

Appendix A NOP and NOP Comment Letters

Highway 12 Logistics Center Project

Summary

SCH Number	2021040016
Lead Agency	City of Suisun
Document Title	Highway 12 Logistics Center Project
Document Type	NOP - Notice of Preparation
Received	4/1/2021
Present Land Use	Grazing and open space/Exclusive Agriculture 40 Acres and Marsh Preservation/Commercial Mixed Use and Agricultural and Open Space

Document Description	The project proposes development of approximately 1.28 million square feet of building space for warehousing and logistics on approximately 93 acres of land area (development area) and approximately 389 acres of permanently preserved open space. The project would permanently preserve approximately 389 acres of the project site as open space. This open space could be planned and managed to offset impacts of on-site development, serve as mitigation for other projects, and/or preserve and avoid impacts to covered species consistent with the City of Suisun City's General Plan and the Solano County Multispecies Habitat Conservation Plan, once adopted. The project will include ongoing land management requirements for preserved open space and will include features to avoid environmental degradation, such as improvements and a management regime to capture and remove solid waste that historically has been accumulating in area drainages. Grazing on the project site will be planned and managed consistent with the project's habitat conservation strategy and mitigation requirements.
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Contact Information	John Kearns City of Suisun City Lead/Public Agency 701 Civic Center Boulevard Suisun City, CA , CA 94585 Phone : (707) 421-7337 jkearns@suisun.com
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Location

Coordinates	38°14'15.91"N 122°3'17.13"W
Cities	Suisun City
Counties	Solano
Regions	Citywide
Cross Streets	Pennsylvania Avenue and State Highway 12
Total Acres	482
Parcel #	0032-010-039, 019, 002
State Highways	12, I-80
Railways	UPRR, SPRR
Airports	Travis AFB

Schools Woods, Crystal MS, McDaniel
Waterways Ledgewood Creek, Suisun Slough
Township 5N
Range 2Q
Section 34&35

Notice of Completion

Review Period Start 4/1/2021
Review Period End 5/3/2021
Development Type Other (1.28M square feet of warehousing and logistics uses)
Local Action General Plan Amendment Planned Unit Development Site Plan Prezone Use Permit
 Land Division (Subdivision, etc.)
Project Issues Aesthetics Agriculture and Forestry Resources Air Quality Biological Resources Cultural Resources
 Cumulative Effects Drainage/Absorption Energy Flood Plain/Flooding Geology/Soils Greenhouse Gas Emissions
 Growth Inducement Hydrology/Water Quality Land Use/Planning Mineral Resources Noise Population/Housing
 Public Services Recreation Schools/Universities Sewer Capacity Solid Waste Transportation Vegetation
 Wetland/Riparian Wildfire
Reviewing Agencies California Air Resources Board (ARB) California Department of Conservation (DOC)
 California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)
 California Department of Forestry and Fire Protection (CAL FIRE) California Department of Parks and Recreation
 California Department of Transportation, District 4 (DOT)
 California Department of Transportation, Division of Aeronautics (DOT)
 California Department of Transportation, Division of Transportation Planning (DOT)
 California Department of Water Resources (DWR) California Governor's Office of Emergency Services (OES)
 California Highway Patrol (CHP) California Native American Heritage Commission (NAHC)
 California Natural Resources Agency California Public Utilities Commission (CPUC)
 California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB) Delta Protection Commission
 Department of Toxic Substances Control Office of Historic Preservation
 State Water Resources Control Board, Division of Drinking Water
 State Water Resources Control Board, Division of Water Rights

Attachments

Draft Environmental Docu... NOP_Hwy12Logistics PDF 2290 K

Notice of Completion [NO... NOC_NOP_Highway12Logistics PDF 252 K

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**City of Suisun City
Notice of Preparation and Notice of Public Scoping Meeting
Highway 12 Logistics Center Environmental Impact Report**

Date: May 14th, 2021

To: Public Agencies, Organizations, and Interested Parties

From: John Kearns, Senior Planner, City of Suisun City

Subject: Notice of Preparation of an Environmental Impact Report and Public Scoping

This Notice of Preparation has been revised to add clarity, primarily through additional maps, as well as updated information related to planned sewer service that was not known at the time the previous Notice of Preparation was released. There is no need to resend responses to the original Notice of Preparation. The City will use both sets of responses to inform the Environmental Impact Report.

The City of Suisun City (the City) will be the lead agency and will prepare an Environmental Impact Report (EIR) compliant with the California Environmental Quality Act (CEQA) for the proposed Highway 12 Logistics Center Project (also referred to as “the project”). An Initial Study will not be prepared (CEQA Guidelines Section 15063[a]). In accordance with Section 15082 of the CEQA Guidelines, this Notice of Preparation (NOP) provides a project description, location, and the potential environmental effects of the proposed project.

The purpose of this NOP is to provide an opportunity to comment on the scope and proposed content of the EIR. The City will rely on responsible and trustee agencies to provide information relevant to the analysis of resources falling within the jurisdiction of such agencies. Specifically, input is requested on:

- (1) **Scope of Environmental Analysis** – guidance on the scope of analysis for this EIR, including identification of specific issues that will require closer study due to the location, scale, and character of the project;
- (2) **Mitigation Measures** – ideas for feasible mitigation, including mitigation that would avoid, eliminate, or reduce potentially significant or significant impacts; and
- (3) **Alternatives** – suggestions for alternatives to the proposed Project that could potentially reduce or avoid potentially significant or significant impacts.

As outlined in CEQA Guidelines Section 15082(b), each responsible and trustee agency must identify specific environmental issues, alternatives, and mitigation measures that should be explored in the EIR. If there is no response within 30 days, the City will assume that there are no specific environmental issues, alternatives, or mitigation measures that should be incorporated into the EIR.

WRITTEN COMMENTS

Please provide your written comments before Monday, June 14th, 2021. Comments, along with the name and contact information of the appropriate person in your organization, should be addressed to:

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

There is no need to resend responses to the original NOP. Documents related to this project will be available for review on the City's website at: <https://www.suisun.com/departments/development-services/planning/>

PROJECT SUMMARY

The applicant, Buzz Oates Construction, Inc., is proposing to annex and pre-zone 129 acres of the approximately 482-acre project site into the City of Suisun City and develop 1.28 million square feet of warehouse and logistics uses on approximately 93 acres (referred to as the "development area"). The remaining 36 acres of the 129-acre annexation area would be in managed open space. The 353 acres of the 482-acre project site not proposed for annexation is outside the City's Sphere of Influence (SOI), is not proposed for any SOI change or annexation, and would remain in managed open space within the unincorporated County. In total, 389 acres would be proposed for managed open space for environmental mitigation and conservation purposes – 36 acres in the proposed annexation area and 353 acres that would remain in the unincorporated County. This open space would be managed consistent with the Suisun Marsh Protection Plan and in accordance with any required permit conditions imposed by applicable regulatory agencies.

The project will require an amendment to the City's General Plan Land Use Diagram so that the proposed development and conservation areas are consistent with the General Plan's Commercial Mixed Use and Open Space land use designations.

PROJECT LOCATION

The 482-acre project site is located in unincorporated Solano County, California, within the City of Suisun City Sphere of Influence. See Exhibit 1 for the project site's location within the region, and Exhibit 2 for a more detailed depiction of the project site within the local vicinity.

The project site is bounded to the east by the Union Pacific Railroad and to the north by State Highway 12. The western perimeter of the project site is bounded by the eastern edge of Ledgewood Creek in the northern portion of the site and Orehr Road in the southern portion of the project site. To the south, the project site meets the Suisun Marsh.

The California Northern Railroad is oriented west to east, horizontally dividing the project area and meeting with the Union Pacific Railroad tracks at the western perimeter of the project site. Pennsylvania Avenue is located in the northern portion of the project site, from the California Northern Railroad line to and north of Highway 12.

As noted in the project summary, approximately 389 acres of the 482-acre site is proposed as open space for resource conservation purposes. The proposed 93-acre development area would be located in the northwestern

portion of the project site, bounded by Highway 12 to the north, Cordelia Road to the south, Ledgewood Creek to the west, and Pennsylvania Avenue to the east. Exhibit 3 illustrates the area of the project that is proposed for annexation.¹ Exhibit 4 provides a site map distinguishing the open space and proposed development areas of the project site and the existing and proposed General Plan land use designations for the project site.

EXISTING CONDITIONS

LAND USE DESIGNATIONS AND ZONING

The project site is located within unincorporated Solano County. Per the Solano County General Plan, the portion of the project site north of the California Northern Railroad is designated as Urban Industrial, and the southern portion of the Project site is designated as Public/Quasi-Public with a Resource Conservation Overlay. Per the Solano County Zoning Ordinance and shown in Exhibit 4, the northern portion of the site is zoned “Exclusive Agriculture 40 Acres” (A-40) and the northern portion is zoned as “Marsh Preservation.”

The City’s General Plan designates the areas of the project site west of Pennsylvania Avenue and north of the California Northern Railroad line as Commercial Mixed Use and the remainder is designated as Agriculture and Open Space.

The southern portion of the project site is within the Primary Management Area of the Suisun Marsh Protection Plan and a small portion of the southwestern extremity of the project site is within the Secondary Management Area of the Suisun Marsh Protection Plan. As shown in Exhibit 5, all portions of the project site that are in the Primary Management Area and Secondary Management Area of the Suisun Marsh Protection Plan south and southeast of Cordelia Road and Cordelia Street are proposed for managed open space as a part of the project.

The project site is currently agricultural grazing land and undeveloped open space. Cattle graze throughout the northern portion of the project site. Various utilities (e.g., telephone, power, natural gas lines) exist along Pennsylvania Avenue and Cordelia Road, but there are no known utility improvements or irrigation within the project site.

There are two commercial businesses currently operating within the proposed project site, near the intersection of Pennsylvania Avenue and the California Northern Railroad tracks running east-west. A homeless encampment exists within the northeastern corner of the project site, within a five-acre parcel that is within the city limits of Suisun City. Substantial trash has been accumulating in the surrounding creeks and drainages.

The City of Fairfield southern city limit is on the opposite side of State Highway 12 north of the project site. Existing uses in this portion of Fairfield include single-family residences, offices, and light industrial uses. East of the Union Pacific Railroad tracks is Downtown Suisun City and the Suisun City waterfront, which is developed with a variety of commercial, residential, assembly, repair, and retail land uses. To the west of the project site, across Ledgewood Creek, are industrial warehouse and office uses. Undeveloped land is to the west and south of the project site, including Suisun Marsh to the south.

The project site is within Zone D of the Travis Airport Land Use Compatibility Plan (ALUCP), which has few restrictions on land use or development. However, the project will be required to demonstrate consistency with

¹ The area proposed for annexation includes an approximately five-acre parcel that is not a part of the project site, which is being considered for annexation in order, consistent with Local Agency Formation Commission policy, to avoid creating unincorporated “islands.”

ALUCP provisions related to any proposed commercial scale solar facilities and bird strike hazards. The EIR will summarize how the project proposes consistency with the ALUCP.

PROJECT OBJECTIVES

The City has identified Project Objectives to guide planning for the project site, as well as the analysis included within the EIR:

1. Further the goals and policies of the City of Suisun City General Plan by developing land contemplated to support urban development.
2. Promote economic growth through new capital investment, expansion of the tax base, and creation of new employment opportunities.
3. Improve the City of Suisun City's jobs-to-housing ratio by locating employment land uses on historically underutilized land near existing infrastructure, transportation corridors, and residential areas.
4. Capitalize on the existing Interstate 80 and State Highway 12 transportation corridor, the existing rail facilities that can provide direct rail service unique to this logistics market area, and the increased demand for warehouse and distribution services in the City and region.
5. Create a master planned complex of buildings to accommodate the current and future need for warehouse and distribution uses in an economically viable project with coordinated infrastructure and landscaping.
6. Create opportunities to generate jobs and attract new employment-creating industries to Suisun City that generate new tax revenue and minimize demands on City services.
7. Continue the orderly development of the western gateway of Suisun City and provide a visual environment that gives visitors an immediate positive first impression of Suisun City with attractive building facades and landscaping.
8. Preserve and manage areas of the project site with concentrations of wetlands and other sensitive habitat for permanent open space to mitigate impacts and further regional habitat and species preservation goals.
9. Implement a range of sustainability measures aimed at conserving resources, decreasing energy and water consumption, and reducing air and water pollution.
10. Install circulation improvements along Pennsylvania Avenue and Cordelia Road that provide efficient ingress and egress to the proposed project, while also ensuring these facilities operate at acceptable levels.
11. Design internal circulation to provide efficient ingress and egress while ensuring facilities operate at acceptable levels.
12. Offer a project with the scale, location, amenities, and sustainability features necessary to create competitive advantages in attracting and retaining a variety of reputable warehousing and logistics users.

PROJECT OVERVIEW

PROPOSED LAND USE

The project proposes development of approximately 1.28 million square feet of building space on approximately 93 acres of land area (development area) and approximately 389 acres of permanently preserved open space (see Table 1). The development area would encompass three separate sites (A, B, C) and consist of seven buildings. Site A, 18.6 acres, would be bounded by the California Northern Railroad tracks to the south and Pennsylvania Avenue to the west. Site B, 13.13 acres, would be bounded by Cordelia Street to the south and southwest and by the Southern Pacific Railroad tracks to the north. Site C, 10.77 acres, would be east of Pennsylvania Avenue,

somewhat centrally located along the eastern perimeter of site A, with undeveloped land surrounding the site to the north, east, and south.

Exhibit 4 depicts the proposed General Plan land use designations for the project site, which include Commercial Mixed Use for the proposed development area and Agriculture and Open Space for the proposed managed open space conservation area. The area of the project site proposed for development, shown in Exhibit 4 as proposed for the Commercial Mixed Use General Plan land use designation, would be pre-zoned as Commercial Services and Fabricating (CSF) as part of the annexation process.

OPEN SPACE PRESERVATION

The project would permanently preserve approximately 389 acres of the project site as open space. As noted previously, this open space would be managed consistent with the Suisun Marsh Protection Plan and in accordance with any required permit conditions imposed by applicable regulatory agencies.

This open space could be planned and managed to offset impacts of on-site development, serve as mitigation for other projects, and/or preserve and avoid impacts to covered species consistent with the City of Suisun City’s General Plan and the *Solano County Multispecies Habitat Conservation Plan*, once adopted. The project will include ongoing land management requirements for preserved open space and will include features to avoid environmental degradation, such as improvements and a management regime to capture and remove solid waste that historically has been accumulating in area drainages. Grazing on the project site will be planned and managed consistent with the project’s habitat conservation strategy and mitigation requirements and relevant direction in the Suisun Marsh Protection Plan and applicable permit conditions.

Table 1. Highway 12 Logistics Center Site and Building Summary

Site	Site Acreage	Building	Proposed Building Square Footage
A		A	152,305
		B/C	710,489
		D	56,880
		E	56,880
B		F	172,380
C		G	127,303

ACCESS ROADWAYS & ROADWAY IMPROVEMENTS

Access to the project site would be provided in four locations along Pennsylvania Avenue to both Site A and Site C, and at three occurrences along Cordelia Street to Site B. Some access roadways will include semi-truck access lanes. The project may require other on- and off-site transportation improvements, which will be determined as a part of the overall analysis of the project initiated through this NOP.

