

## **Appendix A: Notice of Preparation and Responses**



## **A.1 - Notice of Preparation**





## City of Manteca

### Notice of Preparation

### Northwest Airport Way Master Plan

**Date:** Monday, February 8, 2010

**To:** Public Agencies and Interested Parties

**From:** Rochelle Henson, Senior Planner

**Subject:** Notice of Preparation of an Environmental Impact Report for the Northwest Airport Way Master Plan

The City of Manteca will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below.

The project description, location, and probable environmental effects of the Northwest Airport Way Master Plan are described in the attached materials. The City of Manteca is soliciting comments regarding the scope and content of the environmental information, which are germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering permitting or other approvals. Because of time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please provide your written response to the address shown below by **5:00 p.m., Tuesday, March 9, 2010**. We will need the name of a contact person in your agency.

City of Manteca  
Community Development Department  
1001 W. Center Street  
Manteca, CA 95337  
Attn: Ms. Rochelle Henson, Senior Planner  
Phone: (209) 456-8516  
Fax: (209) 456-8949  
Email: rhenson@ci.manteca.ca.us

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## NORTHWEST AIRPORT WAY MASTER PLAN

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### 1.1 - Projects Location

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#### 1.1.1 - Master Plan Area

The Master Plan Area is located in unincorporated San Joaquin County, California, adjacent to the City of Manteca limits (Exhibit 1). The rectangular plan area consists of approximately 390 acres bounded by the Union Pacific Railroad Lathrop Intermodal Terminal (west), Roth Road (north), Airport Way (east), and Lathrop Road (south) (Exhibit 2). The plan area is within the City of Manteca Sphere of Influence within the 10-year planning horizon. The Master Plan Area is located on the Lathrop, California, United States Geological Survey 7.5-minute topographic quadrangle map, Township 1 South, Range 6 East, Unsectioned (Latitude 37°51'00" North; Longitude 121°15'30" West).

#### 1.1.2 - Non-Master Plan Areas

The non-master plan areas consist of two areas within unincorporated San Joaquin County adjacent to the Master Plan Area and contiguous to the Manteca city limits. These areas are described below and are shown on Exhibit 2.

- **East Area:** This rectangular-shaped area encompasses approximately 77 acres and is bounded by Airport Way (west), the Del Webb Community and the Manteca city limits (north and east), and Lathrop Road and the Manteca city limits (south).
- **South Area:** This trapezoidal-shaped area encompasses approximately 144 acres and is bounded by the Union Pacific Railroad Oakland Subdivision and Lathrop city limits (west), Lathrop Road (north), Airport Way and the Manteca city limits (east), and the Union Pacific Railroad Fresno Subdivision and the Manteca city limits (south).

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### 1.2 - Existing Conditions

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#### 1.2.1 - Master Plan Area

##### Land Use

The Master Plan area consists of agricultural operations, industrial uses, and rural residences. Agricultural uses consist of orchards, row crops, grazing, and fallow fields. Industrial uses consist of a cheese factory and associated settling ponds, and a cement plant. Rural residences are located in various places along the Airport Way frontage.

Most of the lands within the Master Plan area are controlled by four parties, summarized below from north to south. Property ownership is depicted on Exhibit 3.

- **CenterPoint Properties:** CenterPoint Properties controls two, non-contiguous portions of the Master Plan totaling 236 acres. The northern portion extends from Roth Road to the central portion of the Master Plan area, while the southern portion is located south of the RCCI PTP property. This acreage consists mainly of agricultural uses.
- **Riella Trust:** The Riella Trust controls approximately 44 acres along Airport Way adjacent to the northern CenterPoint property. This acreage consists mainly of agricultural uses.
- **RCCI PTP:** RCCI PTP controls approximately 60 acres between the two CenterPoint Properties-controlled portions. This acreage consists of the cheese factory and the associated settling ponds.
- **Cardoza:** Cardoza controls approximately 41 acres located along Lathrop Road and Airport Way. This acreage consists of orchards.

In addition to the parties listed above, the City of Lathrop controls two parcels totaling 3 acres adjacent to the southwestern corner of the Master Plan Area, and a private property owner (Stumphouser) holds a 2.5-acre parcel along Airport Way that is surrounded on three sides by the Riella Trust property.

### **Existing Land Use Designations**

The San Joaquin County General Plan currently designates the Master Plan area “General Agriculture.” The San Joaquin County Zoning Ordinance designates the Master Plan area “General Agriculture, 40-Acre Minimum Parcel Size (AG-40).”

The City of Manteca General Plan currently designates the plan area “Light Industrial” and “Urban Reserve.”

### **1.2.2 - Non-Master Plan Areas**

#### **Land Use**

The East Area contains agricultural uses and rural residential uses. Rural residences are located along Lathrop Road and Airport Way, with the agricultural land abutting the Del Webb Community.

The South Area contains agricultural uses and rural residential uses. Rural residences are located along Lathrop Road and Airport Way.

### **Existing Land Use Designations**

Table 1 summarizes the existing land use designations with the two non-master plan areas.

**Table 1: Non-Master Plan Area Land Use Designations**

Area	San Joaquin County		City of Manteca General Plan
	General Plan	Zoning	
East	Low Density Residential	Agriculture-Urban Reserve, 20-acre Minimum (AU-20)	Neighborhood Commercial; Low Density Residential; Medium Density Residential; High Density Residential; Park
South	General Agriculture; Limited Industrial	General Agriculture, 40-acre Minimum (AG-40); Limited Industrial (I-L/S-11A)	Light Industrial

Source: County of San Joaquin, 2010; City of Manteca, 2010.

**1.3 - Description of Projects**

There are two projects that will be evaluated in the EIR: (1) the Northwest Airport Way Master Plan and (2) non-master plan area annexations. Each project is discussed below.

**1.3.1 - Northwest Airport Way Master Plan**

The Northwest Airport Way Master Plan is intended to guide future development and land use activities within the 390-acre plan boundaries. The City of Manteca would annex the Master Plan Area, and the land uses proposed in this Master Plan will constitute the permitted uses for the area. This Master Plan document will be adopted as part of the Manteca Municipal Code. The Master Plan components are summarized below.

**Land Use**

The Master Plan would guide the development of industrial and community commercial uses. Table 2 summarizes the Master Plan land uses within the Plan Area. The land use plan is shown in Exhibit 4. Each land use is discussed in greater detail below.

**Table 2: Master Plan Land Use Summary**

Existing City of Manteca General Plan Designation	Proposed Master Plan Use	Total Acreage	Percentage of Master Plan Area
Light Industrial & Urban Reserve Light Industrial	Industrial	324	83
Light Industrial	Community Commercial	22	6
Light Industrial	Open Space/Drainage	44	11
<b>Total</b>		<b>390</b>	<b>100</b>

Source: City of Manteca, 2010.

### ***Light Industrial***

Light Industrial land use accounts for over 80 percent of the Plan Area. The light industrial zone allows business and professional uses, uses involving heavy trucks, automobile services, mini-storage, various agricultural industries, industrial manufacturing or assembly uses, industrial storage, and truck and motor freight uses.

The northern area is expected to develop primarily with warehouse/distribution facilities uses and limited light industrial uses (95 percent warehouse distribution, 5 percent light industrial). The southern area is expected to be developed with a majority of warehouse/distribution facilities, and some light industrial uses and limited retail development (80 percent warehouse/distribution, 15 percent light industrial, and 5 percent commercial).

### ***CenterPoint Intermodal Facility***

The CenterPoint Intermodal Facility is expected to occupy most of the Industrial acreage. The intermodal facility would be an integrated logistics center and interface with the adjacent Union Pacific Railroad Lathrop Intermodal Terminal. The intermodal facility would sort, store and distribute goods for shippers and receivers. The facility would have a maximum square footage of 4.2 million feet and is anticipated to employ as many as 900 workers.

### ***Community Commercial***

The Community Commercial land use would serve as a focal point for residents of the area and workers in the industrial portion of the development. A 22-acre, community-scale shopping center is envisioned for this area at the Lathrop Road/Airport Way intersection. The Community Commercial zone allows a wide variety of permitted or conditionally permitted commercial uses, such as commercial office and retail uses.

### **Circulation and Access**

The circulation system proposed for the Master Plan is composed of the following elements:

- Improved major arterial roadways (Lathrop Road, Airport Way, and Roth Road)
- New onsite truck routes
- New onsite collector roads for trucks and autos
- Bikeways and pedestrian paths

The primary goal of the circulation system is to provide a network of roadways, pedestrian paths, and bikeways that allows for the safe and efficient movement of goods, people, and services within the Plan Area and to provide proper connections to the existing network of roadways and routes in the City of Manteca. Improvements within the Plan Area include the provision of new rights-of-way and improvements to existing street sections with traffic signals added where necessary. Auto and truck

parking and truck loading and unloading areas are also part of the circulation system. Roth Road would serve as the major truck route for the proposed Master Plan.

