 15 acres of the Public Facilities area. Infrastructure development would include distribution pipes and valves, the construction of a water storage tank east of the intersection of Davis and Fink roads, and a well booster pump station. As with the proposed project, Alternative 2 could potentially connect with the City of Patterson water system or the Crows Landing Community Services District for blending or redundancy, but not for water supply.	Same as Alternative 2, plus additional infrastructure (pipes, valves, a water tank, and pump station). The project could potentially connect with the City of Patterson water system or the Crows Landing Community Services District for blending or redundancy, but not for water supply.
Roadways	See above under the heading "Traffic and Transportation."	See above under the heading "Traffic and Transportation."

CHAPTER 5, OTHER CEQA CONSIDERATIONS

On page 5-32, Table 5-5, the following revisions have been made to Intersections 9 and 13. This does not affect the findings or mitigation measures in the Draft EIR.

Table 5-5
Intersection Level of Service: 2035 No-Project and 2035 plus Project Conditions

Intersection		Traffic Control Type	2035 No-Project				2035 plus Project			
			A.M. Peak		P.M. Peak		A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
9	Ward Avenue / M Street	Signalized	35.5	D	33.3	C	48.0	D	~~97~~ 38.9	~~F~~D
13	Las Palmas Avenue / SR 33	Signalized	21.0	C	21.0	C	30.6~~6.0~~	C	24.1	C

The following revisions were made starting on page5-34 of the Draft EIR to Mitigation Measure Cumulative with Project Transportation 1: Traffic Signal Installation and Cumulative with Project Transportation 2: Roadway Widening and text explaining the traffic analysis as it relates to the City of Newman. These revisions do not affect the findings in the Draft EIR.

Mitigation Measure – Cumulative with Project Transportation 1: Traffic Signal Installation

The project shall contribute on a cumulative fair-share basis to the signalizations for Intersections 1, 2, 10, 11, 14, 17, 18, 19, 20, and 25. The project shall also contribute on a cumulative fair-share basis to the signalization of the following intersections:

- Fink Road / Davis Road (Stanislaus County)
- Fink Road / Ward Avenue (Stanislaus County)
- I-5 NB Ramps/ Fink Road (Caltrans)
- I-5 SB Ramps/ Fink Road (Caltrans)
- SR 33 intersections with Stuhr Road, Jensen Road, Yolo Street, and Inyo Street.

Implementation: County of Stanislaus / Caltrans

Timing: Prior to completion of Phase 3

Enforcement: County of Stanislaus Public Works Department / Caltrans

The Transportation Master Plan, under separate cover and available for review on file with the County Planning and Community Development Department, presents estimates of the project's fair share of the cost of each of these improvements. The calculation of the project's fair share may change based on planning and development that could occur between the present time and buildout of the project. With signalization of the intersections of Fink Road and Davis Road, Fink Road and Ward Avenue, I-5 NB Ramps and Fink Road, and I-5 SB Ramps and Fink Road, the resultant LOS would be LOS C or better. The Fink Road/Davis Road and Fink Road/Ward Avenue intersection improvements would occur under the jurisdiction of the County. The impact is **less than cumulatively considerable with mitigation**.

The I-5 northbound ramps/Fink Road intersection and I-5 southbound ramps/Fink Road intersection are under Caltrans' jurisdiction. The County cannot guarantee that these improvements would be implemented. There is no additional feasible mitigation. This cumulative impact is considered **significant and unavoidable**.

For the fair-share contributions to recommended improvements identified for the cumulative without project scenario, LOS C or better would be achieved at the intersections of Carpenter Road and West Main Street, Crows Landing Road and West Main Street, and Crows Landing Road and Marshall Road. City of Newman traffic studies indicate that future traffic signals in the SR 33 corridor in and near Newman will include intersections at Stuhr Road, Jensen Road, Yolo Street, and Inyo Street. The Specific Plan will contribute on a fair-share basis to signalizations of these intersections. In addition, although signalization would achieve LOS C or better for the intersections of I-5 southbound ramps and Sperry Road, I-5 northbound ramps and Sperry Road, Ward Avenue and SR 33, Olive Avenue and SR 33, Sperry Avenue and SR 33, Marshall Road and SR 33, and Fink Road and SR 33, each of these improvements is under Caltrans' jurisdiction and the County cannot ensure implementation. The impact is considered **significant and unavoidable**.