The project site has direct access to an existing rail spur, and the project applicant will coordinate with the Southern Pacific Railroad, which merged with Union Pacific Railroad in 1996, regarding access to this existing railroad spur for proposed on-site uses.

STORM DRAINAGE

The project's drainage plan will provide on-site stormwater detention and treatment to ensure that post-project peak flows shall be limited to pre-development levels or less. The area primarily drains to the southeast into Peytonia Slough, with the exception of the southern portion of the proposed development area south of Southern Pacific Railroad, which drains to Ledgewood Creek (please see Exhibits 2 and 3, which label Peytonia Slough and Ledgewood Creek).

All stormwater runoff from impervious surfaces (roofs and paving) will be routed through a specially designed water quality detention and treatment basin. Additionally, on-site detention will be provided to meet local and regional standards.

UTILITIES & SERVICE SYSTEMS

The proposed project will require installation of supporting underground utilities, including water, wastewater, electricity, natural gas, and telecommunications. The EIR Project Description will include detailed descriptions of the planned infrastructure improvements that will be required to serve demand resulting from the project. Infrastructure will comply with relevant design standards of service agencies and will be consistent with the public facilities and infrastructure policies of the City.

Water

Water for the project would be supplied by Solano Irrigation District and alternative sources for water delivery are under examination, including via facilities owned by either the Suisun-Solano Water Authority or the City of Fairfield. The project applicant will coordinate water supply with the City of Suisun City, as well as the City of Fairfield, to determine the best option to service the project's operational water and irrigation needs. The City of Fairfield has existing operational water transmission lines in Pennsylvania Avenue adjacent to the project site.

Other options, such as groundwater wells, will also be explored. Solano Irrigation District (SID) has commissioned a water supply assessment for the project, the findings of which will be summarized in the EIR in relation to project water demand and water supply under a variety of scenarios.

The City of Vallejo owns a raw water transmission main that is in the northwestern portion of the project site. The City of Suisun City will require the project to be designed to avoid adverse effects to the maintenance and operation of this transmission main, in coordination with the City of Vallejo.

Wastewater

The project site is not currently within, but is proposed to be annexed to the Fairfield-Suisun Sewer District. The proposed wastewater system includes the on-site private sewer pipe system, one on-site private pump station, and an off-site public combination force main and gravity line in Cordelia Road. The off-site sewer will convey wastewater from the project approximately 2,700-feet to the west to the intersection of Beck Avenue and Cordelia Road to an existing sanitary sewer manhole and 27-inch sewer main owned and operated by the Fairfield-Suisun Sewer District.

Based on recent sewer modeling results provided by Fairfield-Suisun Sewer District's consultant, it was determined that the proposed project will not trigger any new capacity deficiencies.²

² Morton + Pitalo 2021 (April). Highway 12 Logistics Center (Suisun Gentry) Draft Sewer Master Plan.

Electricity & Natural Gas

Electricity and natural gas service would be provided by PG&E. Service laterals would be extended to project buildings from existing facilities along Pennsylvania Avenue and Cordelia Road.

OFF-SITE IMPROVEMENTS

The City anticipates the need for off-site improvements, such as transportation facility improvements and utility connections. These details will be determined by site-specific planning and engineering studies that will be used to support the EIR analysis. The EIR will include analysis and mitigation, as needed, to comprehensively address potential impacts related to construction and operation of off-site improvements.

REQUIRED APPROVALS

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

- General Plan Amendment
- Pre-zoning
- Planned Unit Development
- Tentative Parcel Map
- Use Permit
- Site Plan / Architectural Review

Additional approvals required for the proposed project may include, but are not necessarily limited to:

- Bay Area Air Quality Management District
- California Department of Fish and Wildlife
- Suisun-Solano Water Authority
- Fairfield-Suisun Sewer District
- San Francisco Regional Water Quality Control Board
- Solano Local Agency Formation Commission
- Solano County Airport Land Use Commission
- United States Army Corps of Engineers

Other local, State, or federal approvals or permits may be necessary for subsequent land use entitlements, pursuant to applicable laws and regulations.

ENVIRONMENTAL REVIEW

As required by CEQA, the EIR will describe existing conditions and evaluate the potential environmental effects of the proposed Highway 12 Logistics Center and a reasonable range of alternatives, including the no-project alternative. It will address direct, reasonably foreseeable indirect, cumulative, and growth inducing effects. The EIR will identify feasible mitigation measures, if available, to reduce significant and potentially significant impacts.

POTENTIAL ENVIRONMENTAL EFFECTS

The following environmental topic areas are preliminarily anticipated to be evaluated in the EIR:

- **Aesthetics, Light and Glare**—The EIR will evaluate existing visual conditions and will evaluate the potential impacts on scenic vistas, scenic resources, and visual character that may result from development of the project and off-site improvement areas, as well as impacts related to light and glare. While there are no State-designated scenic highways in the vicinity of the project site, Solano County has identified a portion of Highway 12 as a Scenic Roadway. This designation applies east of the project site, starting at the overpass of Highway 12 over the railroad line, and then east to the County line.
- **Agriculture and Forestry Resources**—The EIR will describe existing agricultural resources and evaluate potential direct and indirect impacts from conflicts with existing zoning or Williamson Act contracts, and from conversion to urban uses of lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is designated by the California Department of Conservation and the Solano County General Plan as Grazing Land and Urban and Built-Up Land, which does not fall under the Important Farmland umbrella. The project site is not encumbered by an active Williamson Act contract. The developed portion of the project site would be pre-zoned Commercial Services and Fabricating (CSF) as part of the annexation process, which would eliminate any conflicts with the existing agricultural zoning. This section will also document that no forest land resources are present.
- **Air Quality**—The EIR will discuss the regional and local air quality setting and quantify air pollutant emissions for construction and subsequent operation of proposed uses and off-site improvement areas. The emissions estimates will be derived in consideration of recommended methods and significance thresholds developed by the Bay Area Air Quality Management District, and the EIR will explain how methods and thresholds are designed to assess potential human health effects.
- **Biological Resources**—The EIR will define the biological resources in the project area and surrounding habitats and evaluate the project’s potential effects on wetlands, other sensitive natural communities, and special-status species (e.g., raptors and other migratory birds).
- **Cultural and Tribal Cultural Resources**—The EIR will describe existing cultural and Tribal Cultural Resources and evaluate potential impacts on those resources, including the potential to affect undiscovered resources during excavation and grading. The EIR will also include consultation with California Native American tribes to assess potential impacts on Tribal Cultural Resources. The City has requested a Native American Heritage Commission search of the Sacred Lands File as well as a list of tribal representatives that may have an interest in the project area. The City will use this list, along with a list of Native American Tribal representatives that have requested notification to invite consultation.
- **Energy**—The EIR will describe the project’s energy consumption, consistency with energy conservation standards and whether the project would lead to wasteful or inefficient use of energy or affect local or regional energy supplies.
- **Geology, Soils, Minerals, and Paleontology**—The EIR will describe the geological setting and potential environmental effects related to geologic and soils hazards, mineral resources, and unique paleontological (fossil) resources. This section will outline design measures and best management practices to minimize impacts on people or structures from seismic activity. The EIR will also identify any potential impacts from loss of mineral resources and on undiscovered fossils.

- **Greenhouse Gas Emissions**—The EIR will include a description of the current science surrounding climate change. The existing setting section will also include a summary of the applicable regulatory framework. The EIR will quantify greenhouse gas (GHG) emissions for construction and subsequent operation based on the proposed uses and assumptions related to off-site improvement areas. Emissions estimates will be evaluated for consistency with the State legislative framework for reducing GHG emissions reductions.
- **Hazards, Hazardous Materials, and Wildfire**—The EIR will identify potential impacts from the transport, use, or disposal of hazardous materials; releases of hazardous materials; emissions of hazardous or acutely hazardous materials, substances, or waste near a school; location on a hazardous materials site; location within an airport land use plan or in the vicinity of a private airstrip; impairment of an adopted emergency response or evacuation plan; and exposure to wildland fires. There are no Very High Fire Risk Severity Zones in the Local Responsibility Area in Solano County, though portions of the project site appear to be designated High Fire Risk, which will be discussed in the EIR.
- **Hydrology and Water Quality**—The EIR will evaluate hydrologic and water quality conditions and potential short-term construction-related effects on water quality from stormwater runoff, as well as longer-term effects on stormwater drainage and maintenance effects on water quality. This section will also evaluate potential impacts on groundwater recharge and sustainability, and on surface water hydrology from the addition of impervious surfaces associated with future development. The potential for the project to impede or redirect flood flows will also be evaluated in this section. The design features and stormwater retention features required to minimize hydrology and water quality effects will be outlined in this section, based on detailed project drainage plans.
- **Land Use and Planning, Population, and Housing**—The EIR will describe existing land uses and evaluate the potential for the proposed project to divide an existing community or conflict with existing, adopted land use and natural resource plans or regulations that were adopted with the purpose of reducing or avoiding environmental effects. The EIR will evaluate the potential of the proposed project to induce substantial population growth or displace substantial numbers of housing units or people that could lead to potentially significant physical environmental effects.
- **Noise and Vibration**—The EIR will describe existing noise and vibration conditions and the potential impacts of construction of the proposed land uses and off-site improvements. Noise levels from construction and operation of proposed uses will be estimated and compared with existing ambient noise levels and City noise policies.
- **Public Services and Recreation**—The EIR will analyze existing public services and potential increases in demand, and will evaluate whether those demands would require new facilities (e.g., fire protection, law enforcement) that could result in potentially significant environmental impacts. Since the proposed project would not result in population growth, the City does not anticipate any impact related to recreation.
- **Transportation**—The EIR will identify existing conditions, existing plus project conditions, cumulative no-project conditions, and cumulative plus project conditions. An analysis of commuter vehicle miles traveled (VMT) per employee for operations of the proposed project will be conducted using the City of

Fairfield travel demand model. Consistent with the City’s adopted VMT evaluation methodology, the EIR will not include a focus on warehousing/logistics related truck VMT. The proposed project site plan will be evaluated for access and on-site circulation, including interface with the public roadway network, emergency vehicle access and circulation, and pedestrian and bicycle access and circulation within and adjacent to the site. The EIR will include an evaluation of the project’s consistency the City’s multi-modal transportation policies.

- **Utilities and Service Systems**—The EIR will evaluate physical environmental impacts related to the on- and off-site expansion and extension of utility systems, such as those that are required for water supply, stormwater drainage, wastewater treatment, and solid waste disposal.