### **Open Space, Landscaping, and Drainage**

Open Space would be primarily achieved through landscape corridors, low-impact drainage landscape corridors, and detention basins. Park areas in the Master Plan would be developed to include recreational amenities such as benches, picnic areas, shade structures, and landscaping in conformance with City of Manteca standards. The open spaces in the Plan Area would also serve as corridors for onsite stormwater treatment and detention facilities that are part of an overall framework of open areas in the Master Plan.

### **Utilities**

The following utility systems would be extended to and developed within the Master Plan Area:

- Water
- Wastewater
- Storm Drainage
- Dry Utilities (electricity, natural gas, and telecommunications)

### **Phasing**

Because of the large size of the Northwest Airport Way Plan Area, flexibility is required for project phasing. Market forces will determine actual project development of the Master Plan. CenterPoint Properties will likely develop first—both in the northern and southern portions of their property. Light industrial and commercial development of the Riella Trust and Cardoza properties will likely follow in later phases of the Master Plan, spurred by the CenterPoint light industrial development. Redevelopment of the RCCI PTP property is uncertain at this time. Buildout of the Master Plan is expected to take approximately 15 years.

#### **1.3.2 - Non-Master Plan Annexations**

At the request of the San Joaquin County Local Agency Formation Commission (LAFCo), the City of Manteca is evaluating annexation of two unincorporated areas (East and South) adjacent to the Master Plan area and contiguous to the Manteca City limits. Annexation of the lands encompassed by the Northwest Airport Way Master Plan would result in these areas becoming “unincorporated islands” within the Manteca city limits, a condition discouraged by LAFCo.

The proposed annexations would bring these areas into the Manteca city limits and involve associated General Plan Amendments and pre-zoning approvals. No project-level entitlements are being sought for any of the properties with the annexation areas.

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## 1.4 - Required Approvals and Intended Uses

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The proposed projects would require the following discretionary approvals and actions:

### 1.4.1 - Northwest Airport Way Master Plan

- Master Plan Adoption – City of Manteca
- General Plan Amendment – City of Manteca
- Pre-Zone – City of Manteca
- Annexation – City of Manteca and San Joaquin County Local Agency Formation Commission

Concurrent with or subsequent to plan adoption, entitlements would be sought for development contemplated by the Master Plan. The EIR intends to provide sufficient detail to provide coverage for development activities that are consistent with the Master Plan, thereby avoiding the need for additional CEQA review.

### 1.4.2 - Non-Master Plan Annexations

- General Plan Amendment – City of Manteca
- Pre-Zone – City of Manteca
- Annexation – City of Manteca and San Joaquin County Local Agency Formation Commission

The EIR will evaluate the non-master plan annexations at a program-level. Future development or land use activities proposed subsequent to annexation may be subject to additional environmental review.

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## 1.5 - Environmental Review

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### 1.5.1 - Potential Environmental Effects

The EIR will evaluate whether the proposed projects may potentially result in one or more significant environmental effects. The topics listed below will be further analyzed in the EIR.

- Aesthetics, Light, and Glare
- Agricultural Resources
- Air Quality/Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services and Utilities
- Transportation

### **1.5.2 - Effects Found Not To Be Significant**

Because of site or project characteristics, the proposed projects would not have significant effects on the environmental issue areas listed below. These issues will be scoped out to the Effects Found Not To Be Significant section of the EIR.

#### **Mineral Resources**

The areas encompassed by the proposed projects do not contain any known mineral deposits or active mineral extraction operations. This condition precludes the possibility of the loss of important mineral resources as a result of the proposed projects.

#### **Population and Housing**

The Master Plan boundaries contain several rural residences. Given the small amount of population that resides within these structures, the removal of these buildings would not create a need for the construction of replacement housing elsewhere. Note that the non-master plan area annexations do not involve the removal of existing residences.

Buildout of the Master Plan would create new employment opportunities. Most new employment opportunities would be expected to be jobs in the industrial sector (warehousing, logistics, trucking, etc.), with some commercial retail-sector jobs. The California Employment Development Department indicates that as of December 2009, there were 4,200 unemployed persons in Manteca and 51,800 unemployed persons in San Joaquin County. Accordingly, it would be expected that the proposed project's new jobs could readily be filled from the local workforce. Therefore, the proposed project would not have the potential to cause substantial direct or indirect population growth. Note that the non-master plan area annexations do not involve creation of new employment opportunities.

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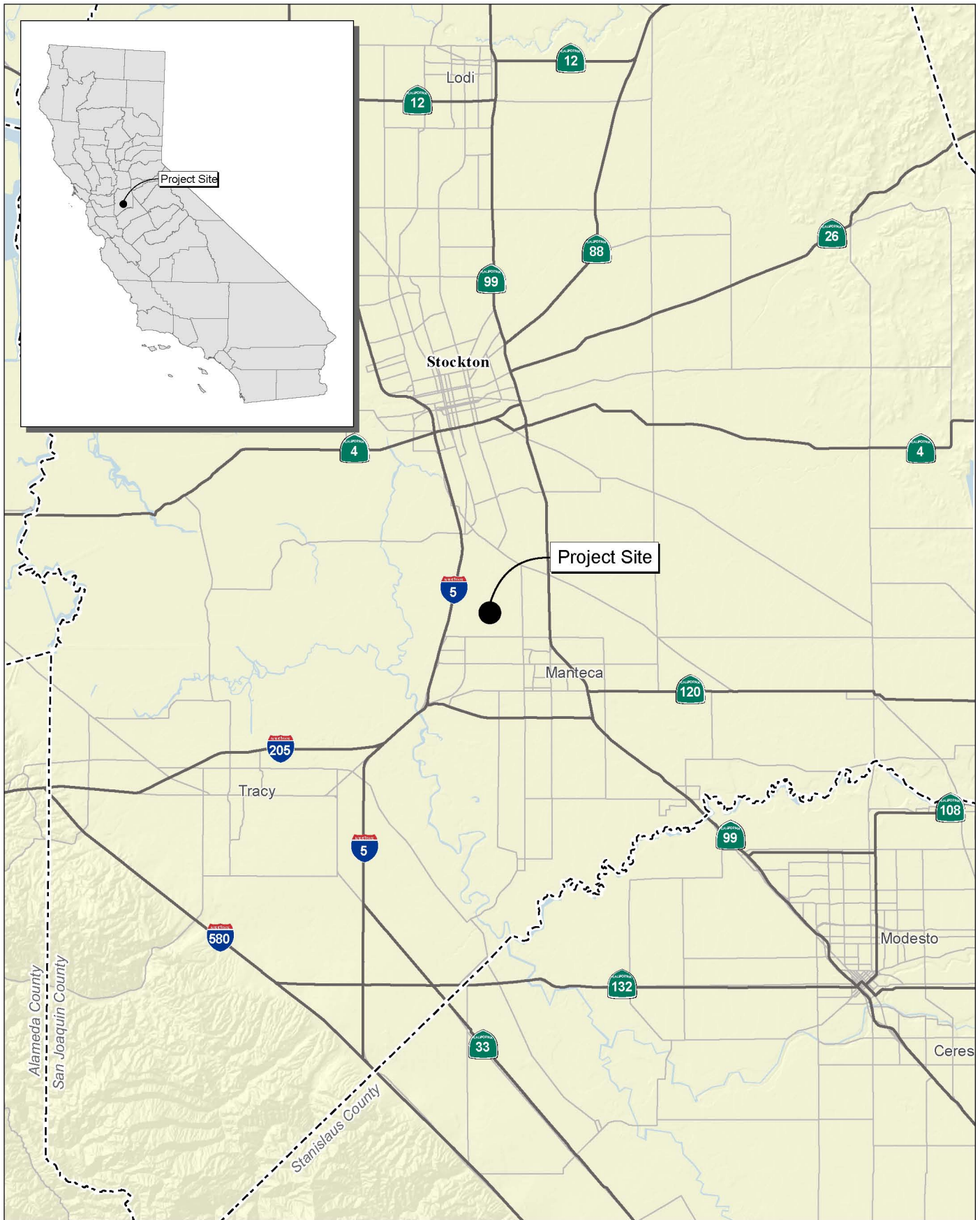
### **1.6 - Scoping Meeting**

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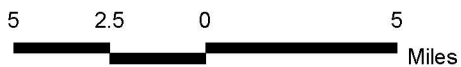
A public scoping meeting will be held at **4:30 p.m., Wednesday, February 24, 2010**, at the following location:

City of Manteca  
City Council Chambers  
1001 W. Center Street  
Manteca, CA 95337