Roadway Segment Operations

With the addition of project-related traffic to cumulative conditions, additional roadway segments will fall below relevant LOS thresholds. The impact is **cumulatively considerable**.

Mitigation Measure – Cumulative with Project Transportation 2: Roadway Widening

The project shall contribute on a cumulative fair-share basis to the improvement to Roadway Segment 16, West Main Street west of Carpenter Road: from two to four lanes, and the improvement to Roadway Segment 19, I-5 north of Sperry Avenue: from four to six lanes. The project shall also contribute on a cumulative fair-share basis to the following roadway widening improvements:

- Roadway Segment 4. SR 33 south of Stuhr Road~~, north of Newman~~ to Inyo Street: from two to four lanes
- Roadway Segment 8. SR 33 between Marshall Road and Sperry Avenue: from two to four lanes
- Roadway Segment 20. I-5 between Fink Road and Sperry Avenue: from four to six lanes

Implementation: Caltrans / County of Stanislaus

Timing: Prior to completion of Phase 3

Enforcement: Caltrans / County of Stanislaus Public Work Department

The Transportation Master Plan (under separate cover and available for review on file with the County Planning and Community Development Department) presents estimates of the project's fair share of the cost of each of these improvements. The calculation of the project's fair share may change based on planning and development that could occur between present and buildout of the project. Providing four lanes on SR 33 between the city of Newman and Stuhr Road would provide LOS D, as would four lanes

between Marshall Road and Sperry Avenue. Adding two lanes to I-5 between Fink Road and Sperry Avenue would provide LOS B. However, the County cannot guarantee that these improvements would be implemented because they would be under the jurisdiction of Caltrans and would depend on the availability and prioritization of State and federal funds. There is no additional feasible mitigation available. This impact is **significant and unavoidable**.

For the fair-share contributions to roadway widenings identified under the cumulative no project scenario, a LOS of C or better would be achieved on West Main Street and East Las Palmas Road west of Carpenter Road and on I-5 north of Sperry Avenue. However, the County cannot guarantee that the improvements would be implemented for I-5 because these improvements would be under the jurisdiction of Caltrans and because the improvements would depend on the availability and prioritization of State and federal funds. This cumulative impact is **significant and unavoidable**.

Regarding the widening of SR 33, from Marshall Road to Sperry Avenue, this segment is 12,300 feet in length. In the city of Patterson, the four-lane section of SR 33 has a width of about 60 feet for four-lanes undivided plus parking on one side. Widening is needed by the completion of Phase 2 of the development when combined with 2035 growth traffic. During Phases 2 and 3 of the project, it may be worthwhile to consider adding a third center left turn lane at existing intersections to enhance both the safety and capacity of SR 33 and delay the need for four lanes.

For SR 33 south of Stuhr Road and north of the city of Newman, this section of roadway will exceed two-lane capacity by the end of Phase 3 of the project when combined with 2035 background traffic. SR 33 through Newman is planned in the City's General Plan ~~appears~~ to have an ultimate width of ~~three~~ four lanes south of Stuhr Road in and north of the existing ~~urbanized area~~ City limits. ~~If such a road section were extended north to Stuhr Road with signalization and other intersection improvements at Stuhr Road, this is anticipated to supply adequate capacity (TJKM 2017).~~ In the busiest location along SR 33, the Specific Plan will contribute approximately 7,700 vehicles per day (vpd). In this location, Specific Plan volumes would constitute 28 percent of the growth. If the traffic is split 50-50 to account for one trip end in Newman and one trip end in the Specific Plan Area, a reasonable fair share allocation for the impacts caused by Specific Plan traffic is approximately 14 percent. As stated in Mitigation Measure – Cumulative with Project Transportation 2, the Specific Plan will contribute on a cumulative fair-share basis to the widening of SR 33, south of Stuhr Road to Inyo Street, from two to four lanes.