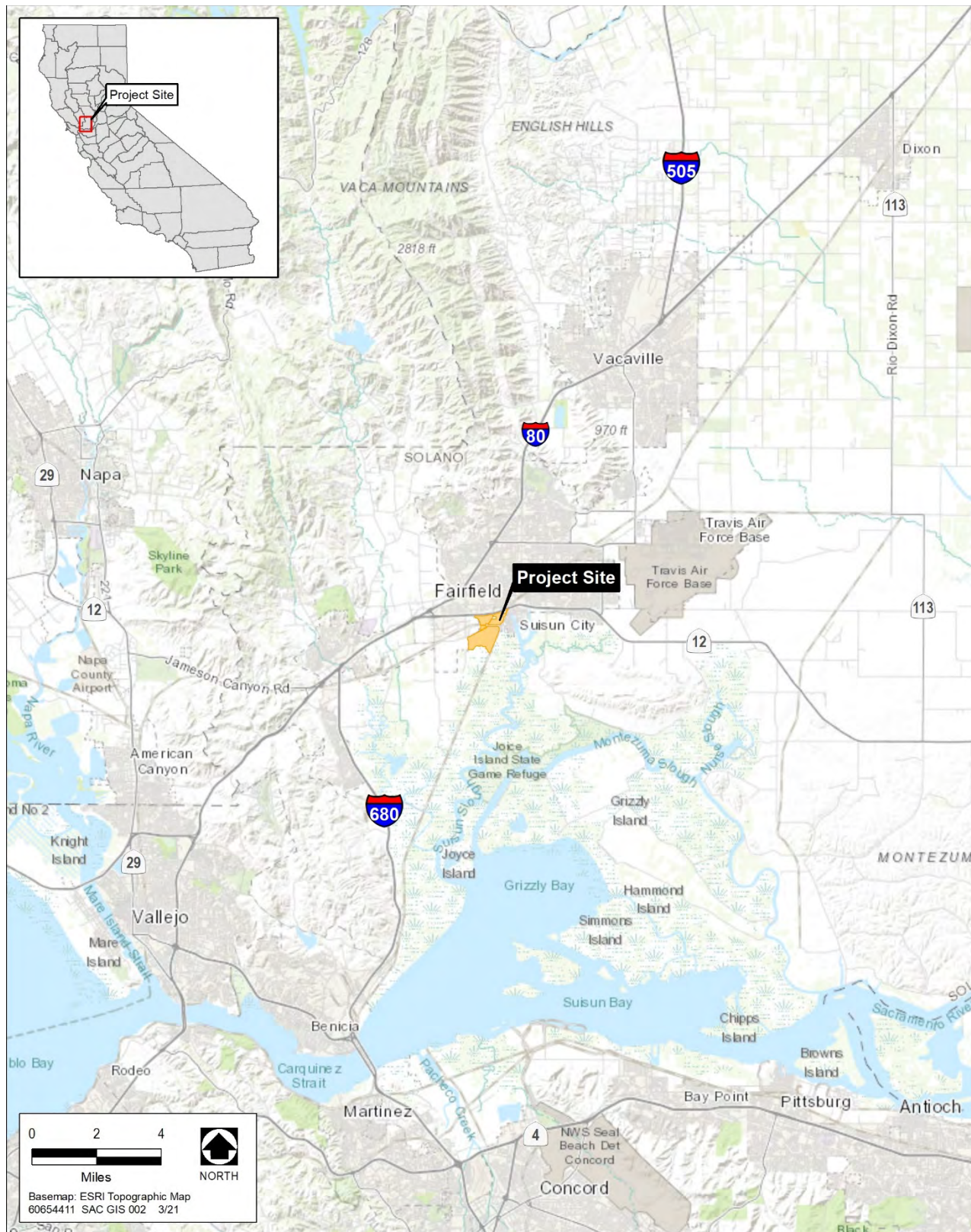


Exhibit 1. Regional Location

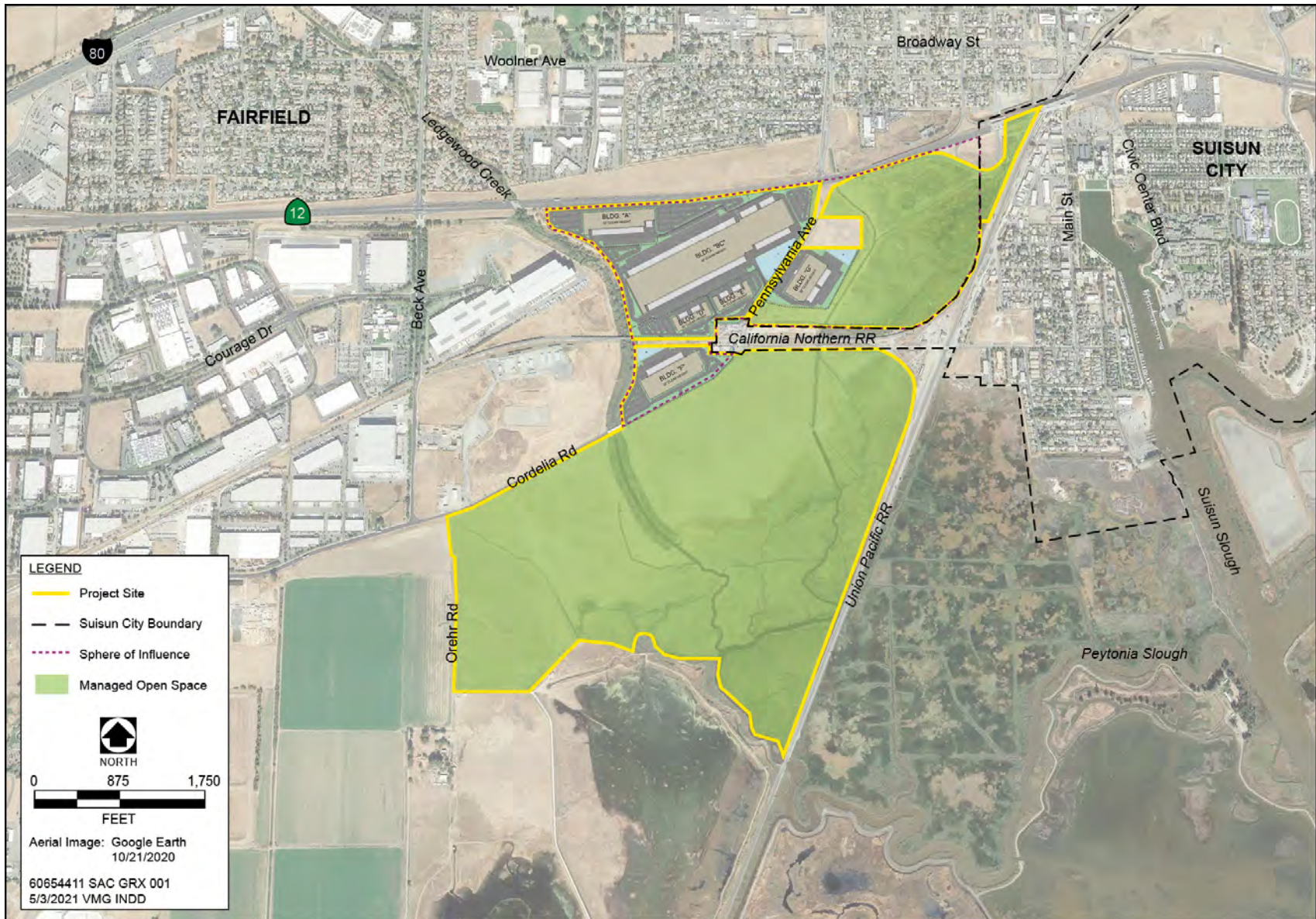


Exhibit 2. Project Site

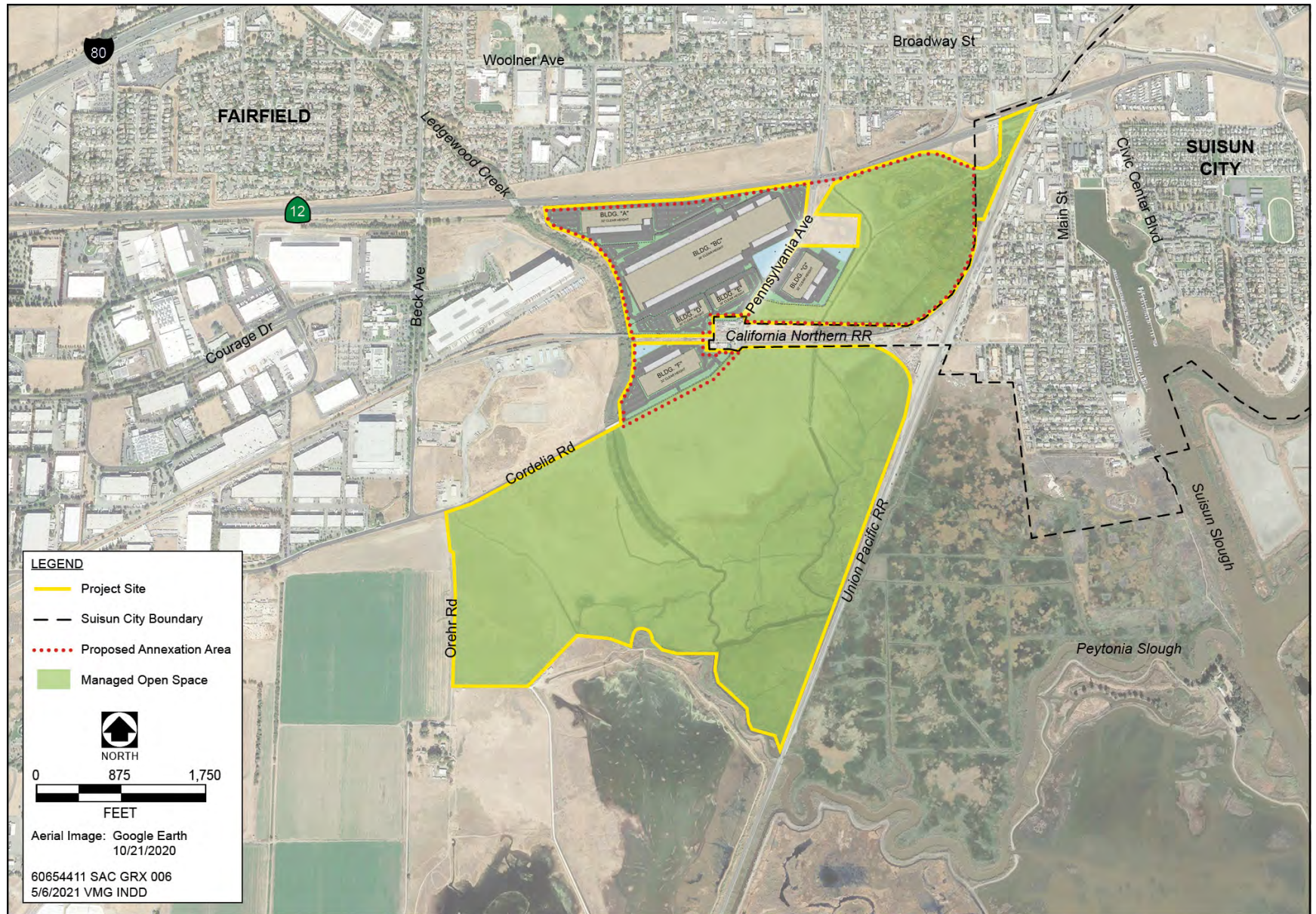
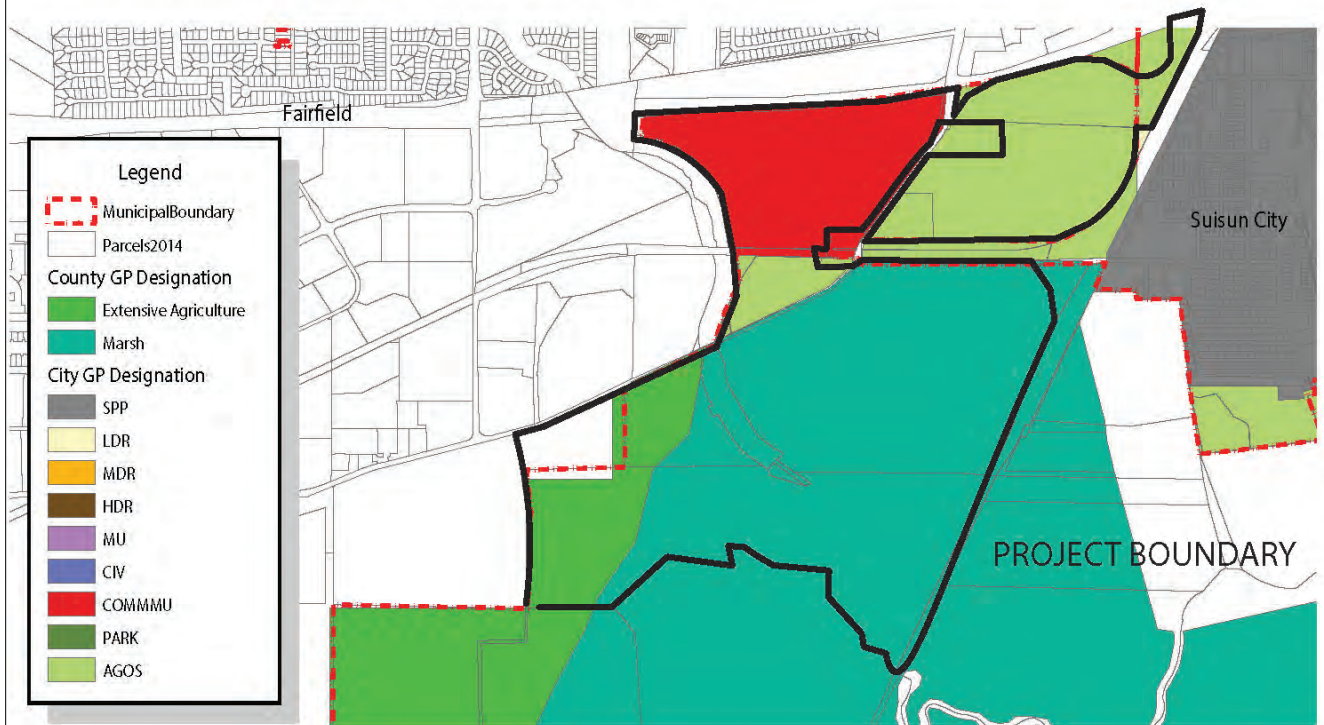
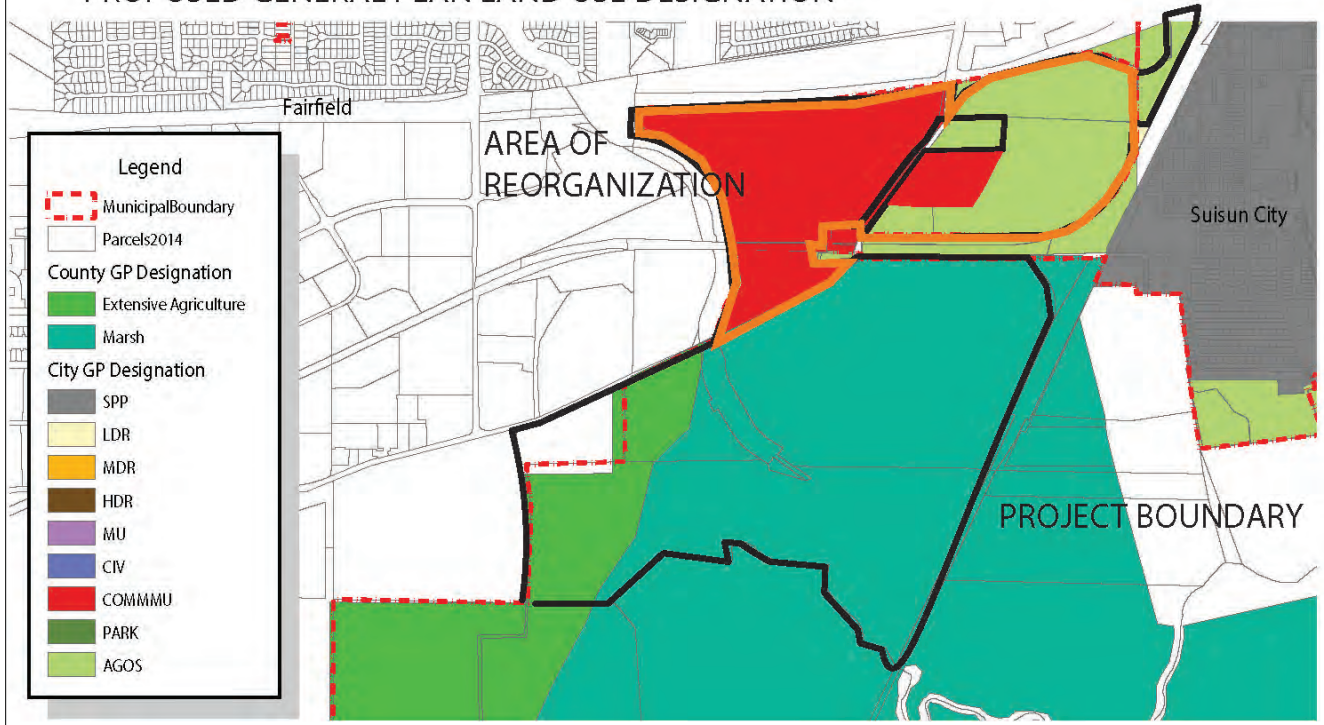


Exhibit 3. Proposed Annexation Area

CURRENT GENERAL PLAN LAND USE DESIGNATION

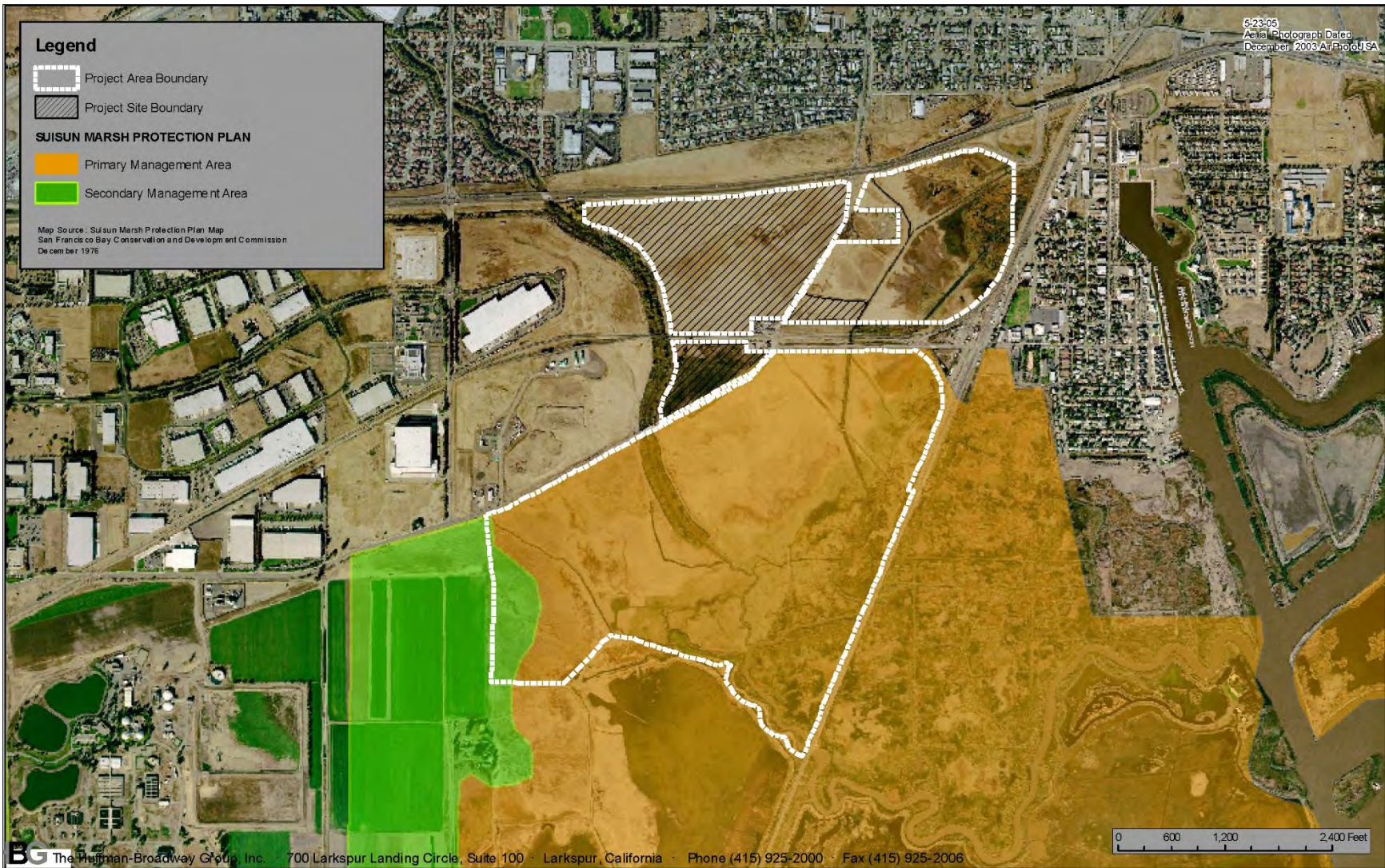


PROPOSED GENERAL PLAN LAND USE DESIGNATION



Source: Wade Associates 2021

Exhibit 4. Proposed General Plan Land Use Designation



Source: Huffman-Broadway Group 2021

Exhibit 5. Project Site and Suisun Marsh Primary and Secondary Management Areas

From: [John Kearns](#)
To: [Gerken, Matthew](#)
Cc: [dwade; "Joe Livaich"](#)
Subject: [EXTERNAL] FW: Highway 12 NOP
Date: Friday, May 21, 2021 11:28:23 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