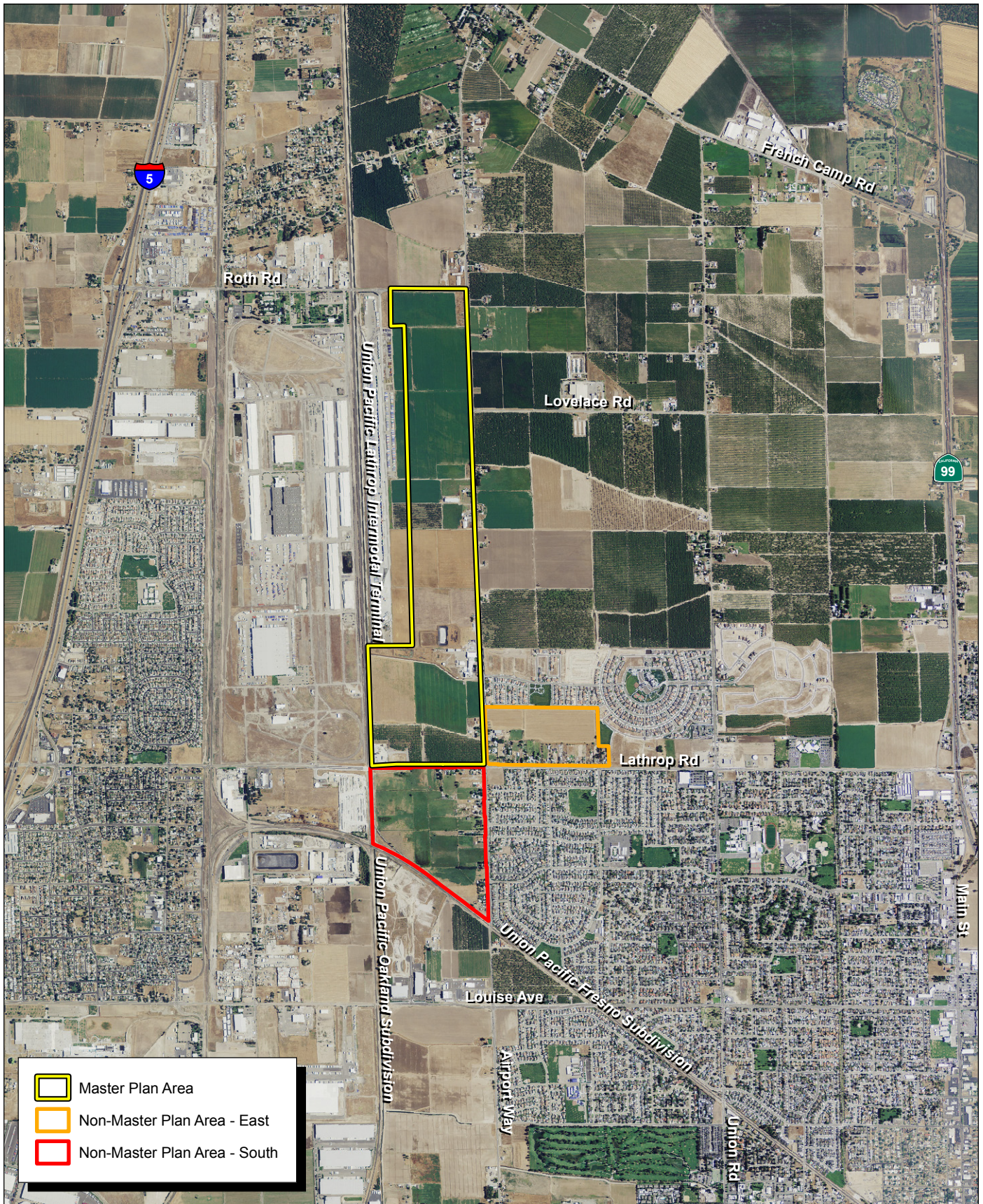
At this meeting, agencies, organizations, and members of the public will be able to review the proposed projects and provide comments on the scope of the environmental review process.



Source: Census 2000 Data, The CaSIL, MBA GIS 2009.



## Exhibit 1 Regional Location Map




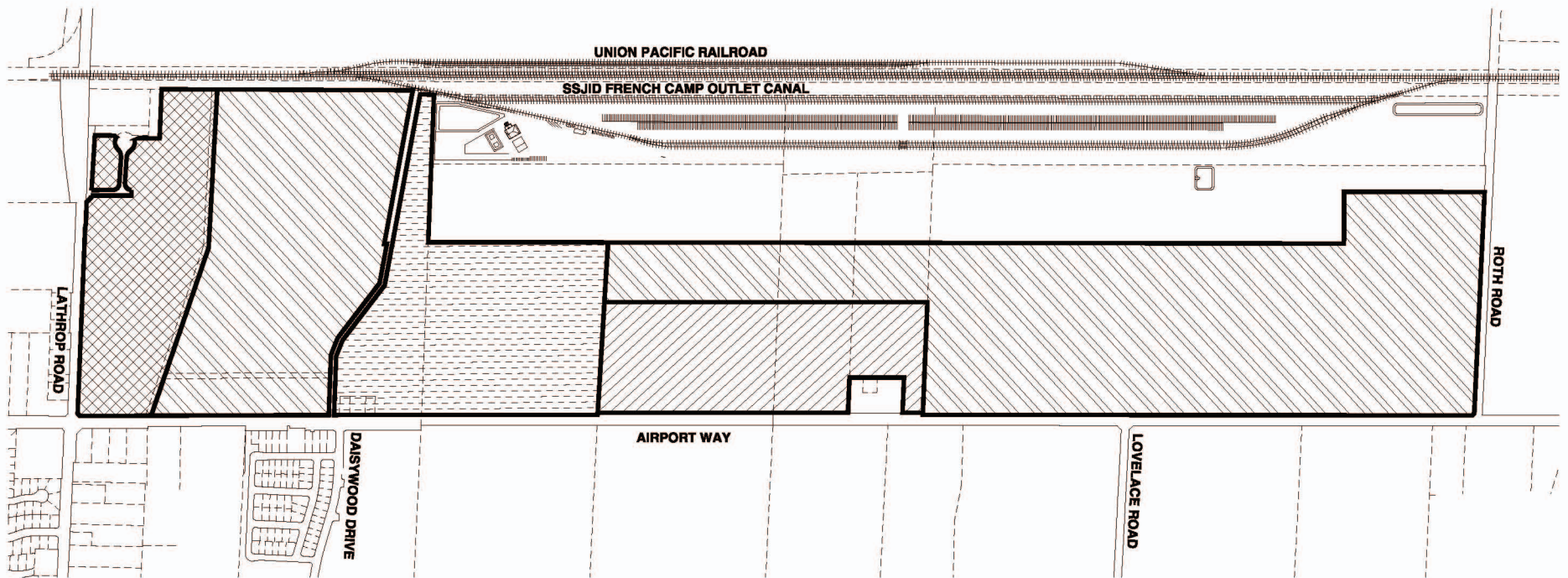
Source: NAIP for San Joaquin County (2009) & San Joaquin County Parcels (2008).



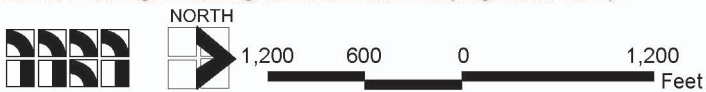
## Exhibit 2 Local Vicinity Map Aerial Base