Starting on page 5-37, the following clarifications have been made to the Draft EIR, which do not impact any findings or mitigation measures:

Water Supply

Implementation of the project would result in the increased demand for water supplies. Water supply for the project site would be provided through existing (non-potable) and new (potable) groundwater wells from the Delta-Mendota Groundwater Subbasin. Groundwater levels underlying or near the proposed project site appear to have minimal net change and appear to be hydrologically balanced (AECOM 2016). A groundwater contour map provided by DWR based on well data show that 2006 groundwater levels did not change markedly from 1996 levels (City of Patterson 2011). Some studies of groundwater elevations have shown some decline during recent years attributable to abnormally low rainfall throughout the state and increased groundwater pumping to meet demands that would normally be met from surface water

sources, but that over time, groundwater elevations are relatively stable, which would indicate a hydrologically balanced condition (VVH Consulting Engineers and AECOM 2016). The hydrographs for State Well No.'s 06S08E20D002M and 06S08E09E001M span the period from 2011 to the present. In general, these hydrographs suggest that groundwater levels near the project site recover quickly after pumping ceases, as indicated by relatively consistent water elevations by season (see State Well No. 06S08E09E001M). Overall, water levels near the project site have been stable since 2011, which indicates that recent pumping rates near the project site have been sustainable on an annual basis, even during the drought (JJ&A 2016:3-3). Based on this information, significant cumulative effects related to groundwater level drawdown are not occurring or anticipated in or near the Specific Plan Area under current groundwater management conditions.

Based on groundwater modeling conducted for the Program Environmental Impact Report for the Stanislaus County Discretionary Well Permitting and Management Program (JJ&A 2018), the County estimates the total average surface water supply provided within the Delta-Mendota Subbasin north of the Merced River to be approximately 282,000 acre-feet/year. The total average groundwater supply provided in the Delta-Mendota Subbasin within the County (including district pumping, municipal pumping, and private pumping) is estimated to be approximately 148,000 acre-feet/year. Water suppliers in the Delta-Mendota Subbasin within the County include ~~The County has created four Groundwater Management Areas, including the North County, Modesto, Turlock, and the Westside Groundwater Management Areas. The project site is located in the West Side Area. The County has estimated the water supply in the Westside Area to be 383,000 acre-feet per year (afy) (333,500 from surface supplies and 49,500 from groundwater supplies) (Stanislaus County 2008). Westside Area water suppliers include~~:

- City of Patterson
- City of Newman
- Del Puerto Water District
- Westley Community Services District
- Patterson Irrigation District
- Oak Flat Water District
- Western Hills Water District (outside the groundwater basin but receives surface water deliveries from the subbasin area)
- Crows Landing Community Services District
- West Stanislaus Irrigation District
- Eastin Water District
- Central California Irrigation District
- El Solyo Water District

Long-term groundwater demand forecasts associated with the above water agencies and with non-agency agricultural and domestic groundwater extraction are currently uncertain because the Groundwater Sustainability Plans (GSPs) required to comply with the Sustainable Groundwater Management Act (SGMA) are still being developed, and the outcome of other regulatory requirements that could profoundly affect the nature of water supply availability in the area (i.e., the Bay-Delta Water Quality Control Plan amendments proposed by the State Water Resources Control Board) are currently uncertain. Simulation of a range of long-term groundwater demand trends for the recently certified "Program Environmental Impact Report for the Discretionary Well Permitting and Management Program,

Stanislaus County, California," under which the Specific Plan wells will be permitted, indicates that, in the absence of GSP implementation, there is a theoretical potential for groundwater levels to decline by tens of feet in some areas, depending on the amount and distribution of future groundwater extraction increases. Under such a scenario, the use of some existing wells could be adversely affected, groundwater supplies could become less economical and less available, and other adverse environmental, economic and societal effects could occur. However, development and implementation of GSPs under SGMA is required to mitigate such adverse effects, and to prevent "Undesirable Results," as defined in SGMA and in the County Groundwater Ordinance. GSPs will define the sustainable yield of the subbasin, identify any special management areas, define management objectives, criteria and thresholds, and establish monitoring networks. After GSPs are adopted, GSAs will be responsible for their implementation and enforcement, with specific requirements to avoid future Undesirable Results, and to ameliorate any existing Undesirable Results by 2042 in accordance with defined milestones. If GSAs fail to adopt adequate GSPs, or fail to adequately implement them, the SGMA requires the State to intervene to ensure that the sustainability requirements are met. The Groundwater Ordinance also allows the County to intervene and regulate unsustainable groundwater extraction prior to state intervention, providing an additional safeguard against unsustainable groundwater extraction. For these reasons, although the precise nature of the measures contained in local GSPs cannot yet be known, their effect on cumulative environmental impacts related to groundwater level decline and storage depletion are a regulatory certainty that will be enforced by both the State and the County. The actions required to be implemented by GSAs to comply with SGMA will decrease any cumulative effects resulting from groundwater extraction, avoiding a significant cumulative impact.