From: Miriam Torres
Sent: Friday, May 21, 2021 11:18 AM
To: John Kearns
Subject: Highway 12 NOP

Dear John Kearns,

I am a Principal Environmental Planner with the Bay Area Air Quality Management District (BAAQMD), and we review CEQA documents within the 9-county Bay Area jurisdiction. We recently received the [Notice of Preparation \(NOP\) for the City of Suisun Highway 12 Logistics Center](#), and would like to setup a time to discuss the project and offer assistance. Please let me know which of the below times work best for a 30 min meeting, and if none of these work, please feel free to propose other times that work best for you:

- Wednesday 5/26: 4pm
- Tuesday 6/1: 3pm
- Wednesday 6/2: 1pm
- Thursday 6/3: 1pm

Thank you and looking forward to connecting! Please feel free to reach out with any questions.

Kind regards,



MIRIAM TORRES, MURP
PRINCIPAL ENVIRONMENTAL PLANNER



Bay Area Air Quality Management District
375 Beale St. Suite 600 | San Francisco, CA 94105
415-749-4900 miriamtorres@baaqmd.gov

From: [John Kearns](#)
To: [Gerken, Matthew](#); [Joe Livaich](#); [dwade](#)
Subject: [EXTERNAL] Fwd: Highway 12 Logistics Center -- Environmental Impact Report Comment
Date: Monday, June 14, 2021 5:54:45 PM

Sent from my iPhone

Begin forwarded message:

From: Steve Birdlebough <>
Date: June 14, 2021 at 5:52:18 PM PDT
To: John Kearns <>
Subject: Highway 12 Logistics Center -- Environmental Impact Report Comment

Dear Mr. Kearns--

With respect to the above project, the design must assure there is no interference with freight and passenger rail operations.

Please note that the State Rail Plan calls for passenger rail service between the SMART Corridor and the Capitol Corridor by the year 2014.

Thank you for your attention.
Steve Birdlebough



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 21, 2021

Apr 22 2021

STATE CLEARINGHOUSE

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

Subject: Highway 12 Logistics Center Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021040016, City of Suisun, Solano County

Dear Mr. Kearns:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Highway 12 Logistics Center Project (Project).

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

PROJECT DESCRIPTION AND LOCATION

The Project is the development of agricultural grazing land and undeveloped open space into seven warehouse facilities covering approximately 1.28 million square feet. The City of Suisun (City) is the Lead Agency and Buzz Oats Construction, Inc., is the Project proponent. The Project is located in unincorporated Solano County immediately west of the City's border. The area that will be developed is considered within the City's sphere of influence and will be annexed into the City as part of the Project. The Project is bounded by Ledge Creek and Orehr Road to the west, Suisun Marsh to the south, State Route 12 to the north, and the Union Pacific Railroad to the east. The Project area is approximately 482 acres, of which only 129 acres would be annexed into the City. Of those 129 annexed acres, 93 acres will be developed and 36 will be

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permanently preserved as open space. The remaining approximately 353 acres of the Project area will remain unannexed and are not contemplated for development.

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

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.
- Include the above information for any Project activities proposed on the 36 acres to be designated as open space.
- Clarify if the open space designation would change the types of future activities allowed on the 36 acres compared to its existing designation.
- Clarify whether the Project will affect the unannexed 353 acres that will remain open space.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take¹ of plants or animals listed under CESA, either during construction or over the life of the Project. The Project is within potential upland and breeding habitat of the California tiger salamander (*Ambystoma californiense*), a CESA and federal Endangered Species Act (ESA) listed as threatened species. The Project's ground disturbing activities have the potential for take of California tiger salamander. In addition, tricolored blackbird (*Agelaius tricolor*) and Swainson's hawk (*Buteo swainsoni*), both CESA listed

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

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as threatened species, may nest on or near the Project site. The Project's noise-generating or vegetation-disturbing activities could result in take of nesting tricolored blackbirds or Swainson's hawks. If the Project will impact CESA listed species, including but not limited to California tiger salamander, Swainson's hawk, and tricolored blackbird, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

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

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. CDFW, as a responsible agency under CEQA, will consider the draft EIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

Nesting Birds

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

ENVIRONMENTAL SETTING

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

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

- California tiger salamander, CESA and ESA listed as threatened
- California red-legged frog (*Rana draytonii*), ESA listed as threatened, California Species of Special Concern (SSC)
- Foothill yellow-legged frog, Northwest/North Coast clade (*Rana boylei*), SSC
- California Ridgway's rail (*Rallus obsoletus obsoletus*), CESA and ESA listed as endangered, Fully Protected Species
- California black rail (*Laterallus jamaincensus coturniculus*), CESA listed as threatened, Fully Protected Species
- Tricolored blackbird, CESA listed as threatened
- Swainson's hawk (*Buteo swainsoni*), CESA listed as threatened
- Burrowing owl (*Athene cunicularia*), SSC
- Northern harrier (*Circus hudsonius*), SSC
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), SSC
- Short-eared owl (*Asio flammeus*), SSC
- Suisun song sparrow (*Melospiza melodia maxillaris*), SSC
- White-tailed kite (*Elanus leucurus*), Fully Protected Species
- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), CESA and ESA listed as endangered, Fully Protected Species
- Suisun shrew (*Sorex ornatus sinuosus*), SSC
- Townsend's big-eared bat (*Corynorhinus townsendii*), SSC
- Western pond turtle (*Emys marmorata*), SSC
- Conservancy fairy shrimp (*Branchinecta conservatio*), ESA listed as endangered,

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California Terrestrial and Vernal Pool Invertebrate of Conservation Priority (ICP)²

- Vernal pool tadpole shrimp (*Lepidurus packardii*), ESA listed as endangered, ICP
- Delta green ground beetle (*Elaphrus viridis*), ESA listed as threatened, ICP
- Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), ESA listed as threatened, ICP
- Vernal pool fairy shrimp (*Branchinecta lynchi*), ESA listed as threatened, ICP
- Monarch (*Danaus plexippus pop. 1*), ICP
- Hairy water flea (*Dumontia oregonensis*), ICP
- Western bumble bee (*Bombus occidentalis*), ICP
- Contra Costa goldfields (*Lasthenia conjugens*), ESA listed as endangered, California Rare Plant Rank (CRPR) 1B.1
- Soft salty bird's-beak (*Chloropyron molle ssp. molle*), ESA listed as endangered, California rare, CRPR 1B.2
- Suisun thistle (*Cirsium hydrophilum var. hydrophilum*), ESA listed as endangered, CRPR 1B.1
- Two-fork clover (*Trifolium amoenum*), ESA listed as endangered, CRPR 1B.1
- Baker's navarretia (*Navarretia leucocephala ssp. bakeri*), CRPR 1B.1
- Carquinez goldenbush (*Isocoma arguta*), CRPR 1B.1
- Congdon's tarplant (*Centromadia parryi ssp. congdonii*), CRPR 1B.1
- Coulter's goldfields (*Lasthenia glabrata ssp. coulteri*), CRPR 1B.1
- Mason's lilaeopsis (*Lilaeopsis masonii*), California rare, CRPR 1B.1
- Mt. Diablo buckwheat (*Eriogonum truncatum*), CRPR 1B.1
- Alkali milk-vetch (*Astragalus tener var. tener*), CRPR 1B.2
- Britblescale (*Atriplex depressa*), CRPR 1B.2
- California alkali grass (*Puccinellia simplex*), CRPR 1B.2
- Delta tule pea (*Lathyrus jepsonii var. jepsonii*), CRPR 1B.2

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

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- Heartscale (*Atriplex cordulata* var. *cordulata*), CRPR 1B.2
- Long-styled sand-spurrey (*Spergularia macrotheca* var. *longistyla*), CRPR 1B.2
- Marsh microseris (*Microseris paludosa*), CRPR 1B.2
- Pappose tarplant (*Centromadia parryi* ssp. *parryi*), CRPR 1B.2
- Saline clover (*Trifolium hydrophilum*), CRPR 1B.2
- San Joaquin spearscale (*Extriplex joaquinana*), CRPR 1B.2
- Suisun marsh aster (*Symphotrichum lentum*), CRPR 1B.2
- Vernal pool smallscale (*Atriplex persistens*), CRPR 1B.2
- Bolander's water-hemlock (*Cicuta maculate* var. *bolanderi*), CRPR 2B.1
- Dwarf downingia (*Downingia pusilla*), CRPR 2B.2
- Slender-leaved pondweed (*Stuckenia filiformis* ssp. *alpina*), CRPR 2B.2

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

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

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

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the

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Project (CEQA Guidelines, § 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

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

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

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

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

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ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.


FILING FEES

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

If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at amanda.culpepper@wildlife.ca.gov; or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at melanie.day@wildlife.ca.gov.

Sincerely,

DocuSigned by:



BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH#2021040016)



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

April 2, 2021

Governor's Office of Planning & Research

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

Apr 02 2021

STATE CLEARINGHOUSE

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR
HIGHWAY 12 LOGISTICS CENTER – DATED APRIL 1, 2021 (STATE
CLEARINGHOUSE NUMBER: 2021040016)

Mr. Kearns:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for Highway 12 Logistics Center (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

Mr. John Kearns
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[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is written in a cursive style and is positioned above a thin horizontal line.

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

By Email and U.S. Mail

April 12, 2021

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

Re: Highway 12 Logistics Center

Dear Mr. Kearns:

The members and officers of Carpenters Local Union 180 ("Local 180") appreciate the opportunity to offer comment regarding the scope of environmental review for the Highway 12 Logistics Center project ("the Project"). The United Brotherhood of Carpenters and Joiners of America is proud to count about 2,200 Solano County residents among its membership ranks, including hundreds of members who live and/or work in the vicinity of the Project. Due to our union's deep and enduring connection to the communities of Solano County, Local 180 and its members take great interest in the City's analysis of both the construction and operational phases of the Project.

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

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

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

1. Construction Impacts

Workers, including members of Local 180, and nearby residents will be exposed to these impacts for the entire construction phase of the project. The EIR should analyze measures to minimize construction impacts, including the impacts of construction worker commutes. In particular, the EIR should analyze the impacts of whether or not the Project applicant and implements local

employment preferences for construction workers (in particular the use of local hiring halls) that will greatly reduce vehicle emissions from worker commutes to and from the Project site.

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

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

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

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

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

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

3. Impacts of Building Operation

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

4. Cumulative Growth Impacts on Workforce, Population and Housing

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

The Project applicant has another major project pending that is undergoing environmental review (the “Suisun Logistics Center project). The Project EIR should study and analyze potential cumulative impacts on Population and Housing of the Highway 12 Logistics Center’s *incremental* impact when added to all other closely related projects such as the Suisun Logistics Center project.

The EIR should address:

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

Conclusion

The Project potentially will have impacts on Suisun City. We hope that the City uses the CEQA process to minimize the Project’s environmental impacts while maximizing the economic and other benefits that the Project presents to the City, area workers, and the region. We look forward to reviewing the Draft Environmental Impact Report.

Sincerely,



Fidel Chavez
Senior Field Representative
Carpenters Local 180



Received May 3, 2021

MEMORANDUM

PUBLIC WORKS DEPARTMENT

DATE: April 30, 2021

TO: John Kearns, Senior Planner, City of Suisun City

FROM: Alvin Lei, Associate Civil Engineer, City of Fairfield – Public Works

SUBJECT: Notification of Preparation of an Environmental Impact Report and Public Scoping

Hello John,

Thank you for providing the City of Fairfield's Public Works Department an opportunity to provide feedback on the proposed Highway 12 Logistics Center, located along the southerly property line of State Route 12, north of Cordelia Street, east of Ledgewood Creek.

For City of Suisun City's consideration, please see Public Works' comments on the submitted Notice of Preparation:

1. Please include consideration for traffic impacts to Beck Avenue and Cordelia Road, with the City of Fairfield city limits, as part of the Environmental Impact Report. Based on the current project configuration, vehicular access to the project site will be primarily facilitated via Beck Avenue to Cordelia Road or Pennsylvania Avenue, south of State Route 12. The project developer shall be required to pay the pro rata cost of impact mitigation to the City of Fairfield, resultant of identified vehicular impacts to City streets.
2. In addition to CEQA VMT requirements, the Environmental Impact Report (EIR) shall include a project level intersection analysis of specific intersections, to be determined by the City of Fairfield, within the city limits of the City of Fairfield. The analysis shall include any necessary signal warrant analysis.

Memo to John Kearns, Senior Planner, City of Suisun City

Re: Notification of Preparation of an Environmental Impact Report and Public Scoping

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3. It is highly encouraged that the City of Suisun City consider current roadway widths and alignment of existing Cordelia Road and South Pennsylvania Avenue to ensure that the right-of-way is capable and adequate for emergency vehicle, including fire engines, access to the proposed development. Furthermore, as part of an intended development within the City of Fairfield, located on the northeast corner of Beck Avenue and Cordelia Road, the developer is required to construct roadway improvements, widening Cordelia Road to its intended width, similar to Cordelia Road, west of Beck Avenue. It may be prudent for City of Suisun City to consider widening Cordelia Road, and the existing creek crossing, as part of the Highway 12 Logistics Center development.
4. The “Water” section, on Page 5 of the submitted Notification of Preparation, indicates the developer’s intent to supply water to the project site from water transmission lines owned by the City of Fairfield. Service connections to the City’s 36” water transmission main shall not be allowed. The developer shall be required to obtain water service from the Solano Irrigation District and/or the City of Suisun City.