# LEGEND




OWNER	ACREAGE
 CENTERPOINT PROPERTIES	236.01
 RIELLA TRUST	44.22
 RCGI PTP	59.92
 ED CARDOZA	41.06

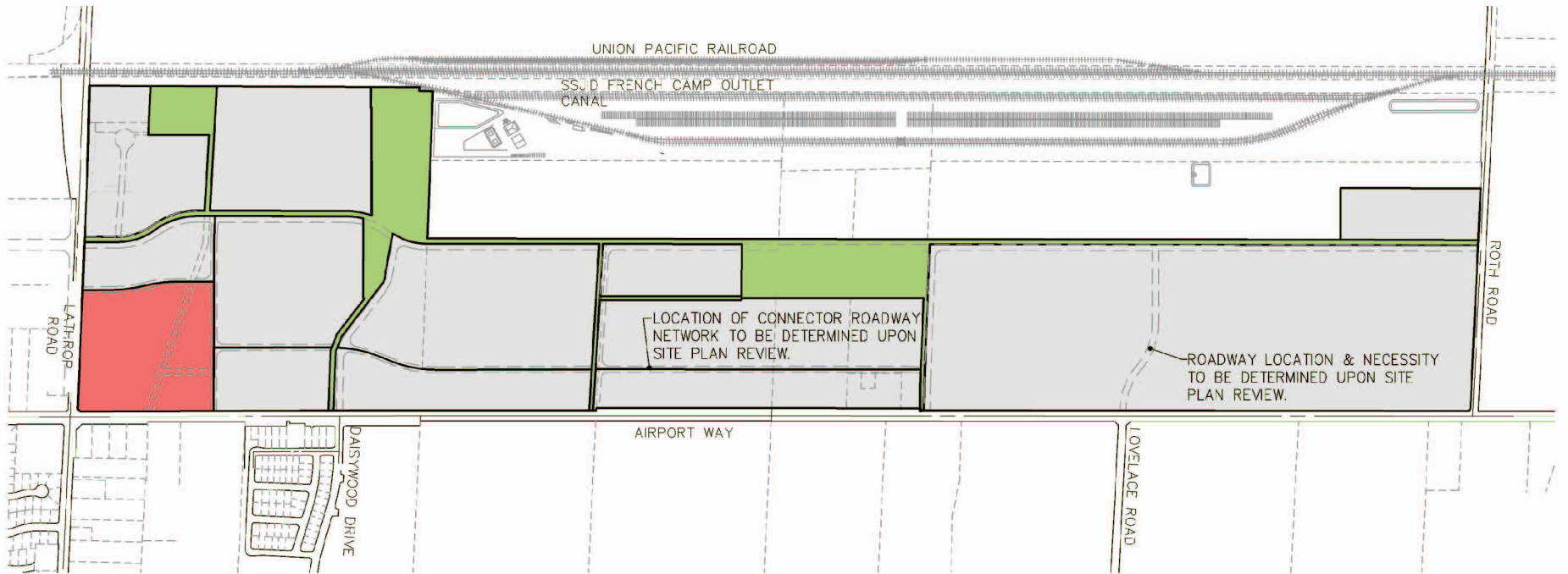


Source: Strategic Planning Collaborative, LLC. (August 27, 2009).

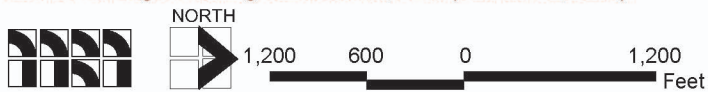


## USE LEGEND

DESIGNATION	ACREAGE
 CC (COMMUNITY COMMERCIAL)	22.1 AC.
 LI (LIGHT INDUSTRIAL)	324.7 AC.
 OS (OPEN SPACE) DRAINAGE CORRIDORS & BASINS	44.1 AC.
TOTAL	390.9 AC.



Source: Strategic Planning Collaborative, LLC. (October 20, 2009).



Michael Brandman Associates

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## Exhibit 4 Proposed Land Use Plan

CITY OF MANTECA • NORTHWEST AIRPORT WAY MASTER PLAN  
NOTICE OF PREPARATION

## **A.2 - Responses**





Community Development Department

390 Towne Centre Dr. - Lathrop, CA 95330

Phone (209) 941-7290 - Fax (209) 941-7268

[www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us)

February 24, 2010

City of Manteca  
Community Development Department  
1001 W. Center Street  
Manteca, CA 95337

Attn: Rochelle Henson, Senior Planner

Subject: Notice of Preparation of an Environmental Impact Report for the Northwest Airport Way Master Plan.

Dear Ms. Henson;

The City of Lathrop has reviewed your Notice of Preparation (NOP) of an Environmental Impact Report for the Northwest Airport Way Master Plan for the City of Manteca. The City of Lathrop does not oppose this project, provided the impacts upon our community are appropriately mitigated. We appreciate the opportunity to provide comments on this project, as the project site is located directly adjacent to the City of Lathrop's eastern city limits and has the potential to impact our community. We respectfully submit the below comments, which to the extent possible, are limited to those issues of most direct and relevant concern or potential impact upon the City of Lathrop.

1. General Comment. Please add the City of Lathrop and Caltrans District 10 to the list of agencies requiring permit approvals, as we anticipate the project having significant impacts upon both the local and regional transportation network. Interagency coordination, cooperation and approvals will be imperative.
2. Air Quality/Greenhouse Gas Emissions. Please prepare an air quality impact analysis to address diesel particulate emissions and hazards, greenhouse gas emissions and cumulative global warming impacts analysis, per regional and State laws, standards and regulations.
3. Public Services and Utilities. Please analyze and address the projects impacts on the City of Lathrop police and fire services. Given the close proximity of the project to the City of Lathrop it can be expected that both direct and indirect police and fire service impacts may occur.
4. Noise. Please prepare a noise impact analysis to address, noise impacts upon the City of Lathrop. Of particular concern are the residential areas in close proximity to the project and residential areas adjacent to both Lathrop Rd. and Louise Ave.

5. Transportation. Please prepare a comprehensive traffic impact analysis to address the project impact on the following:

In regards to Roth Road

- a. The need to widen Roth Road from Airport to Manthey Road to accommodate additional traffic.
- b. The need to widen Roth Road at project entrance to accommodate acceleration and deceleration lanes as well as left turn and right turn movements.
- c. The need for grade separation at the railroad crossings on Roth Road.
- d. The need to upgrade the I-5/Roth Road interchange.
- e. The need to signalize the on and off ramps at Roth Road /I-5 interchange.
- f. As an impact due to signalization of off ramps the need to relocate the intersections of Roth/Harlan and Roth/Manthey due to their proximity.
- g. The need to signalize any intersection on Roth Road from Manthey to Airport due to the increase in traffic.
- h. The need to modify any intersection on Roth Road from Manthey to Airport to accommodate additional left turn, right turn or thru movements.
- i. The applicant should be required to prepare a precise plan for Roth Road from Manthey Rd. to Airport Way.
- j. The applicant should be required to prepare and obtain approval from Caltrans for a PSR for Roth/I-5 interchange.
- k. A project specific mitigation/agreement/funding mechanism to complete and/or require the project to pay its fair share of transportation improvements in the City of Lathrop will be needed. Alternatively completion of a joint traffic mitigation agreement between the City's of Lathrop and Manteca should be completed.

In regards to Lathrop Road:

- a. The need to widen Lathrop Road from Airport to Manthey Road to accommodate additional traffic.
- b. The need to widen Lathrop Road at project entrance to accommodate acceleration and deceleration lanes as well as left turn and right turn movements.
- c. The need to contribute to the funding or reimburse for grade separation at the railroad crossings on Lathrop Road
- d. The need to contribute or to the upgrades the I-5/Lathrop Road interchange.
- e. The need to contribute to the signalization of the on and off ramps at Lathrop Road /I-5 interchange.
- f. The need to signalize any intersection on Lathrop Road from Manthey to Airport due to the increase in traffic.
- g. The need to modify any intersection on Lathrop Road from Manthey to Airport to accommodate additional left turn, right turn or thru movements.
- h. The applicant should be required to prepare a precise plan for Lathrop Road from Manthey to Airport if widening is needed.
- i. The applicant should be required to prepare and obtain approval from Caltrans for a PSR, for the Lathrop Road/I-5 interchange.
- j. A project specific mitigation/agreement/funding mechanism to complete and/or require the project to pay its fair share of transportation improvements in the City

of Lathrop will be needed. Alternatively completion of a joint traffic mitigation agreement between the City's of Lathrop and Manteca should be completed.

Other Roadways:

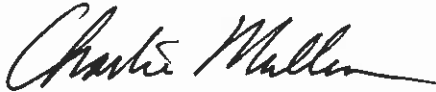
- a. Analysis of traffic impacts on Louise Ave., between Airport Way and I-5 is necessary.
- b. Analysis of traffic impacts on Yosemite Ave., between Airport Way and SR-120 is necessary.

6. Other Issues.

- a. The City of Lathrop respectfully requests a courtesy review and comment on the EIR work scope, specifically as it pertains to our above transportation comments.
- b. The City of Lathrop respectfully requests continued notification of all project related public hearings and meetings and provision of all projected related documents.

Again, please note the City of Lathrop does not oppose this project and we look forward to the City of Manteca working cooperatively with the City of Lathrop to appropriately and adequately address the project's environmental impacts. If you have any questions please call me at (209) 941-7298 or email me at [cmullen@ci.lathrop.ca.us](mailto:cmullen@ci.lathrop.ca.us).