Water supply by the water agencies listed above occurs in a broader context than groundwater use alone, and involves surface water sources (deliveries from the State and federal water projects, diversions from the San Joaquin River, and use of reclaimed wastewater) and associated diversion, treatment and distribution systems. In addition, water deliveries may be affected by water exchange agreements between districts or their customers that include surface, as well as groundwater supplies, and by the Warren Act. This regional interdependence of supply and demand is made more complicated by the fact that the proposed amendments to the Bay Delta Water Quality Control Plan are not yet finalized, and their potential effects on regional supply and demand relationships are not yet known.

~~Additional agricultural water demand and urban demand, such as in the City of Patterson, would increase water demand, and projects that rely on groundwater may cause the groundwater levels to decline. Changes in agricultural practices could increase water demand or could increase groundwater recharge, depending on the soils, among other factors. Urban development of agricultural land with relatively higher water demand agricultural operations could represent a net decrease in water demand. The addition of impervious surfaces associated with urban development would decrease groundwater recharge in most cases.~~ At this time, the County is unable to determine how a water demand with the scale of the Specific Plan would interact with other regional demand and supply changes, and whether the cumulative changes could adversely affect the water supply systems of the cities, community service districts, water districts, and irrigation districts listed above, either by affecting the water demand those systems must serve, or through changes in the amount of or sources of water supplies available to them. ~~whether changes in agricultural practices and development in the Westside Area would increase water demand and reduce groundwater recharge so that supplies become unsustainable.~~ Considering the magnitude of development

included in the cumulative context, the County conservatively assumes there could be a **significant cumulative impact**.

A water supply assessment (WSA) was prepared in compliance with SB 610 to determine whether the projected available water supplies would meet the project's water demand. The total projected water demand based on proposed land uses in the project site at buildout is an estimated 2,819 afy. The WSA concluded that the proposed potable and non-potable groundwater wells would be sufficient to meet the water supply demands of the proposed project in normal, single-dry, and multiple-dry years. ~~Groundwater levels underlying the near the proposed project site appear to have minimal net change and appear to be hydrologically balanced (AECOM 2016). The Delta-Mendota Subbasin is reported to be relatively stable, with no indication of long-term decline or cone-of-depression. A groundwater contour map provided by DWR based on well data show that 2006 groundwater levels did not change markedly from 1996 levels (City of Patterson 2011).~~

~~The Sustainable Groundwater Management Act of 2014 provides for local control of groundwater sustainability with state oversight. The law states that groundwater resources should be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. To achieve its goals, the Act requires local agencies to develop and implement groundwater sustainability plans in critically overdrafted basins by 2020 and high- and medium-priority groundwater basins by 2022. While the Act identifies specific requirements for groundwater monitoring and use, it does not affect water rights, and it only grants state agencies the power to prohibit groundwater withdrawals after the agencies determine that local efforts are not sustaining groundwater resources. Stanislaus County is currently preparing a groundwater sustainability plan to meet the requirements of the Sustainable Groundwater Management Act.~~

The Specific Plan includes goals, policies, and design guidelines, including goals to incorporate water-sensitive site design principles in the landscape, infrastructure, and building design, including on-site stormwater management. The Specific Plan calls for water conserving plants, including California natives and drought tolerant plant materials to ensure compliance with State and County water-efficient landscape standards, and minimizing lawns and turf grass. Other than the Specific Plan water-efficient designs, which demonstrate consistency with California and Stanislaus County water-efficient standards, compliance with California Green Building Code standards that reduce indoor potable water demand by 20 percent and landscape water usage by 50 percent, the pursuit of a strategy to supplement groundwater supply with surface water, and the County's preparation and implementation of a groundwater sustainability plan, there is no additional feasible mitigation <u>which can be identified at this time</u> that would allow the County to achieve the basic project objectives and further reduce water demand. The impact is **significant and unavoidable**.

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