From: [John Kearns](#)
To: [Gerken, Matthew](#)
Cc: [dwade](#)
Subject: [EXTERNAL] Fwd: HWY 12 Logistics NOP- Conflict with City of Vallejo Pipeline
Date: Friday, April 2, 2021 3:36:42 PM
Attachments: [HWY 12 logistics NOP.pdf](#)

Sent from my iPhone

Begin forwarded message:

From: Matthew Brown <t>
Date: April 2, 2021 at 3:30:58 PM PDT
To: John Kearns <>
Cc: Jenn Hyman <j>, Mike Malone
<>, Beth Schoenberger
<>, Eric Jansen
<>, Melissa Cansdale
<>
Subject: HWY 12 Logistics NOP- Conflict with City of Vallejo Pipeline

John,

Good afternoon my name is Matt Brown, and I am the Senior Civil Engineer with the City of Vallejo Water Department. I am contacting you regarding the HWY 12 Logistics NOP. It appears that the NOP document does not mention that there is a City of Vallejo Raw Water Transmission Main whose alignment is in your area. The alignment is roughly as shown in the attached sketch using page 11 in your document. This is an active line which transfers water to both the City of Vallejo and provides auxiliary water supply to Travis AFB. This is a 36" CCP pipeline that was installed in the 1950s and the City of Vallejo has easements documented for this pipeline on file with the County of Solano. There are valves, vaults, markers and other appurtenances on this pipeline that are visible at grade and we are concerned that none of those facilities were identified in this document. The City of Vallejo is definitely interested in our asset, its preservation, and any development which may impede in its maintenance and operation. The City of Vallejo Water Department is willing to work with your City clarify our facilities and their preservation. Please contact the City of Vallejo to discuss any development in the area near our facilities.

Sincerely,

Matthew Brown, P.E.
Senior Civil Engineer
City of Vallejo Water Department

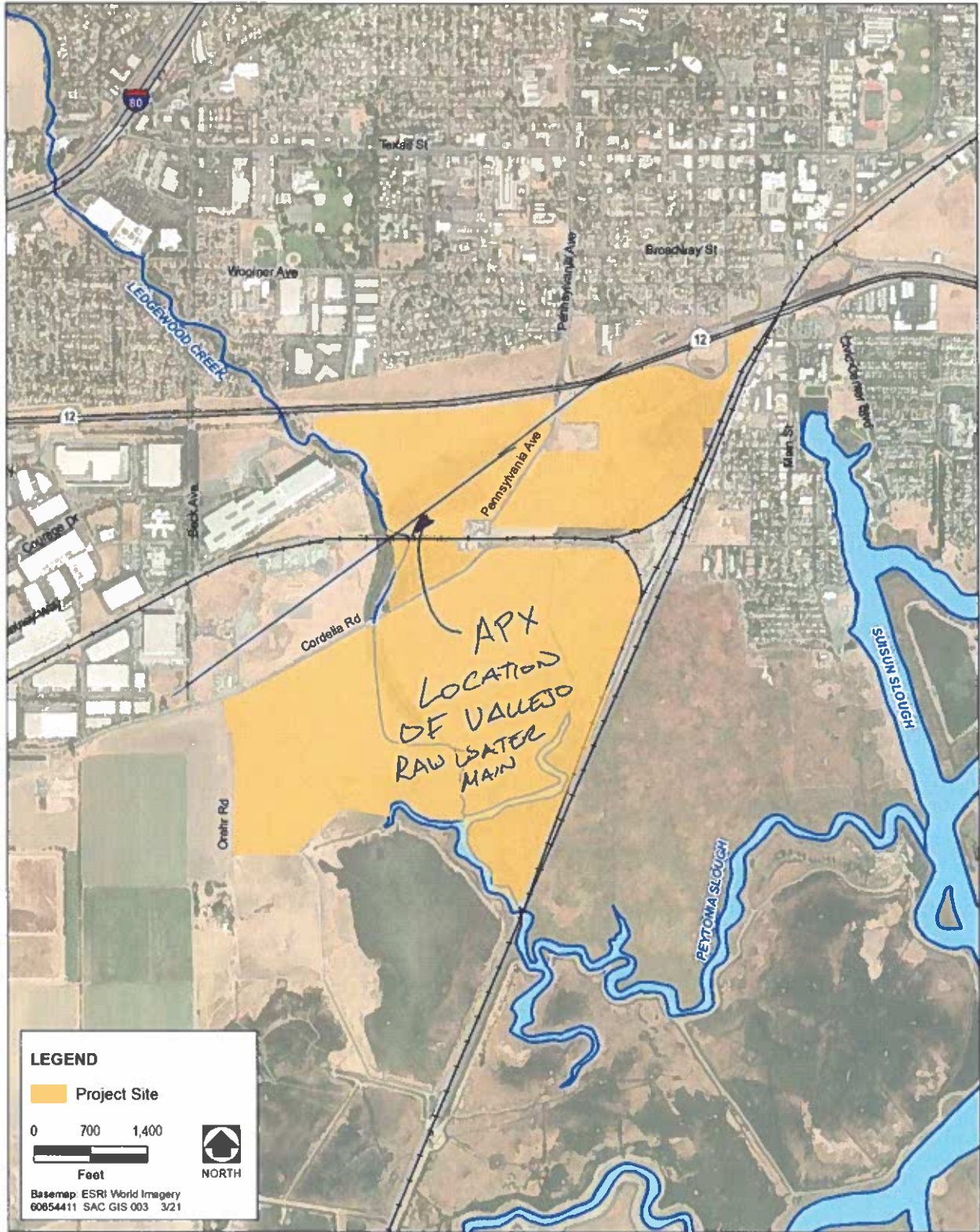


Exhibit 2. Project Site

From: [John Kearns](#)
To: [Gerken, Matthew](#)
Cc: [dwade](#)
Subject: [EXTERNAL] Fwd: Notice of Preparation, HWY 12 Logistics Center Project
Date: Friday, April 30, 2021 6:15:19 PM

Sent from my iPhone

Begin forwarded message:

From: "Meg P. Herston" <>
Date: April 30, 2021 at 6:06:56 PM PDT
To: John Kearns <>
Cc: Talyon Sortor <T>, Jordan Damerel <> **Subject:** Notice of Preparation, HWY 12 Logistics Center Project

Hi John –

FSSD received the Notice of Preparation, etc. for the Highway 12 Logistic Center EIR. We've reviewed the notice and have one comment:

- On page 6 of the Notice of Preparation, Under "Wastewater", the notice says that "The Project Site is within the Fairfield-Suisun Sewer District". FSSD would like to clarify that we are only able to provide service to project areas within the Fairfield or Suisun City Limits. It is not clear in the notice which areas of the project are actually annexed at this time.

We have accounted for the flows from this project in our most recent master plan / sewer model, and we have not identified any capacity deficiencies resulting from the project at this time. However, we do want to be sure that FSSD's jurisdiction is clear.

Please don't hesitate to contact me if you have questions or need additional information.

Thanks
Meg

From: Nellie Dimalanta <> **Sent:** Friday, April 23, 2021 3:53 PM
To: Meg P. Herston <> **Subject:** LAFCO City Boundaries

Hi Meg,

I chatted with Jeff Lum with LAFCO, they will forward the city boundaries as is for review by city public works. It may be a lengthy process but at least for what Suisun is asking of us, we should be able to provide comments regardless of the status of the jurisdictional boundaries. I'm placing the scanned copy on your desk.

Thanks and have a nice weekend, see you next Thursday!

Nellie D
office



NATIVE AMERICAN HERITAGE COMMISSION

April 5, 2021

John Keams
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585

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Laura Miranda
Luiseño

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Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2021040016, Highway 12 Logistics Center Project, Solano County

Dear Mr. Keams:

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

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

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

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

AB 52

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

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

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

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

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse

Barbara Pisching
1405 Ebbetts Court
Suisun City, CA 94585
707-759-5907

May 3, 2021

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

Re: **Highway 12 Logistics Center**

Dear Sir;

It is reported that the project will require an amendment to the City's General Plan Land Use Diagram so that the proposed development and conservation areas are consistent with the General Plan's land use designations. Also reported is the mitigation of marsh land at the proposed annex site. I have several questions of serious concern for the Planning Commission and City Council to consider before approving the project going forward.

1. Why does the developer Buzz Oates not purchase the parcel from the county; leaving the parcel in county jurisdiction?
2. What is the cost to Suisun City to annex the parcel?
3. Who pays for the supplied utilities hook-ups on the parcel?
4. Will CalTrans conduct an EIR for increased road truck traffic, road wear from increased truck traffic, intersection congestion from increased truck traffic?
5. Will the intersection require additional singular turn lanes from Hwy 12 onto Pennsylvania Ave. to accommodate the increase in truck traffic?
6. Why does Suisun City want to mitigate the marsh land when the threat of sea level rise flooding is eventual, creating a serious necessity for marsh preservation? Who will pay the costs for that marsh mitigation?
7. What amount of revenue does Suisun City expect to receive from a warehouse on the parcel? It will be only property tax, as there will be no commerce to generate sales tax.

This April, I took a physical inventory of the existing warehouses located on Courage Drive in Fairfield to determine the number of presently unoccupied warehouses. Courage Drive and Cordelia Road are the main streets of the Solano Business Park and the newly developed Solano Distribution Center, respectively. The result is as follows:

Location

Warehouse Occupancy Status in Fairfield

2100 Courage Dr.	Half of bldg. in use by occupant WB Warehousing, half of bldg. empty.
2200 Courage Dr.	New bldg. as of 2019, never occupied. WestCorp Leasing Agent, property for lease.
2300 Courage Dr.	Property for lease.
2545 Courage Dr.	Property not occupied.
2477 Whatney Dr.	Property for lease.
Solano Distribution Center Cordelia Road	Four small industrial warehouse buildings in a row with For Lease signs.
2220, 2260 through 2300 Cordelia Road	New buildings as of 2018, properties not occupied.
Huntington Dr. parallel to Air Base Parkway	Multiple warehouses currently under construction, sq. footage unknown, former Duracite warehouse building available in May.

Considering the current status of these empty warehouses and their combined square footage located in Fairfield city limits, why does Suisun City want or need a new warehouse to compete with Fairfield?

Developing that parcel for industrial warehouses does not support the General Plan goals of urban development. It promotes industrial use development. With the existing warehouse vacancies in the immediate surround of the parcel in question, the increased demand for warehouse and distribution services is difficult to prove.

A large warehouse located at Hwy 12 and Pennsylvania Ave. along with truck traffic will not provide an "immediate positive first impression of attractive building facades and landscaping" when approaching the western gateway of Suisun City.

Suisun City has land parcels available for purchase to build a warehouse along the Main Street corridor adjacent to the railroad tracks. That land can be cleared, cleaned and prepared for warehouses of various sizes, as it currently is a colony of mixed use small light industrial buildings, some in desperate need of repair. I do not believe that distribution logistics is the future economy of Suisun City. Commercial and retail centers will provide the City with the revenue it requires from land use.

Yours truly,



Barbara Pisching

From: [John Kearns](#)
To: [Gerken, Matthew](#)
Subject: [EXTERNAL] Question about Revised Scope
Date: Monday, April 19, 2021 11:33:59 AM
Attachments: [Revised contract air quality & traffic LOS Hwy 12 Log Ctr April 20 2021.pdf](#)
[image001.png](#)
[image002.gif](#)

I got the below comment from a member of the public. How should I reply?

For your convenience, I have attached two relevant pages from the agenda packet. I see the word "cumulative" in the proposed study for traffic level-of-service, but I'm not certain what it means. I don't see any mention of cumulative impacts in the proposed air-quality study.



John Kearns

Senior Planner
701 Civic Center Blvd. | Suisun City, CA 94585
707 421-7337



 Please consider the environment before printing this message.



PROPOSED CHANGES TO EXHIBIT “A”, SCOPE OF SERVICES

Page A-6 shall be revised as follows:

~~Optional Task:~~ Dispersion Modeling and Health Risk Analysis

~~As an option, the AECOM will prepare an air quality analysis can to evaluate the project’s toxic air contaminant (TAC) impacts. AECOM can will use a screening-level air dispersion model (such as AERSCREEN, the screening-level version of EPA’s AERMOD) to quantitatively evaluate health risk impacts on sensitive receptors. AECOM can identify applicable mitigation measures if screening results show potentially significant impacts. If a detailed health risk assessment is requested, our air quality specialists have this expertise and could provide this service under a revised scope of services.~~

AECOM will prepare a Health Risk Analysis (HRA) to evaluate potential toxic air contaminant (TAC) emissions impacts associated with short-term construction and long-term daily operation of the proposed project using methods recommended by Bay Area Air Quality Management District (BAAQMD). BAAQMD recommends analyzing impacts within a minimum of 1,000 feet of a project site. Based on interactions with BAAQMD on other recent HRAs, the TAC impacts will also include an assessment on receptors within 500 feet of vehicle traffic associated with the construction and daily operations of the proposed project.

AECOM will analyze TAC emissions (e.g., diesel particulate matter/ particulate matter less than 2.5 microns [PM2.5]) and the potential exposure to existing off-site sensitive receptors to substantial pollutant concentrations. The American Meteorological Society/EPA Regulatory Model (AERMOD) dispersion model (Version 19191) will be used to estimate pollutant concentrations at specific distances from emission sources. These include potential new generators (if applicable), daily truck traffic using the logistics center, and worker commute traffic increases due to the project. The modeled concentrations will then be used to estimate the long-term effects of TACs on nearby off-site sensitive receptor locations.

The California Air Resources Board (ARB) created the HARP2 software to assist in the development of emissions inventories, dispersion modeling, and risk assessment. Meteorological data used as input to the dispersion model is provided online by ARB. We anticipate selecting Travis Air Force Base, which is about six miles east-northeast of the proposed project site. Maximum hourly and period-average files generated by AERMOD will be input to HARP2 (Version 19121) with corresponding TAC emission rates for each project source to calculate project concentration contributions at off-site sensitive receptors. HARP2 will be used to estimate cancer risk.

The HRA Technical Report will be developed consistent with guidance and methodologies from local, regional, State, and federal agencies, including the California Air Pollution Control Officers Association (CAPCOA) (2009), the California Air Resources Board (ARB) (2017), the Office of Environmental Health Hazard Assessment (OEHHA) (2015), BAAQMD California Environmental Quality Act (CEQA) Air Quality Guidelines (2017), and the U.S. Environmental Protection Agency (EPA) (2017).

The HRA modeling will be conducted for the entire site and will take into account the potential new emission sources to the extent reliable, realistic data can be obtained. Default modeling assumptions will be used for any operational data not provided by the project applicant. The HRA modeling will be based on uncontrolled emission estimates. AECOM will respond to and incorporate comments on one draft of the HRA Technical Report; no new modeling will be conducted between draft and final. Based

on the type, scale, and location of the project and our experience, we assume no mitigation will be required to address any potentially significant TAC impact.

Pages A-15 and A-16 shall be revised as follows:

~~Optional~~ Transportation Task 2: Level of Service (LOS) Analysis

~~As an option,~~ Fehr & Peers ~~can~~ will prepare a LOS analysis. Based on the project description and layout of the surrounding transportation system, it is assumed that 10 study intersections would be included in the analysis. Fehr & Peers will request traffic count data from the City and/or City of Fairfield. It is assumed that Fehr & Peers would need to collect up to eight additional traffic counts; traffic counts will be downloaded for the StreetLight Data traffic count database, which provides data on Year 2019 (i.e. pre-COVID pandemic) traffic volumes.