Sincerely,



Charlie Mullen, AICP  
Assistant Community Development Director

Cc: Steve Pinkerton, City Manager, City of Manteca, 1001 W. Center Street, Manteca, CA 95337

Mark Nelson, Community Development Director, City of Manteca 1001 W. Center Street, Manteca, CA 95337

Cary Keaten, City Manager

Salvador Navarrete, City Attorney

Steve Salvatore, Public Works Director

Tom Ruark, Acting City Engineer



**SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-8232  
PHONE: 209/468-3121 FAX: 209/468-3163

February 25, 2010

Rochelle Henson- Senior Planner  
City of Manteca-Community Development Department  
1001 W. Center Street  
Manteca, CA 95337

RE: Notice of Preparation- Northwest Airport Way Master Plan

Dear Ms. Henson:

Thank you for sending the Notice of Preparation for the Northwest Airport Way Master Plan. The San Joaquin County Community Development Department has reviewed the Notice Of Preparation and offers the following comments:

The approximately 390-acre Master Plan project site is currently in agricultural production. The project site has a zoning designation of General Agriculture- 40 acre minimum lot size (AG-40) and a General Plan designation of General Agriculture (A/G). The County is concerned about the loss of agricultural land from converting the agricultural use to a nonagricultural use. If processed through the San Joaquin County Community Development Department, this project will be subject to the Agricultural Mitigation Ordinance of the Development Title to provide mitigation for the significant loss of agricultural land. The Ordinance requires agricultural mitigation for a Zone Reclassification that changes the permitted use from agricultural to a non-agricultural use, regardless of the General Plan designation (Section 9-1080.3(a) (1)). Agricultural Mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Development Title Section 9-1080.3(d). The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use (a 1:1 ratio). Pursuant to Section 9-1080.3(f), submission of the required legal instrument to provide agricultural mitigation land shall occur at the time of Grading Permit or Building Permit issuance for the underlying development project. If the project is not processed by the San Joaquin County Community Development Department, please keep our Department informed of alternative mitigation provided for the loss of agricultural land.

We appreciate the opportunity to comment on this application. Please add our agency to the notification list to receive the Draft Environmental Impact Report. If you have any questions, please free to contact me at 209-468-8477.

Sincerely,

A handwritten signature in black ink, appearing to read "Mo Hatef".

Mo Hatef  
Associate Planner

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



RECEIVED

February 26, 2010

MAR 01 2010

COMMUNITY DEVELOPMENT  
DEPARTMENT

Rochelle Henson  
City of Manteca  
1001 W Center Street  
Manteca, CA 95337

Dear Ms. Henson:

The California Energy Commission has received the City of Manteca's Notice of Preparation titled Northwest Airport Way Master Plan, SCH 2010022024 that was submitted on 2/8/2010 for comments due by 3/9/2010. After careful review, the Energy Commission has found the following:

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit [www.energy.ca.gov/energy\\_aware\\_guide/index.html](http://www.energy.ca.gov/energy_aware_guide/index.html).

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process.

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

A handwritten signature in cursive script that reads "Bill Pfanner".

BILL PFANNER  
Supervisor, Local Energy & Land Use Assistance Unit  
Special Projects Office  
Fuels and Transportation Division  
California Energy Commission  
1516 Ninth Street, MS 23  
Sacramento, CA 95814

Enclosure

## *Appendix F*

# ENERGY CONSERVATION

### I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

### II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

#### A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Initial and life-cycle energy costs or supplies.
5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

#### B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

#### C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, opera-

tion, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.

2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

#### D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

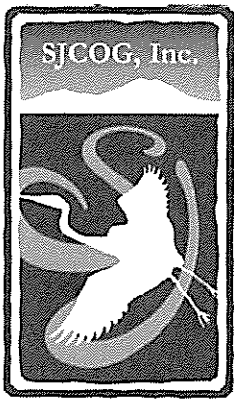
#### E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

#### F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

#### G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

#### H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

#### I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.



## S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

### *San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*

### **SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Rochelle Henson, Senior Planner; City of Manteca, Community Development Department

**From:** Anne-Marie Poggio, Regional Habitat Planner, SJCOG, Inc.

**Date:** March 2, 2010

**Local Jurisdiction Project Title:** CenterPoint Intermodal Center

**Local Jurisdiction Project Number:** N/A

**Assessor Parcel Number(s):** Multiple

**Total Acres to be converted from Open Space Use:** 273 AC *(applicant providing new lot lines and APN Numbers)*

**Habitat Types to be Disturbed:** Multi-Purpose and Agriculture Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

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Dear Mrs. Henson:

SJCOG, Inc. has reviewed the application for the CenterPoint Intermodal Center (CIC). This project proposes the construction of a multi-purpose development project that would include light industrial, warehousing and distribution, as well as commercial/retail and office use. The CIC would be constructed in an unincorporated area of San Joaquin County that is proposed for annexation by the City of Manteca.

The proposed project site is located west of Manteca city limits and bound by Roth Road to the north, Lathrop Road to the south, Airport Way to the east, and UPRR Facility to the west.

The City of Manteca is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

**This project is subject to the SJMSCP.** Projects which are seeking coverage through the SJMSCP as an Unmapped Land Use Projects (e.g., annexation and general plan amendments (adjacent to existing incorporated cities and defined communities); airport expansions adjacent to existing airports and Freeway Services Commercial):

General Plan amendments and city annexations adjacent to existing incorporated cities and adjacent to the boundaries of defined communities (excluding the establishment of new towns or new communities); freeway service commercial; expansion of unincorporated, existing industrial areas; and similar anticipated projects located outside of or adjacent to designated urban boundaries as indicated on the SJMSCP Planned Land Use Map.

Projects for this category of Permitted Activities shall be subject to a case-by-case review by the JPA's Technical Advisory Committee (TAC) to ensure that the biological impacts of the proposed projects are within the parameters established by the SJMSCP and the Biological Opinion. Projects for this category shall be located adjacent to existing city limits, adjacent to the boundaries of defined communities, adjacent to existing airport facilities (i.e., Stockton, Lodi and Tracy airports), within designated Freeway Service Commercial Areas, or adjacent to existing industrial areas in the unincorporated county as indicated on the *SJMSCP Planned Land Use Map* Projects for this category shall not be located in any geographic area where coverage is prohibited under the SJMSCP.

A Project Proponent seeking coverage for a project in this category shall comply with the following procedure (*Section 8.2.1(10) Unmapped Project Process Attached*):

1. The Project Proponent shall complete, at its sole cost and expense, the "***Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects***" (the "Checklist") and provide the completed Checklist to SJCOG for review. Completion of the Checklist shall include, but shall not be limited to, any and all biological review and other supporting documentation necessary to determine the proposed project is consistent with the SJMSCP and the Biological Opinion. (*Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects Attached*)

Upon receipt of the Checklist, SJCOG shall make a determination that the Checklist is complete or incomplete and shall notify the Project Proponent of the status of the Checklist.

Upon SJCOG's determination that the Checklist is complete, SJCOG shall conduct a Peer Review of the Checklist. "Peer Review" shall be defined as an evaluation of the completed Checklist by a consultant hired by SJCOG, not currently employed by the Project Proponent, to review the completed Checklist and confirm the finding that the proposed project is consistent with the SJMSCP and the Biological Opinion. The Project Proponent shall be responsible for reimbursing SJCOG for any and all costs associated with the Peer Review, including but not limited to consultant and attorney's fees. (*Reimbursement Agreement Attached*)

2. The TAC shall fix the meeting date at which time the proposed project shall be considered, which date shall be sixty (60) days after the Checklist is deemed complete *or* by the second regularly scheduled TAC meeting after the Checklist is deemed complete, whichever is later. The TAC, with the concurrence of the TAC's representatives from the Permitting Agencies, may recommend to the JPA coverage for a project in this category.

If the proposed project is recommended by the TAC, the project shall be heard at the next regularly scheduled JPA meeting.

SJMSCP Coverage for a project in this category shall only be granted if the TAC, with the concurrence of the representatives of the Permitting Agencies, is able to determine the project is consistent with the SJMSCP and the Biological Opinion when considering the following:

1. Coverage for the proposed project is consistent with the overall SJMSCP biological intent and conservation program.
2. Coverage for the proposed project is consistent with the SJMSCP Biological Opinion.
3. Biological impacts and Incidental Take associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP.
4. The project does not introduce significant new biological conditions into the Plan Area (i.e., impacts of the proposed project are less than or equal to those described in the SJMSCP and its supporting environmental documents).
5. The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and sufficient take acres remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.
6. The project meets at least one of the following criteria:
  - The project is adjacent to existing city limits; or
  - The project is adjacent to the boundaries of defined communities; or
  - The project is adjacent to existing airport facilities; or
  - The project is within an area designated as Freeway Service Commercial; or
  - The project is an expansion of an existing industrial or urbanized area in the unincorporated county; or
  - The project is proposed for annexation to a jurisdiction.
7. The project is not one of the projects specifically exempted from SJMSCP Coverage as identified in SJMSCP Section 8.2.2.
8. The project does not disrupt a corridor used by the giant garter snake, riparian brush rabbit, riparian woodrat, the San Joaquin kit fox or fisheries as identified in the SJMSCP.
9. The project does not interfere with the San Joaquin River Wildlife Corridor as established in Section 5.5.2.3.
10. The project does not include installation of a linear barrier to species dispersal as defined in Section 5.5.8.
11. The TAC may consider and make additional findings for an individual project to determine if SJMSCP coverage for a project in this category is consistent with the overall biological intent of the SJMSCP and is consistent with the Biological Opinion.