Fehr & Peers will calculate intersection operations for the study intersections for the weekday AM peak hour and weekday PM peak hour using methodologies from the Highway Capacity Manual, 6th Edition, as applied in the Synchro software analysis package. The circulation analysis will include an analysis of Existing, Existing plus Project, Cumulative, and Cumulative plus Project Conditions. Cumulative conditions volumes will be based on information from the City of Fairfield travel demand model. Plus Project scenario traffic volumes will be based on updated trip generation calculations (using data from the ITE Trip Generation Manual, 10th Edition); these estimated project trips will be distributed through the roadway system and assigned to turning movements at the study intersections. Plus Project scenario operations will be compared against the relevant No Project scenario to assess if the project results in new deficiencies using criteria identified in the City’s General Plan and other previously-completed transportation studies; if new deficiencies are found to occur, improvement measures will be identified to remedy the deficiencies. If improvements are identified, the AECOM Team ~~can~~ will add analysis of the impacts of these improvements to the EIR scope of services.

Page A-20 shall be revised as follows:

- Meetings—Costs are included for the number of meetings and hearings specified in the scope of work, including up to four meetings with City staff, as identified in the City's RFP. If additional meetings or hearings are needed, they can be included with an amendment of the budget. In addition, AECOM’s Project Manager will attend brief bi-weekly status update videoconference meetings scheduled and led by the City’s contract planner. As noted, AECOM will invoice on a time-and-materials basis only for what is actually required to complete the requested work and we assume that we will work efficiently, that the maximum amended not-to-exceed contract sum will not be required to complete the requested work, and that there will be sufficient budget remaining to cover the cost of the added bi-weekly meetings.

PROPOSED CHANGE TO EXHIBIT “C”, SCHEDULE OF COMPENSATION

The additional maximum not-to-exceed Contract Sum shall be increased by \$52,495 to a total of \$352,225. This includes an additional \$37,335 for LOS analysis by Fehr & Peers, an additional \$15,160 for the HRA tasks, and no additional budget provided for the additional bi-weekly project management meetings on the assumption that these additional costs will be covered through efficiencies elsewhere in the work program.



April 30, 2021

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

Re: Response to Notice of Preparation for the Highway 12 Logistics Center Environmental Impact Report

Dear Mr. Kearns:

On behalf of the Solano County Orderly Growth Committee (SCOGC) I submit the following comments in response to the Notice of Preparation (NOP) for the Highway 12 Logistics Center Environmental Impact Report.

a. The proposed project appears to misstate the number of acres that would be protected. (NOP pages 2 - 4). The EIR must clarify why the 363 acres south of Cordelia Road are discussed.

The NOP over-states the number of acres that could be counted towards mitigation. Only 129 acres are proposed to be annexed. Of those, 93 acres will be developed, and 36 acres “would be in managed open space”. Therefore, it is not clear why the NOP discusses an additional 363 acres that are now, and would remain, in unincorporated Solano County. Those 363 acres are now, and would remain, permanently protected by the Suisun Marsh Protection Plan. *Only the 36 acres of open space that will be annexed can be counted as mitigation.* The following section, from page 4, overstates the potential for mitigation:

“The project would permanently preserve approximately 389 acres of the project site as open space. This open space could be planned and managed to offset impacts of on-site development, serve as mitigation for other projects, and/or preserve and avoid impacts to covered species consistent with the City of Suisun City’s General Plan and the Solano County Multispecies Habitat Conservation Plan, once adopted. The project will include ongoing land management requirements for preserved open space and will include features to avoid environmental degradation, such as improvements and a management regime to capture and remove solid waste that historically has been accumulating in area drainages. Grazing on the project site will be planned and managed consistent with the project’s habitat conservation strategy and mitigation requirements.”

The EIR must clearly describe what the project proposes for the 363 acres south of Cordelia Road.

b. Access roadways, storm drainage, utilities & service systems (pages 5 and 6)

The NOP fails to mention potential risks from sea-level rise. The only mention of climate change is in the Greenhouse Gas Emissions section on page 8. However, the low-lying development area, and its access roadways and support systems, are vulnerable to flooding and damage as the average level of Suisun Marsh continues to rise.

The EIR should specify which forecast of sea-level rise it uses, and how the development will mitigate for the rise that the model forecasts.

c. Wastewater, and Required Approvals (page 6)

Sewer plan is not clear from the text. It will be impossible to conduct an adequate EIR without a clearly defined project. The NOP seems to propose installing new sewer line running eastward from Beck Avenue to the southwestern corner of the development area. If so, most of that installation would be located within existing city limits of Fairfield. However, City of Fairfield is not included in the list of Required Approvals.

The EIR must clarify the sewer plan and the list of required approvals.

d. Biological resources (page 7)

The NOP correctly mentions most of the relevant concerns: “The EIR will define the biological resources in the project area and surrounding habitats and evaluate the project’s potential effects on wetlands, other sensitive natural communities, and special-status species”.

Because this is an exceptionally dry year, we want to alert the environmental consultant that, in wetter years, the Development Area includes seasonal wetlands, as shown in the photo of *Downingia*, below. Although these *Downingia* are not listed species, they serve as indicators of sensitive natural communities. Indeed, CA Department of Fish and Wildlife records indicate that the Development Area falls within the known range of the following listed and rare species:

- [FE] Contra Costa goldfields
- [FE] Salt-marsh harvest mouse
- [FE] Soft salty bird’s beak
- [FT] Steelhead - Central California Distinct Population Segment (DPS)
- [R] Longfin smelt
- [R] Alkali milk vetch
- [R] Bolander’s water-hemlock
- [R] Burrowing owl
- [R] Mt. Diablo buckwheat
- [R] Pappose tarplant
- [R] Saline clover
- [R] Suisun marsh aster
- [R] Vernal pool smallscale, *Atriplex persistens*

- [FE] = Federal endangered
- [FT] = Federal threatened
- [R] = Rare, not currently listed



Seasonal wetland with *Downingia* flowers, May 2012.
From Pennsylvania Ave. looking NW.

Also, we want to ensure that the EIR gives particular attention to Ledgewood Creek, on the western border of the Development Area. Ledgewood Creek poses challenges in that it is often used by unhoused individuals as a campsite. Nonetheless, the creek has considerable potential for both recreation and wildlife conservation (see **photos** below). To mention just one example, steelhead have been reported in the creek. The EIR must assess, and propose mitigation to protect, this unique resource.



NW of RR tracks looking S
12/22/2020



e. Hazards, hazardous materials, and wildfire (page 8)

Regarding hazardous materials, the NOP does not provide sufficient detail about which industries would be tenants of the logistics center. Without those details, it will be impossible to assess the tenants' potential use of hazardous materials. Therefore, we urge that impacts be estimated based on an assumption that at least some tenants will use materials that are at the most-hazardous end of the spectrum of what is allowed by municipal and state code.

Regarding wildfire, we want to alert the environmental consultant that part of existing conditions is periodic fires originating in encampments of unhoused individuals. Our understanding is that the most frequent origin is one or more encampments located east of Pennsylvania Avenue on currently unincorporated land. We encourage the environmental consultant to contact the Suisun Fire Protection District for more information, and for mitigation recommendations. In addition, the EIR should assess whether the proposed logistics center may increase the risk of fires from unhoused individuals camping along Ledgewood Creek, west of the Development Area.

f. Hydrology and water quality (page 8)

As previously stated, the EIR should explicitly address risks from sea-level rise. The low-lying Development Area and its support systems are vulnerable to flooding and damage as the average level of Suisun Marsh continues to rise.

g. Transportation (page 9)

Regarding traffic level-of-service, effective planning requires an analysis of the cumulative impacts of both proposed logistics centers. The addition of two large logistics centers, with their associated traffic,

risks impeding the right-hand exits off Highway 12, both eastbound and westbound. This has the potential to deter customers from patronizing retail stores in both downtown Suisun City and the Sunset Avenue shopping centers. Though not our primary focus, we support local retail businesses as an essential part of Solano County's focus on infill development. Impacts on traffic level-of-service, and thus on local retail establishments, can only be assessed via a cumulative analysis of both logistics centers.

Regarding vehicle miles traveled (VMT), the NOP states that Suisun City's evaluation methodology does not routinely analyze the VMT impact of a commercial facility - - in this case, the impact of truck VMTs related to warehousing or logistics, per se. Presumably, that decision assumes that those same VMTs would result regardless of the municipality in which the commercial facility was located. However, as previously stated, the NOP does not provide sufficient detail about which businesses will be tenants of the logistics center. Without those details, it will be impossible to assess which of the following two approaches within Suisun City's VMT evaluation methodology would be most appropriate:

- "Office / Industrial (Employment-Focus) Projects", for which Suisun City routinely assesses VMTs only for home-based work trips ("commutes"); versus
- "Retail Projects", for which Suisun City assesses total city-wide VMT. "This metric evaluates all VMT (for all trip purposes by all users) that occurs within a geographic boundary. This metric is used for retail developments because they have a tendency to cause shoppers to shift their existing travel patterns". Source of the quote: staff report at 9/15/2020 meeting of Suisun City Council, available at: https://www.suisun.com/wp-content/files/Suisun_City_Council_Agenda_September_15_2020_w_pn.pdf

We urge the environmental consultant to carefully consider whether the proposed developments are likely to cause residents of Suisun City and nearby communities to shift their existing travel patterns. If so, the EIR should use the metric of total VMTs.

Regarding "the project's consistency [with] the City's multi-modal transportation policies", we want to alert the environmental consultant that at present, there is not even a sidewalk connecting Suisun City and its public-transit station to the proposed Development Area. This is an obvious target for mitigation, discussed below.

Mitigation measures

Mitigation Measures to consider in the EIR include the following:

Traffic level-of-service: invest in truck lanes and other traffic mitigation measures.

Air quality: Promote the use of transit and bicycles both for commuting and for logistics. The applicant should help fund one or more of the following:

- Convenient bus service from Suisun's downtown public-transit station. Vans or mini buses are cheaper than large buses, and thus might allow more frequent service.
- Class 1 Multi-Use Path from Suisun's downtown public-transit station to at least the Development Area. Indeed, we strongly encourage partnering with the City of Fairfield to develop a bike path along LedgeWood Creek. This potential recreation amenity deserves protection and enhancement similar to recent projects along McCoy Creek, located in eastern Suisun City.

- Install electric charging stations in the Development Area, to encourage tenants to use electric vehicles for their logistics.

Impacts of sea-level rise on Development Area and support systems:

Until we see the analysis, we do not have specific recommendations. However, we expect this will require substantial mitigation.

Biological resources: Loss of seasonal wetlands and sensitive natural communities should be mitigated by the applicant funding conservation easements or (preferably) deed-title purchase of no less than 1.5 times the number of acres of comparable habitat. It should be noted that crop production, especially tillage, is not compatible with protection of seasonal wetlands. And we wish to emphasize again that land currently under permanent protection via the Suisun Marsh Protection Plan should not be counted towards mitigation of development impacts on biological resources.

Agricultural resources: Per the Solano County Zoning Ordinance, the northern portion of the site is zoned “Exclusive Agriculture 40 Acres” (A-40). Loss of this agricultural resource should be mitigated by the applicant funding conservation easements or (preferably) deed-title purchase of no less than 1.5 times the number of acres of comparable agricultural property.

Cumulative Impacts

In our February 3, 2021 *Response to Notice of Preparation for the Suisun Logistics Center Project* we stated that rather than preparing a separate cumulative impact analysis for each of the projects we request that a single, comprehensive cumulative impact analysis be prepared for the two logistics center projects. Both projects are similar and would be located along the same highway (State Route 12).

The NOP for the *Highway 12 Logistics Center* project fails to demonstrate sufficient focus on evaluating cumulative impacts of the two logistics centers. The NOP fails to explain that the same applicant is proposing a second logistics center for construction east of Suisun City: the *Suisun Logistics Center* project. This introductory paragraph on page 7 is the only mention of “cumulative impacts”, except for the Transportation section on page 9. We believe that effective planning requires a single comprehensive analysis of the cumulative impacts of these two, very-similar projects.

Cumulative impacts to be considered in this comprehensive analysis would include air quality, climate change (greenhouse gas emissions), traffic and other transportation impacts, and impacts to Travis Air Force Base. This single comprehensive cumulative analysis could then be included into each of the two separate EIRs.

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

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



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533
(707) 439-3897 • FAX: (707) 438-1788

Original via USPS, copy via email

April 30, 2021

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

Subject: Highway 12 Logistics Center Project – Notice of Preparation of an Environmental Impact Report

Dear Mr. Kearns:

Thank you for sending the Solano Local Agency Formation Commission (LAFCO) the City of Suisun City's (City) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Highway 12 Logistics Center Project (Project). The Project is located west of the City's existing city limit lines and generally within the City's Sphere of Influence (SOI).

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

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

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

Commissioners

Ron Rowlett, Chair • John Vasquez, Vice-Chair • Harry Price • Nancy Shopay • Jim Spering

Alternate Commissioners

Ron Kott • Mitch Mashburn • Shawn Smith

Staff

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

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

The City's SOI- In November 2017, the Commission approved, with conditions, a SOI update for the City (LAFCO Resolution 17-06). The Commission adopted specific Conditions of Approval in the SOI plan that the City must address in this EIR. Two Conditions are:

- 1) Condition No. Five: "The City shall adopt a General Plan Amendment establishing a Travis Reserve Area designation, similar to Solano County's 2008 General Plan designation, prior to any consideration of reorganizations by LAFCO."
- 2) Condition No. Six: "The City shall demonstrate reliable water capacity and service capability to any annexation areas prior to any consideration of proposed reorganizations by LAFCO." LAFCO staff understands a water supply assessment study is underway.

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

- 3) GC Section 56668(a): Land area and land use, topography, natural boundaries – According to the NOP, the entire project site is 482 acres; however, the City will pre-zone 129 acres. Of the 129 acres, 36 acres will be managed open space for environmental mitigation and conservation purposes. The maps provided in the NOP are vague and difficult to decipher. LAFCO staff notes that a portion of the area highlighted in the NOP is within the Cities of Suisun City and Fairfield's jurisdictional boundary. Additionally, the highlighted project site may include lands located within the Suisun Marsh Protection Plan Boundary.

Furthermore, the project site may consist of both primary management and secondary management areas of the Suisun Marsh. LAFCO staff strongly suggests the City provide a more detailed map when the City issues a Draft EIR. Additionally, the City should consider limiting the entire project site to the planned annexation areas.

- 4) GC Section 56668(c): The effect of the proposed action and alternative actions on adjacent areas- Page 9 of the NOP states, "...the EIR will not include a focus on warehousing/logistics related truck VMT." This sentence is puzzling. As stated in this Section and others in CKH and the Commission's policies, LAFCO is required to consider the effect of the proposed action on adjacent areas. This includes the impact from additional traffic on Highways 12 and 80. LAFCO staff strongly suggest the EIR include traffic impact analysis with emphasis on additional truck traffic impacts at project buildout. The City should also include cumulative traffic impact from buildout of this project in addition to the proposed logistics center on Walters Road.