It is recommended that the local agency along with the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package.  
<http://www.sjcog.org>

If you have any questions, please call (209) 468-3913.

Attachments:

- Section 8.2.1(10) Unmapped Project Process
- Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects
- Draft Reimbursement Agreement



*San Joaquin County Multi-Species Habitat Conservation &  
Open Space Plan (SJMSCP)*

**Section 8.2.1(10) Unmapped Project Process**

- Local Jurisdiction/jurisdiction notice with materials provided to SJCOG, Inc.
- Response to Local Jurisdiction/jurisdiction provided by SJCOG, Inc. with SJMSCP coverage application materials
- Applicant review and agrees to procedures for Unmapped Process for inclusion in the SJMSCP as adopted in September 2008 (e.g. schedule, costs, etc).
- Complete application packet and reimbursement agreement provided to SJCOG, Inc. for review
- SJCOG, Inc. to review and process application
- Project to Habitat Technical Advisory Committee for recommendation to SJCOG, Inc. Board
- Project to SJCOG, Inc. Board for approval of coverage
- SJCOG, Inc. notification to project about application for coverage under the SJMSCP
- SJMSCP biological process for incidental take minimization measures (ITMM)
- Review and agreement to ITMM by applicant
- Implementation of ITMM by applicant
- Pay appropriate fees under SJMSCP

*Brent Ives*  
CHAIR

*Larry Hansen*  
VICE CHAIR

*Andrew T. Chesley*  
PRESIDENT

*Member Agencies*  
CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

**Section 8.2.1(10) CHECKLIST for UNMAPPED SJMSCP Projects Subject to TAC Review**

**Project Title:** \_\_\_\_\_

**Project Description:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Project Title:</b>						
<b>Findings</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<b>A. SJMSCP General Findings (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>SJMSCP Consistency.</b> Coverage for the proposed the proposed project is consistent with the overall SJMSCP biological intent and conservation program.						
2. Coverage for the proposed project does not introduce significant new <b>biological conditions</b> into the Plan area or result in significant new or different environmental impacts or--for land uses which have impacts—introduces impacts that are <b>equal to or are less than</b> those described in the SJMSCP as originally adopted [Section 8.8.3(45)].						
3. <b>Biological Opinion.</b> Coverage for the proposed project is consistent with the SJMSCP Biological Opinion						
4. <b>Incidental Take Minimization Measures.</b> The project can and will comply with the SJMSCP's Incidental Take Minimization Measures as specified in Section 5.2 including any modifications to those measures as authorized by the TAC pursuant to the SJMSCP.						
5. Mitigation pursuant to the SJMSCP is appropriate for the impacts on the Covered Species. (SJMSCP 8.2.4)						
<b>B. NEPA, CEQA, FESA, CESA Consistency (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>Biological impacts</b> associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, federal Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
2. <b>Incidental take</b> associated with the proposed project is within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.						
<b>C. Incidental Take Acreage Limits (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and <b>sufficient take acres</b> remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.						
2. <b>Natural Lands.</b> The project will not result in exceeding 9,202 acres of conversion of Natural Lands by SJMSCP Permitted Activities (this excludes 5,000 acres for vernal pool grasslands), nor 15% of the total acres of open space conversion for SJMSCP Permitted Activities within any five year period, whichever is less. (BO, page 18)						
3. <b>Agricultural Habitat Lands.</b> The project will not result in exceeding 57,635 acres of conversion of Agricultural Habitat Lands by SJMSCP Permitted Activities (BO, page 18)						
4. <b>Vernal Pool Grasslands.</b> The project does not include coverage for take of SJMSCP Covered Species associated with conversion of vernal pool grasslands (excluded in unmapped areas per BO, page 15).						
5. <b>Riparian Brush Rabbit Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian brush rabbit habitat meeting all of the following criteria: <ul style="list-style-type: none"> <li>✓ The project is a Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul> [SJMSCP 5.2.4.23 (C)]						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p><b>6. Riparian Woodrat Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian woodrat habitat meeting all of the following criteria:</p> <ul style="list-style-type: none"> <li>✓ Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul> <p>[SJMSCP 5.2.4.23 (C)]</p>						
<b>D. Project Coverage (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p><b>1.</b> The project is <b>not</b> one of the following specifically exempted from SJMSCP Coverage per Section 8.2.2</p> <ul style="list-style-type: none"> <li>✓ Ag activities except as provided in 8.2.1</li> <li>✓ Dredging except as provided in 8.2.1</li> <li>✓ Streambed alteration subject to CDFG review</li> <li>✓ Water diversion , water conveyance, water releases (1.4.9)</li> <li>✓ Activities covered by preexisting biological opinion</li> <li>✓ Pesticide use</li> <li>✓ Section 404 activities until coverage is obtained pursuant to the SJMSCP</li> <li>✓ Tracy Hills</li> <li>✓ American River Water Resources Investigation Project</li> <li>✓ Folsom South Canal Connection of EBMUD supplemental water supply program</li> <li>✓ South County Surface Water Supply Program</li> <li>✓ Private activities federally authorized, funded or carried out by federal agencies and projects on federally-owned land (2.1)</li> </ul>						
<b>E. Preconstruction Survey (Projects with Natural Lands, Potential SJMSCP Covered Species)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p><b>1.</b> The project site includes <b>Natural Lands or potential habitat for an SJMSCP Covered Species</b> and a preconstruction survey has been conducted. Or, the project site does not include Natural Lands or potential habitat for an SJMSCP Covered Species and a preconstruction survey was not required by the JPA.</p>						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>2. For projects requiring a preconstruction survey (i.e., with Natural Lands or with the potential for SJMSCP Covered Species):</p> <p>Based on the preconstruction surveys conducted for the proposed project, direct take of an SJMSCP Covered Species will not occur or incidental take minimization measures can be undertaken in compliance with the SJMSCP that sufficient minimize or avoid impacts to the species consistent with the SJMSCP and Biological Opinion as determined by the TAC</p>						
F. Corridors/Species Movement (All Unmapped Projects)	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>1. <b>San Joaquin kit fox.</b> The project does not disrupt a continuous corridor for the San Joaquin kit fox defined as follows:</p> <p>Continuous corridor of less than 15% slope with a length to width ratio of no more than 4:1 and no narrower than 0.35 mile connecting the kit fox range from Stanislaus Co. to Alameda Co. through the Southwest Zone with highest priority to land within 3 miles of the Delta Mendota Canal.</p> <p>Development in low slope occupied SJ kit fox habitat sw of I-580 is configured to provide a continuous corridor to support resident kit fox/</p> <p>In <i>SW/Central Transition Zones</i>, development is situated to allow stepping stone refugia west of the Delta Mendota Canal between that canal and the CA aqueduct.</p> <p>AND maintains an east-west dispersal habitat through the kit fox corridor such as along transmission lines and RR tracks west of the Delta Mendota Canal where practicable.</p> <p>(SJMSCP Section 5.5.3)</p>						
<p>2. The project does not interfere with the 1200' <b>San Joaquin River Wildlife Corridor:</b> 600 feet from the mean high water mark of the San Joaquin River on both sides of the river from Stewart Tract to the Stanislaus/San Joaquin County line except as follows:</p> <p>A. For the area west of the river bordering Stewart Tract, the corridor extends west from the river to the top of the levee on the water side of the levee and excludes Stewart Tract itself</p> <p>B. For the area east of the river bordering land in Lathrop and Manteca as indicated on the SJMSCP Planned Land Use Map, setbacks to be determined based on surveys for riparian brush rabbit.</p> <p>(SJMSCP Section 5.5.2.3)</p>						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
3. <b>Giant Garter Snake.</b> The project will not impact land between the Mid-Valley GGS recovery unit and the San Joaquin Recovery Unit nor disrupt connectivity of this habitat. (BO, pg. 109)						
4. The project does not include installation of a <b>linear barrier to species dispersal</b> as defined in SJMSCP Section 5.5.8 (e.g., median barriers along a highway)						
<b>G. Species Specific (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>Plants.</b> The project will not result in the loss of individuation plants or conversion of occupied habitat for the <b>large-flowered fiddleneck, succulent owl's clover, Greene's tuctoria, Delta button celery, diamond-petaled California poppy, showy madia, slough thistle, legenera, Hospital Canyon larkspur or Sanford's arrowhead</b> or the provisions of Section 5.5.2.1 have been implemented and limited take has been authorized pursuant to that section and the findings contained in 5.5.2.1 (B) have been made by the TAC.  The project will not result in conversion of occupied habitat for <b>California hibiscus</b> (BO, p. 151), <b>Delta mudwort</b> (BO, p. 152), <b>Delta tule pea</b> (BO p. 153), <b>Mason's lilaeopsis</b> (BO, p. 154), <b>Suisun Marsh Aster</b> (BO, p. 156).						
2. <b>Burrowing Owl.</b> The project will not result in exceeding 19,533 acres of conversion of potential and occupied habitat for the burrowing owl unless the provisions of Section 5.5.2.4 have been met. (SJMSCP Section 5.5.2.4)  The project does not encompass known locations of <b>burrowing owls.</b> (BO, p. 145)						
3. <b>Giant Garter Snake.</b> The project will not result in mortality or harm of individuals or conversion of occupied habitat for the giant garter snake unless the provisions of Section 5.5.2.2 have been implemented and authorized pursuant to that Section 5.5.2.2 and the findings provided in that Section have been made by the TAC. Occupied habitat is: area west of I-5 on Terminous Tract, Shin Kee Tract, White Slough Wildlife Area, Rio Blanco Tract. W2, W3, W4 and D habitat surrounding a documented finding of GGS by a qualified person, and the Caldoni Marsh area.						
4. <b>Ring-tailed cat.</b> The project will not result in mortality or direct harm to individual ring-tailed cats. (SJMSCP Section 5.5.2.6)						
5. <b>Riparian brush rabbit.</b> The project will not result in mortality or direct or indirect harm to individual riparian brush rabbits or conversion of known occupied habitat unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.23 as modified by BO).						

<b>Project Title:</b>						
<b>Findings</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> </ul> <p>Any other project with direct or indirect effects exceeding the criteria in 5.2.4.23.C. (Biological opinion)</p>						
<p><b>6. Riparian woodrat.</b> The project will not result in mortality or direct or indirect harm to individual riparian woodrats or conversion of known occupied habitat unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.24, as modified by Biological Opinion).</p> <p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> <li>✓ Any other project with direct or indirect effects exceeding the criteria in 5.2.4.24.C. (Biological Opinion)</li> </ul>						
<p><b>7. Conservancy/Longhorn Fairy Shrimp.</b> The project will not result in mortality or harm to individual conservancy and/or longhorn fairy shrimp (SJMSCP Section 5.5.2.7)</p>						
<p><b>8. Yellow-legged frog.</b> The project does not encompass occupied foothill yellow-legged frog habitat. (BO, p. 128)</p>						
<p><b>9. Spadefoot toad.</b> The project does not encompass occupied spadefoot toad habitat. (BO, p. 130)</p>						
<p><b>10. Tricolored Blackbird.</b> The project does not increase the distance between tricolored blackbird nesting colonies and the closest suitable foraging habitat (BO, p. 135)</p>						
<p><b>11. Swainson's hawk.</b> The project does not impact any of the five primary population centers for the Swainson's hawk (BO, pg. 120).</p>						
<p><b>12. California tiger salamander.</b> The project does not encompass any known breeding ponds for the California tiger salamander (BO, pg. 125)</p>						



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*I have read, acknowledge, and verified that all the preceding conditions have been filed out to the best of my ability:*

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Firm:

\_\_\_\_\_  
Phone Number:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
E-mail Address:

\_\_\_\_\_  
City, State, Zip:

- Reviewed by the SJCOG, Inc. Staff
- Attached comment sheet
- Referred back to project applicant for additional information

> Signed \_\_\_\_\_  
(SJCOG, Inc. Staff) (Date)

**Biological Peer Reviewed**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

- Attached comment sheet
- Referred back to project applicant for additional information

> Signed \_\_\_\_\_  
(Signature) (Date)



## REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (hereinafter "Agreement") is made and entered into on \_\_\_\_\_, 2010 by and between SJCOG, INC., a California public benefit corporation (hereinafter "SJCOG"), and \_\_\_\_\_ (hereinafter "\_\_\_\_\_").

### RECITALS

WHEREAS, PROJECT APPLICANT is seeking coverage as another unmapped land use project under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP") for its project (Project Title), as described in the "Checklist for Unmapped SJMSCP Projects" attached as Exhibit A and incorporated herein ("Project"); and

WHEREAS, PROJECT APPLICANT has completed, at its sole cost and expense, the Checklist for Unmapped SJMSCP Projects ("Checklist") and provided the complete Checklist to SJCOG for review; and

WHEREAS, as part of determining if the Checklist is complete and determining if the Project is consistent with the SJMSCP and the Biological Opinion, SJCOG will incur certain costs and expenses; and

WHEREAS, SJCOG desires to utilize the services of name of Consultant, i.e., Jones & Stokes (hereinafter referred to as "Consultant") as well as Neumiller & Beardsee as Legal Counsel to perform the necessary "Peer Review" which shall be defined as an evaluation of PROJECT APPLICANT'S completed Checklist by a consultant hired by SJCOG, not currently employed by PROJECT APPLICANT, to review the completed Checklist and confirm the finding that the Project is consistent with the SJMSCP and the Biological Opinion; and

WHEREAS, SJCOG will enter into a contract with the Consultant to perform the necessary Peer Review; and

WHEREAS, SJCOG and PROJECT APPLICANT desire to memorialize PROJECT APPLICANT'S obligations to reimburse SJCOG for expenses incurred as a result of performing the Peer Review;

NOW, THEREFORE, for good and valuable consideration, SJCOG and PROJECT APPLICANT agree as follows:

### TERMS AND CONDITIONS

1. Recitals. The recitals set forth above are true and correct and made a part of this Agreement.

2. Reimbursement. PROJECT APPLICANT hereby agrees to reimburse SJCOG for actual costs incurred by SJCOG for services associated with the performance of the Peer Review, and costs incurred by SJCOG for services performed by SJCOG's Legal Counsel in drafting, negotiating and administering this Agreement. Estimated costs include labor and expenses incurred by the Consultants, Legal Counsel and SJCOG. The Consultants costs are estimated to collectively total \$5000.00. SJCOG's administrative costs for reviewing and overseeing the Consultants work are twenty-five percent (25%) of the total Consultants costs (i.e. \$1250.00). Legal fees are estimated to be approximately \$3500.00. However, fees may vary based on the complexity of this Agreement and Project. It is estimated, therefore, that actual costs incurred by SJCOG shall be approximately \$9750.00 and PROJECT APPLICANT agrees to reimburse SJCOG for said costs. PROJECT APPLICANT, by signing below, acknowledges that this amount is an estimate only and that the actual costs incurred by SJCOG may be significantly higher or lower than estimated depending on the circumstances. PROJECT APPLICANT shall reimburse SJCOG for actual costs incurred for the performance of the Peer Review.

3. Deposit and Terms of Reimbursement. PROJECT APPLICANT shall make an initial deposit of \$1250.00 (the "Initial Deposit") with SJCOG upon approval of this Agreement. SJCOG shall place the Initial Deposit into a trust fund. SJCOG shall transfer funds from the trust fund account to cover labor costs and expenses, and invoices from the Consultants and Legal Counsel as well as administrative costs incurred by SJCOG.

Forty-five (45) days following receipt of the Initial Deposit, PROJECT APPLICANT shall deposit with SJCOG the remainder of the total estimated cost, \$8500.00 (the "Additional Deposit"). SJCOG shall place the Additional Deposit into a trust fund and shall transfer funds to cover costs incurred in the same manner set forth for the Initial Deposit.

If the Initial Deposit and Additional Deposit should be depleted, PROJECT APPLICANT shall then be billed by SJCOG for the actual costs incurred by SJCOG associated with the Peer Review. SJCOG shall then submit to PROJECT APPLICANT on a monthly basis an invoice for the reimbursement of expenses and administration costs, which invoice shall include copies of invoices from the Consultants, Legal Counsel, and SJCOG for which reimbursement is requested. PROJECT APPLICANT shall pay to SJCOG within thirty (30) days of receipt of any invoice for all expenses identified in each request for reimbursement.

Interest shall be added to any late payments made at a rate of ten percent (10%) per year. If at the termination of this Agreement there are any unspent funds, they shall be refunded to PROJECT APPLICANT. However, should this Agreement terminate as a result of PROJECT APPLICANT'S breach, SJCOG shall be entitled to keep any remaining funds of the Initial Deposit and/or the Additional Deposit. SJCOG will not enter into a contract with the Consultant to perform the Peer Review unless and until PROJECT APPLICANT makes the Initial Deposit.

4. Description of Project. This Agreement covers the performance of the Peer Review to determine if the Project is consistent with the SJMSCP and the Biological Opinion.