- 5) GC Section 56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands. The EIR must discuss agricultural and prime agricultural lands as defined by GC Section 56064¹

Local policies - The Commission has adopted eleven Standards according to GC Section 56375(g) and other local policies. The EIR should include discussion regarding all of Solano LAFCO's Standards and applicable Policies with greater emphasis on those Standards and Policies identified below:

- 6) Standard Three: The proposal's consistency with the City's general plan and zoning ordinance. The City should pre-zone the proposed annexation site before applying for reorganization.
- 7) Standard Seven: The proposal's boundary. The Commission's policy requires cities to annex entire street sections whenever possible and favors annexing entire parcels.
- 8) Standard Eight: The likelihood of significant growth and effect on other incorporated and unincorporated territory - The City must identify all lands currently within the City's jurisdiction intended for or committed to similar land uses and how the proposal relates to them. The City must also submit a market study that: defines the market area for the Project, anticipated demand over the next ten years within the market area, identify the supply of land which can be used within the market area, and show the consistency of the proposal with the City's growth strategy.
- 9) Standard Eleven: The effect of the proposed action on: adjacent areas, mutual social and economic interests, and local governmental structure. The EIR should discuss the Project's impact on adjacent areas, both within and outside of the City's boundary, and discuss the overall beneficial aspects compared to the potential adverse effects.
- 10) Suisun Marsh Protection Plan/Suisun Marsh Preservation Act of 1977 (Preservation Act): The Preservation Act requires local governments and districts (such as LAFCO, Solano County, Suisun Resource Conservation District, the Cities of Fairfield and Suisun City, the San Francisco Bay Conservation and Development Commission and others) with jurisdiction over the Marsh to prepare a Local Protection Program (LPP) for the Marsh consistent with the provisions of the Preservation Act. As part of the

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

EIR, the City should analyze and discuss the proposal's consistency with the City's and LAFCO's LLP. LAFCO's LLP includes the following provisions:

- a) Within the primary management areas, existing land uses will continue.
 - b) Within the upland grasslands/secondary management areas, agricultural uses are consistent with the projection of Marsh, such as grazing, and grain production should be maintained within this area.
 - c) The Commission's Policy urges cities to detach lands within their boundaries located within the Marsh where it is no longer possible to develop such lands for urban uses.
 - d) The Commission's Policy limits special assessments against agricultural and wildlife lands for the provision of public services.
 - e) The Commission's Policy prohibits extending SOI's to the Marsh unless there is a need and lands within an agency's SOI shall be designated as permanent open space.
 - f) The Commission's Policy allows for urban utilities and municipal services into the Marsh only to serve existing uses and other uses consistent with the protection of the Marsh, such as agriculture.
 - g) In the Marsh, only existing uses or uses otherwise consistent with the Suisun Marsh Protection Plan should be allowed to use the treatment capacity of the Fairfield Sub-regional Wastewater Treatment Plant (Fairfield Suisun Sewer District).
- 11) Plan for Providing Services (Plan): The Commission requires applicants to submit a thorough Plan as part of their reorganization application per GC Section 56653. The Plan should include the following information: a description of the services to be extended by the City to the affected territory such as sewer, water, police protection, fire protection, adequate roadways, and other municipal services; the anticipated demand for those services; how the services will be financed; and an indication of when the City can extend services to the territory.

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

Sincerely,



Michelle McIntyre, MPA

LAFCO Sr. Analyst

(707) 439-3898

mmcintyre@solanolafco.com

DEPARTMENT OF RESOURCE MANAGEMENT

TERRY SCHMIDTBAUER
Director (Interim)

ALLAN CALDER
Planning Services Manager



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Planning Services Division

April 30, 2021

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

Re: Highway 12 Logistics Center, Notice of Preparation Comments

John,

The Department of Resource Management would like to submit the following comments on the above referenced NOP.

Planning Services Division:

- Any portions of the project, including the developed footprint and stormwater infrastructure, should be included within the project boundary, with all facilities ultimately annexed to the city. There should be no project related infrastructure remaining in the unincorporated county after annexation.
- It appears that the proposed annexation will follow existing property lines. This will likely be a requirement of the County upon annexation requests to LAFCO.
- The project description indicates that 389 acres of land will be preserved as managed open space, including 353 acres within the unincorporated County. These County lands are zoned Marsh Protection (MP) and designated Marsh in the County's General Plan. They are also within the Primary Management area of the Suisun Marsh with state oversight by BCDC. They are effectively preserved marsh and open space in their present state. It is unclear why these lands, not proposed for annexation, are a part of the project area boundary. If the project proponent intends to create a mitigation or conservation bank, it should be noted that a Use Permit is required by the County, and the County will need to be identified as a Responsible Agency.
- Annexation should not leave any "island" parcels within the County. All lands within the annexation boundary should be annexed, notably APN 32-020-04, which does not appear to be included in the Project Site map.
- It is unclear whether the proposed project intends to use Cordelia Road as a truck route. This should be clarified and evaluated for associated impacts to the road itself and to traffic congestion in the area west of the project site.

Public Works Division:

- The Public Works Division has submitted comments relating to the proposed project. Please see the attached memo.

Local Enforcement Agency (LEA):

- The LEA has submitted comments relating to the proposed project. Please see the attached memo.

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

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

Sincerely,



Matt Walsh
Principal Planner

Attached:
Comments from the Local Enforcement Agency
Comments from County Public Works

TERRY SCHMIDTBAUER
Director
(707) 784-6765

MATT TUGGLE
Public Works Manager
(707) 784-6765

DEPARTMENT OF RESOURCE MANAGEMENT




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Public Works – Engineering Services Division

DATE: April 28, 2021
TO: Mathew Walsh, Principal Planner
FROM: Stephen Fredericks, County Surveyor 
SUBJECT: Highway 12 Logistics Center
Suisun City proposed annexation

Public Works Engineering has reviewed the Notice of Preparation document dated April 1, 2021 that was sent this Department from John Kearns, Senior Planner for Suisun City. This project proposes to annex 129 acres into the City of Suisun City.

Public Works recommends the following roads be included in the annexation:

Cordelia Road, from Ledgewood Creek (Fairfield City limit) to and including the intersection of Pennsylvania Avenue.

Pennsylvania Avenue, from the southerly right of way line for State Route 12 to and including the intersection of Cordelia Road.

Cordelia Road, from the existing Suisun City limit east of the Union Pacific railroad tracks westerly to the intersection of Pennsylvania Avenue.

The comments provided above are preliminary. Additional comments may be warranted as the proposal heads to completion.

If you have any questions feel free to contact me at (707) 784-3131.

SAEED IRAYANI
Building Official
Building & Safety

ALLAN CALDER
Program Manager
Planning Services

JAG SAHOTA
Manager
Environmental
Health

SARAH PAPPAKOSTAS
Administrative Services
Manager
Administrative Services

MATT TUGGLE
Engineering Manager
Public Works
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CHARLES BOWERS
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CHRIS DRAKE
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MISTY KALTREIDER
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Environmental Health Division

Memorandum

DATE: April 27, 2021

TO: Matt Walsh, Principal Planner

FROM: Chelsea Lash, Sr. Environmental Health Specialist 

COPY: Jeff Bell, Environmental Health Supervisor
Jag Sahota, Environmental Health Manager
Lori Mazzella, County Counsel

RE: City of Suisun City Notice of Preparation and Notice of Public Scoping Meeting Highway 12 Logistics Center Environmental Impact Report

Project Summary

The applicant, Buzz Oates Construction, Inc., is proposing to annex and pre-zone 129 acres of the approximately 482-acre project site into the City of Suisun City and develop 1.28 million square feet of warehouse and logistics uses on approximately 93 acres (referred to as the "development area"). The remaining 36 acres of the 129-acre annexation area would be in managed open space. The 353 acres of the 482-acre project site not proposed for annexation is outside the City's Sphere of Influence (SOI), is not proposed for any SOI change or annexation, and would remain in managed open space within the unincorporated County. In total, 389 acres would be proposed for managed open space for environmental mitigation and conservation purposes – 36 acres in the proposed annexation area and 353 acres that would remain in the unincorporated County.

The project will require an amendment to the City's General Plan Land Use Diagram so that the proposed development and conservation areas are consistent with the General Plan's land use designations.

LEA Comments

Within the proposed area of the annexation, on parcel 0032-020-040, lies the Pennsylvania Ave/Cordelia Rd Closed Landfill (SWIS 48-CR-0006) (Old City Dump) which is regulated by the Solano County Department of Resource Management, acting as the Local Enforcement Agency (LEA).

The closed landfill site has a history of unapproved postclosure land use and a lack of adequate postclosure maintenance. The site is currently cited in violation for a lack of site maintenance, lack of postclosure maintenance, lack of site security, and a lack of security at closed sites.

In addition to the violations cited at the landfill which need to be corrected by the owner, any proposed postclosure land use, including temporary construction project sites or roadway utility

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CHARLES BOWERS
Operations Manager
Public Works
Operations

CHRIS DRAKE
Parks Services
Manager
Parks

MISTY KALTREIDER
Water & Natural
Resources Program
Manager

projects that may encroach upon the landfill, requires a Postclosure Land Use Proposal to be submitted to the LEA for review and approval. Review of the Postclosure Land Use Proposal would consider the items specified in Title 27, CCR section 21190. Any potential improvement projects for the adjacent road, Pennsylvania Ave, that may impact the closed landfill site will require prior notification to the LEA. The LEA may be contacted at:

Solano County Department of Resource Management
Attn: LEA
675 Texas Street, Suite 5500
Fairfield, CA 94533
(707) 784-6765

Additional approvals by CalRecycle, SF Bay RWQCB, and BAAQMD may also be required by for projects impacting the landfill.



May 3, 2021

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

Subject: Suisun Resource Conservation District Comments on the Notice of Preparation (NOP) for the Highway 12 Logistics Center Environmental Impact Report (EIR)

Directors

Tony Vaccarella, President
Terry Connolly
Arnold Lenk
Mike Lewis
Jim Waters

Associate Directors

Dennis Becker
Kurt Black
H. Kent Hansen
Steve Roerden

Staff

Steven Chappell
Executive Director
John Takekawa, PhD
Operations Manager
Kelli Perez
Office Supervisor
Tim Edmunds
Water Manager/Biologist
Jeff Taylor
Water Manager/Biologist
Phelan McKinney
Water Manager/Biologist
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Dear Mr. Kerns,

The Suisun Resource Conservation District (SRCD) participated in the April 13, 2021 Public Scoping Meeting for the Highway 12 Logistics Center Environmental Impact Report Notice of Preparation (NOP). During the public comment period, SRCD identified several issues and concerns about biological resources that should be fully identified and analyzed as part of the preparation of the Draft EIR for this Project.

SRCD requests the following items be investigated, documented, and any adverse impacts of the proposed development should be fully disclosed in the Draft EIR:

- Consistency with the 1977 Suisun Marsh Preservation Act (SMPA) and BCDC Suisun Marsh Plan of Protection. A significant portion of the 482-acre proposed project site is within the Primary Management Area of the Suisun Marsh. Division 19 of SMPA Chapter 1, Section 29002 states: “the Suisun Marsh represents a unique and irreplaceable resource to the people of the state and nation; that future residential, commercial, and industrial developments could adversely affect the wildlife value of the area; and that it is the policy of the state to preserve and protect resources of this nature for the enjoyment of the current and succeeding generations.”

- Chapter 2, Section 29114 (a) of the SMPA defines Development on land, or in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to Subdivision Map Act (commencing with Section 66410 of the Government Code).
- This site has previously been considered for a similar development in 2006, with the completion of the partially recirculated Gentry-Suisun Draft Environmental Impact Report (SCH# 2004092077). The recirculated DEIR found significant impacts from the proposed project related to aesthetics; transportation and circulation; biological resources; air quality; noise; hydrology and water quality; and public services and utilities. Many of these impacts were reduced to less than significant level through the implementation of mitigation measures. However, even with implementation of applicable mitigation measures, the DEIR found that the project would still result in significant and unavoidable impacts to aesthetics, air quality, biological resources, and traffic and circulation. The DEIR should identify how this new project will avoid and minimize wetland impacts and degradation of existing biological resources.
- Significant biological and wetland resources currently exist on the proposed development site. A detailed wetland delineation and robust biological assessment must be completed. Due to the 2020 drought conditions, the current extent of wetlands on the site is not fully observable, and aerial photographs over multiple years (see Fig. 1-3 attached below) should be used to assist in determining the extent of the seasonal wetlands, potential vernal pools, and wetland resources on site.
- Additionally, endangered, threatened, and fully-protected or sensitive plant and animal species may potentially exist on the site. The following list of species should be considered and addressed in the DEIR, including a minimization and avoidance plan and appropriate mitigation measures. Contra Costa goldfields, salt-marsh harvest mouse, San Joaquin spearscale, alkali milk-vetch, western pond turtle, California black rail, Suisun Marsh aster, Mt. Diablo buckwheat, California alkali grass, white-tailed kite, burrowing owl, callippe silverspot butterfly, northern harrier, tricolored blackbird, Delta tule pea, short-eared owl, Swainson's hawk, Suisun song sparrow, Suisun shrew, and vernal pool smallscale.

The SRCD appreciates the opportunity to comment on the Notice of Preparation for the Highway 12 Logistics Center Environmental Impact Report (EIR), SRCD believe this will be a very challenging site to develop while protecting existing wildlife species and wetland and upland habitats resources from destruction and degradation from the proposed Project.

Sincerely,



Steven Chappell
Executive Director

cc: SRCD Board of Directors

Figure 1-3. Selected historical photographs of the Project site for the proposed Suisun City Logistical Center from February 2008, January 2013, and March 2016 indicating annual variation and the presence of extensive areas of seasonal wetlands.

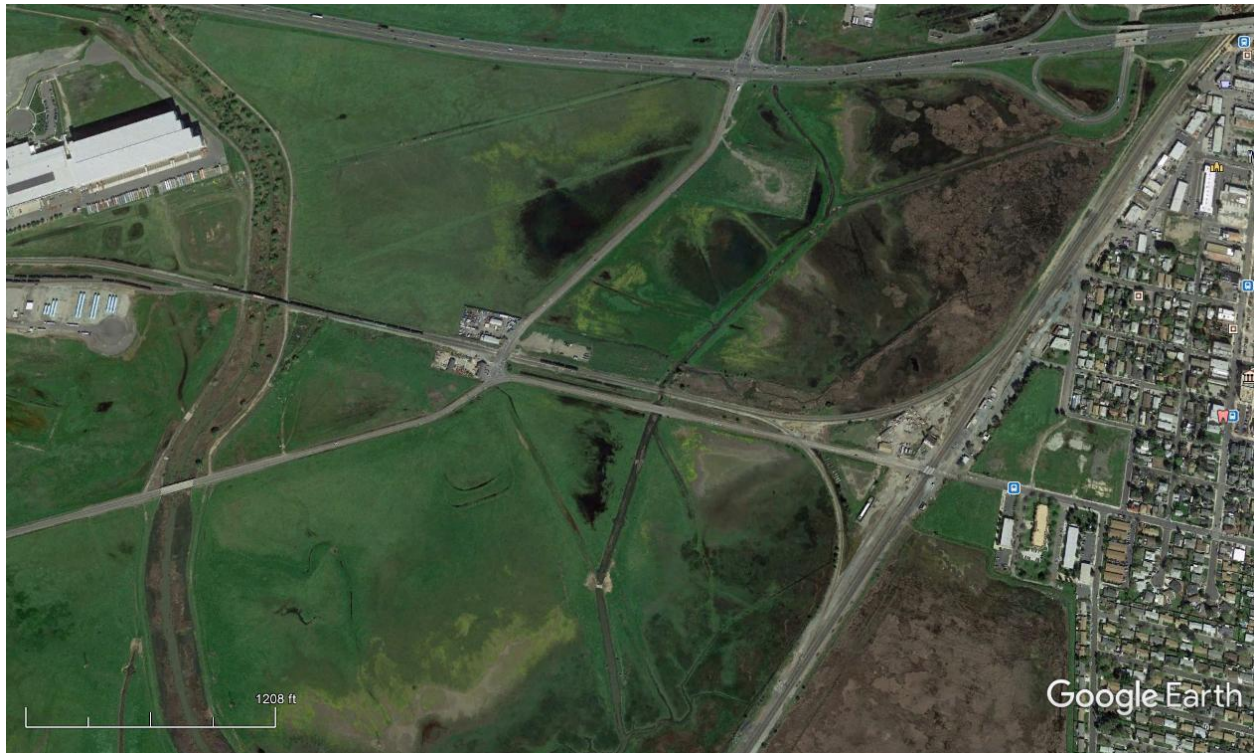


February 2008

January 2013



March 2016



Suggestions when using AERMOD and HARP2 models for health risk analysis for proposed Highway 12 Logistics Center project



Disclaimer: I am not an expert in air dispersion models. However, I understand how they work. My experience is mostly limited to participating in a 3-day intensive training on AERMOD.

These suggestions are based on the proposed changes to Scope of Service for the contract with AECOM, the consultant for Highway 12 Logistics Centerⁱ. However, most apply to both of the two proposed logistics centers.

A. Inputs

Inputs are the data used by the computer models to make calculations. AERMOD calculates where pollutants will concentrate, and at what concentration. HARP2 calculates the human-health risks that result from those pollutants.

1. Sources of pollutants

- **Draft contract should explicitly state that both logistics centers will be included as sources within a cumulative analysis of emissions.** Good news: this is straightforward with AERMOD, which allows the user to enter multiple point sources.ⁱⁱ However, the draft contract only mentions sources located at a single logistics center:

“The HRA [health risk analysis] modeling will be conducted for the entire site and will take into account the potential new emission sources to the extent reliable, realistic data can be obtained.”

- **Applicant should provide information about the types of industries who will be tenants in each of the two logistics centers.** This information is required for the environmental consultant(s) to then estimate which pollutants the tenants are likely to produce, and in what concentrations. The following illustration is for HARP2ⁱⁱⁱ, but AERMOD likewise requires similar inputs:

Hypothetical example of pollutant source inputs for HARP2 model.
HARP = Hotspots Analysis & Reporting Program. This illustration downloaded 4/20/2021 from CA Air Resources Board: <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/harp/docs2/hrafiledesc.pdf>

	A	B	C	D	E	F	G	H	I	J
1		1	Paint	1	1746016	2,3,7,8-TCDD	1	1	0	0
2		2	Paint	1	5000	Formaldehyde	1	1	0	0
3		3	Paint	2	5000	Formaldehyde	1	1	0	0
4		4	Combustion	1	990	DieselExhPM	1	1	0	0
5		5	Combustion	2	990	DieselExhPM	1	1	0	0
6										
7										
8										

1. Sources of pollutants (cont.)

- **Consultant should use AERMOD to advise Suisun City planners about the best design for exhaust vents or smokestacks.** In AERMOD, the user can specify the height and construction features of emission sources^{iv}. It would be helpful for the consultant to report on whether altering either the height or type of vents or smokestacks within a logistics center causes big reductions in estimated pollution for downwind residences. If so, it may be appropriate for Suisun City planners to require that type of vent or smokestack as part of future Conditional Use Permits for logistics-center tenants.

2. Weather data

Consultant might wish to consider using data from additional weather stations. The draft contract anticipates selecting the Travis Air Force Base weather station as the source for meteorological data for the HARP2 model. That seems appropriate - - for HARP2, Travis Air Force Base is the weather station closest to Highway 12 Logistics Center^v. However, for AERMOD, it might be useful to use one or more of the following weather stations. In particular, **wind direction and speed** may be different at different locations near Suisun City:

- **Rush Ranch Open Space**, on Grizzly Island Road, hosts a weather station operated by San Francisco State University. Meteorological data can be accessed online^{vi}. Before using, please contact:
Matt Ferner
Research Director, SF Bay NERR and Adjunct Associate Professor of Biology
San Francisco State University
mferner@sfsu.edu
(415) 338-3724
- **Suisun Valley Fruit Growers** operates a small network of weather-data loggers located in Suisun Valley, near Rockville Road. Data reportedly are available online by request:
Suisun Valley Fruit Growers
4163 Chadbourne Rd.
Fairfield, CA 94534
(707) 425-2503
- **California Irrigation Management Information System (CIMIS)** used to operate the “SUISNVLY.A” weather station in Suisun Valley, near Cordelia. Though the station was decommissioned in 2010, meteorological data are available online for the period August 18, 1994 through July 11, 2010.^{vii}

B. Receptors

“Receptors” are locations for which the computer models estimate concentrations of pollutants and/or health risks. **Consultant should configure the models with receptors located not only at ground level, but also at the heights of each story of planned future construction.** At present, the three-story Solano Transportation Authority office probably is the tallest building within Suisun City. However, multi-story housing is being contemplated^{viii}.

Notes and references:

- i Proposed changes to Scope of Service is agenda item 5 on agenda for 4/20/2021 meeting of Suisun City Council: https://www.suisun.com/wp-content/files/Suisun_City_Council_Agenda_April_20_2021_pn.pdf
- ii For more information about point sources of pollutants within AERMOD, see: <http://www.naviknow.com/2018/03/07/point-pointcap-pointhor/>
- iii Source of illustration: Air Resources Board, Transportation & Toxics Division. 2015. *Description of HARP 2 Health Risk Assessment Input and Output Files*. California Environmental Protection Agency, Sacramento. Available at: <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/harp/docs2/hrafiledesc.pdf>
- iv Lakes Software. 2021. *Source Characterization*. Section 6.6 in *AERMOD Tech Guide*. Available at: https://www.weblakes.com/guides/aermod/section6/6_6.html
- v Air Resources Board provides meteorological data for HARP2 at: <https://ww2.arb.ca.gov/resources/documents/harp-aermod-meteorological-files>
- vi Rush Ranch weather station data are available at: <http://cdmo.baruch.sc.edu/dges/> using the following steps: (1) Click on the SF Bay icon. (2) Select the SFBRRME station (data type = meteorological). (3) Click the blue button that comes up, labeled “Click to select San Francisco Bay |SFBRRME ”.
- vii *Retrieve daily data for SUISNVLY.A (CIMIS #123, Suisun Valley)*. University of California Agriculture and Natural Resources. Available at: <http://ipm.ucanr.edu/calludt.cgi/WXSTATIONDATA?MAP=&STN=SUISNVLY.A> (accessed 2/24/2021).
- viii For a description of proposed future buildings, see item 10B, “Projects Update”, in the agenda packet for the 2/23/2021 meeting of Suisun City Planning Commission: https://www.suisun.com/wp-content/files/Agenda_Packet_2021_02_23_pn.pdf



YOCHA DEHE
CULTURAL RESOURCES

May 19, 2021

City of Suisun – Development Department
Attn: John Kearns, Senior Planner
701 Civic Center Blvd.
Suisun City, CA 94585

RE: Suisun City Hwy 12 Logistics Center YD-05172021-01

Dear Mr. Kearns:

Thank you for your project notification letter dated, May 14th, 2021, regarding cultural information on or near the proposed Suisun City Hwy 12 Logistics, Solano County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact known cultural resources. We highly recommend including cultural monitors during development and ground disturbance, including Cultural Sensitivity Training prior to all ground disturbance activities. Additionally, we request that you incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures for this project and continue to consult with the Tribe. Please submit the updated mitigation measures to the Cultural Resources Department once completed.

To setup a monitoring agreement, please contact the following individual:

Laverne Bill, Interim Director of Cultural Resources
Yocha Dehe Wintun Nation
Office: (530) 723-3891
Email: lbill@yochadehe-nsn.gov

Please refer to identification number YD – 05172021-01 in any correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

DocuSigned by:

A blue ink handwritten signature, appearing to be 'L. Bill', is enclosed within a blue DocuSign signature box.

5ED632FDB9C34EA...
Tribal Historic Preservation Officer



YOCHA DEHE CULTURAL RESOURCES

Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation

The purpose of this Protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony, in the event that any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground disturbing activity. This Protocol also formalizes procedures for Tribal monitoring during archaeological studies, grading, and ground-disturbing activities.

I. Cultural Affiliation

The Yocha Dehe Wintun Nation (“Tribe”) traditionally occupied lands in Yolo, Solano, Lake, Colusa and Napa Counties. The Tribe has designated its Cultural Resources Committee (“Committee”) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with Projects on lands culturally-affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.

II. Inadvertent Discovery of Native American Human Remains

Whenever Native American human remains are found during the course of a Project, the determination of Most Likely Descendant (“MLD”) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (“NAHC”) upon notification to the NAHC of the discovery of said remains at a Project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member will be designated by the Tribe to consult with the landowner and/or project proponents.

Should the NAHC determine that a member of an Indian tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

III. Treatment of Native American Remains

In the event that Native American human remains are found during development of a Project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground disturbing activities in that location shall cease and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.



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The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods and animals. Ashes, soils and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

IV. Non-Disclosure of Location of Reburials

Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 *et seq.* The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System ("CHRIS") on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

V. Treatment of Cultural Resources

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a Project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project Proponent should waive any and all claims to ownership of Tribal ceremonial and cultural items, including archeological items, which may be found on a Project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project Proponent) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.



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VI. Inadvertent Discoveries

If additional significant sites or sites not identified as significant in a Project environmental review process, but later determined to be significant, are located within a Project impact area, such sites will be subjected to further archeological and cultural significance evaluation by the Project Proponent, the Lead Agency, and the Tribe to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with Federal Law.

VIII. Work Statement for Tribal Monitors

The description of work for Tribal monitors of the grading and ground disturbing operations at the development site is attached hereto as Addendum I and incorporated herein by reference.



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ADDENDUM I

**Yocha Dehe Wintun Nation
Tribal Monitors
Description of Work and Treatment Protocol**

I. Preferred Treatment

The preferred protocol upon the discovery of Native American human remains is to (1) secure the area, (2) cover any exposed human remains or other cultural items, and (3) avoid further disturbances in the area.

II. Comportment

All parties to the action are strongly advised to treat the remains with appropriate dignity, as provided in Public Resource Code Section 5097.98. We further recommend that all parties to the action treat tribal representatives and the event itself with appropriate respect. For example, jokes and antics pertaining to the remains or other inappropriate behavior are ill advised.

III. Excavation Methods

If, after the Yocha Dehe Tribal representative has been granted access to the site and it is determined that avoidance is not feasible, an examination of the human remains will be conducted to confirm they are human and to determine the position, posture, and orientation of the remains. At this point, we recommend the following procedures:

(A) Tools. All excavation in the vicinity of the human remains will be conducted using fine hand tools and fine brushes to sweep loose dirt free from the exposure.

(B) Extent of Exposure. In order to determine the nature and extent of the grave and its contents, controlled excavation should extend to a full buffer zone around the perimeter of the remains.

(C) Perimeter Balk. To initiate the exposure, a perimeter balk (especially, a shallow trench) should be excavated, representing a reasonable buffer a minimum of 10 cm around the maximum extent of the known skeletal remains, with attention to counter-intuitive discoveries or unanticipated finds relating to this or other remains. The dirt from the perimeter balk should be bucketed, distinctly labeled, and screened for cultural materials.

(D) Exposure Methods. Excavation should then proceed inward from the walls of the balk as well as downward from the surface of the exposure. Loose dirt should be scooped out and brushed off into a dustpan or other collective device. Considerable care should be given to ensure that human remains are not further impacted by the process of excavation.

(E) Provenience. Buckets, collection bags, notes, and tags should be fully labeled per provenience, and a distinction should be made between samples collected from: (1) **Perimeter**



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Balk (described above), (2) **Exposure** (dirt removed in exposing the exterior/burial plan and associations, and (3) **Matrix** (dirt from the interstices between bones or associations). Thus, each burial may have three bags, “Burial 1 Perimeter Balk,” “Burial 1 Exposure Balk,” “Burial 1 Matrix.”

Please note the provisions below with respect to handling and conveyance of records and samples.

(F) Records. The following records should be compiled in the field: (1) a detailed scale drawing of the burial, including the provenience of and full for all human remains, associated artifacts, and the configuration of all associated phenomena such as burial pits, evidence for preinterment grave pit burning, soil variability, and intrusive disturbance, (2) complete a formal burial record using the consultants proprietary form or other standard form providing information on site #, unit or other proveniences, level depth, depth and location of the burial from a fixed datum, workers, date(s), artifact list, skeletal inventory, and other pertinent observations, (3) crew chief and worker field notes that may supplement or supercede information contained in the burial recording form, and (4) photographs, including either or standard photography or high-quality (400-500 DPI or 10 MP recommended) digital imaging.

(G) Stipulations for Acquisition and Use of Imagery. Photographs and images may be used only for showing location or configuration of questionable formation or for the position of the skeleton. They are not to be duplicated for publication unless a written release is obtained from the Tribe.

(H) Association. Association between the remains and other cultural materials should be determined in the field in consultation with an authorized Tribal representative, and may be amended per laboratory findings. Records of provenience and sample labels should be adequate to determine association or degree of likelihood of association of human remains and other cultural materials.

(I) Samples. For each burial, all **Perimeter Balk** soil is to be 1/8”-screened. All **Exposure** soil is to be 1/8”-screened, and a minimum of one 5-gallon bucket of excavated but unscreened Exposure soil is to be collected, placed in a plastic garbage bag in the bucket. All **Matrix** soil is to be carefully excavated, screened as appropriate, and then collected in plastic bags placed in 5-gallon buckets.

(J) Human remains are not to be cleaned in the field.

(K) Blessings. Prior to any physical action related to human remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.



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IV. Lab Procedures

No laboratory studies are permitted without consultation with the tribe. Lab methods are determined on a project-specific basis in consultation with Yocha Dehe Wintun Nation representatives. The following procedures are recommended:

(A) Responsibility. The primary archaeological consultant will be responsible for insuring that all lab procedures follow stipulations made by the Tribe.

(B) Blessings. Prior to any laboratory activities related to the remains, a designated tribal representative will conduct prayers and blessings over the remains. The archaeological consultant will be responsible for insuring that individuals and tools involved in the action are available for traditional blessings and prayers, as necessary.

(C) Physical Proximity of Associations. To the extent possible, all remains, associations, samples, and original records are to be kept together throughout the laboratory process. In particular, **Matrix** dirt is to be kept in buckets and will accompany the remains to the lab. The primary archaeological consultant will be responsible for copying all field records and images, and insuring that the original notes and records accompany the remains throughout the process.

(E) Additional Lab Finds. Laboratory study should be done making every effort to identify unanticipated finds or materials missed in the field, such as objects encased in dirt or human remains misidentified as faunal remains in the field. In the event of discovery of additional remains, materials, and other associations the tribal representatives are to be contacted immediately.

V. Re-internment without Further Disturbance

No laboratory studies are permitted on human remains and funerary objects. The preferred treatment preference for exhumed Native American human remains is reburial in an area not subject to further disturbance. Any objects associated with remains will be reinterred with the remains.



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VI. Curation of Recovered Materials

Should all, or a sample, of any archaeological materials collected during the data recovery activities – with the exception of Human Remains – need to be curated, an inventory and location information of the curation facility shall be given to tribe for our records.