5. Selection of Consultants. SJCOG has selected and PROJECT APPLICANT hereby agrees that \_\_\_\_\_ will be retained by SJCOG to perform the Peer Review.

6. Information. PROJECT APPLICANT agrees to supply SJCOG and the Consultant with all information and technical data necessary to review PROJECT APPLICANT'S proposed project so that they can perform the Peer Review. Any information required under this Section

shall be supplied by PROJECT APPLICANT in a timely manner and shall only be released for public review after the review and approval of PROJECT APPLICANT.

7. Term of Agreement. This Agreement shall terminate when PROJECT APPLICANT has reimbursed SJCOG all those costs specified in this Agreement.

8. Agreement Not a Guarantee. PROJECT APPLICANT agrees that the reimbursement of costs for the performance of the Peer Review does not constitute a promise, guarantee, or warranty that the Project will be consistent with the SJMSCP and the Biological Opinion.

9. Indemnity and Hold Harmless. PROJECT APPLICANT agrees to defend, indemnify and hold harmless SJCOG and its agents, officers, and employees from any and all claims, actions or proceedings against SJCOG which attack the adequacy, sufficiency, and/or legality of any decision made by SJCOG hereunder.

10. Applicable Law. This Agreement shall be governed by the laws of the State of California.

11. Binding Effect. This Agreement is for the benefit of and shall be binding upon all parties and their respective successors, heirs, executors, administrators, assigns and successors in interest.

12. Non-Assignment. PROJECT APPLICANT shall not assign this Agreement without the prior written approval of SJCOG which shall not be unreasonably withheld.

13. Notices. "Notice" means any notice, demand, request, or other communication or document to be provided under this Agreement. All notices shall be in writing and shall be sent to the following address or at such other address as either party may later specify for that purpose.

SJCOG: Steve Mayo  
Senior Habitat Planner  
SJCOG  
555 E. Weber Avenue  
Stockton, CA 95202

With copy to: Rod A. Attebery  
Neumiller & Beardsee  
P.O. Box 20  
Stockton, CA 95201-3020

PROJECT APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding its subject matter. This Agreement supersedes all proposals, oral and written, and all negotiations, conversations or discussions heretofore and between the parties related to the subject matter of this Agreement.

15. Amendments. Any modifications to this Agreement shall be in writing and signed by authorized representatives of both parties.

16. Attorney's Fees and Venue. In the event of a dispute arising under this Agreement, the prevailing party shall be entitled to an award against the other party of reasonable attorney's fees and costs incurred in connection with the dispute. The venue for any litigation, arbitration, or mediation shall be San Joaquin County, California.

17. Cumulative Rights; Waiver. The failure by either party to exercise, or delay in exercising any rights under this Agreement, shall not be construed or deemed to be a waiver thereof, nor shall any single or partial exercise by either party preclude any other or future exercise thereof or the exercise of any other right. Any waiver of any provision or any waiver of any breach of any provision of this Agreement must be in writing, and any waiver by either party of any breach of any provision of this Agreement shall not operate as or be construed to be a waiver of any other breach of that provision or of any breach of any other provision of this Agreement.

18. Severability. If any provision of this Agreement is deemed by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severed or deleted from this Agreement and the balance of this Agreement shall remain in full force and effect notwithstanding such invalidity, illegality or unenforceability.

19. Headings. All headings herein are inserted only for convenience and ease of reference and are not considered in the construction or interpretation of any provision of this Agreement.

20. Signing Authority. The individuals signing this Agreement represent and agree that they have full and actual authority to bind their respective parties to this Agreement.

IN WITNESS WHEREOF, SJCOG and PROJECT APPLICANT have executed this Agreement as of the day and year first above written.

**SJCOG, Inc.**  
**a California public benefit corporation**

\_\_\_\_\_  
By: STEVE DIAL  
Its: Treasurer

**PROJECT APPLICANT**

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

RECEIVED

MAR 05 2010

COMMUNITY DEVELOPMENT  
DEPARTMENT



**S J C O G, Inc.**

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0600

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*

**SJMSCP RESPONSE TO LOCAL JURISDICTION  
(RTLJ)ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Rochelle Henson, Senior Planner; City of Manteca, Community Development Department

**From:** Anne-Marie Poggio, Regional Habitat Planner, SJCOG, Inc.

**Date:** March 4, 2010

**Local Jurisdiction Project Title:** Northwest Airport Way Master Plan

**Local Jurisdiction Project Number:** N/A

**Assessor Parcel Number(s):** Multiple

**Total Acres to be converted from Open Space Use:** Undetermined

**Habitat Types to be Disturbed:** Multi-Purpose, Urban, Natural and Agriculture Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mrs. Henson:

SJCOG, Inc. has reviewed the application for the Northwest Airport Way Master Plan. According to the Notice of Preparation this project includes a master plan area; the rectangular plan area consists of approximately 390 acres bounded by the Union Pacific Railroad Lathrop Intermodal Terminal (west), Roth Road (north), Airport Way (east), and Lathrop Road (south) and a non-master plan areas: East Area: rectangular-shaped area encompasses approximately 77 acres and is bounded by Airport Way (west), the Del Webb Community and the Manteca city limits (north and east), and Lathrop Road and the Manteca city limits (south), and South Area: trapezoidal-shaped area encompasses approximately 144 acres and is bounded by the Union Pacific Railroad Oakland Subdivision and Lathrop city limits (west), Lathrop Road (north), Airport Way and the Manteca city limits (east), and the Union Pacific Railroad Fresno Subdivision and the Manteca city limits (south). The project is described as being Industrial, Community Commercial and Open Space/Drainage for a total of 390 Acres.

The City of Manteca is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

**This Project and all sequential projects are subject to the SJMSCP. Each Project will need to be submitted individually for coverage under the SJMSCP.** Projects which are seeking coverage through the SJMSCP as an Unmapped Land Use Project (e.g., annexation and general plan amendments (adjacent to existing incorporated cities and defined communities); airport expansions adjacent to existing airports and Freeway Services Commercial):

General Plan amendments and city annexations adjacent to existing incorporated cities and adjacent to the boundaries of defined communities (excluding the establishment of new towns or new communities); freeway service commercial; expansion of unincorporated, existing industrial areas; and similar anticipated projects located outside of or adjacent to designated urban boundaries as indicated on the SJMSCP Planned Land Use Map.

Projects for this category of Permitted Activities shall be subject to a case-by-case review by the JPA's Technical Advisory Committee (TAC) to ensure that the biological impacts of the proposed projects are within the parameters established by the SJMSCP and the Biological Opinion. Projects for this category shall be located adjacent to existing city limits, adjacent to the boundaries of defined communities, adjacent to existing airport facilities (i.e., Stockton, Lodi and Tracy airports), within designated Freeway Service Commercial Areas, or adjacent to existing industrial areas in the unincorporated county as indicated on the *SJMSCP Planned Land Use Map*. Projects for this category shall not be located in any geographic area where coverage is prohibited under the SJMSCP.

A Project Proponent seeking coverage for a project in this category shall comply with the following procedure (*Section 8.2.1(10) Unmapped Project Process Attached*):

1. The Project Proponent shall complete, at its sole cost and expense, the "***Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects***" (the "Checklist") and provide the completed Checklist to SJCOG for review. Completion of the Checklist shall include, but shall not be limited to, any and all biological review and other supporting documentation necessary to determine the proposed project is consistent with the SJMSCP and the Biological Opinion. (*Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects Attached*)

Upon receipt of the Checklist, SJCOG shall make a determination that the Checklist is complete or incomplete and shall notify the Project Proponent of the status of the Checklist.

Upon SJCOG's determination that the Checklist is complete, SJCOG shall conduct a Peer Review of the Checklist. "Peer Review" shall be defined as an evaluation of the completed Checklist by a consultant hired by SJCOG, not currently employed by the Project Proponent, to review the completed Checklist and confirm the finding that the proposed project is consistent with the SJMSCP and the Biological Opinion. The Project Proponent shall be responsible for reimbursing SJCOG for any and all costs associated with the Peer Review, including but not limited to consultant and attorney's fees. (*Reimbursement Agreement Attached*)

2. The TAC shall fix the meeting date at which time the proposed project shall be considered, which date shall be sixty (60) days after the Checklist is deemed complete *or* by the second regularly scheduled TAC meeting after the Checklist is deemed complete, whichever is later. The TAC, with the concurrence of the TAC's representatives from the Permitting Agencies, may recommend to the JPA coverage for a project in this category.

If the proposed project is recommended by the TAC, the project shall be heard at the next regularly scheduled JPA meeting.

SJMSCP Coverage for a project in this category shall only be granted if the TAC, with the concurrence of the representatives of the Permitting Agencies, is able to determine the project is consistent with the SJMSCP and the Biological Opinion when considering the following:

1. Coverage for the proposed project is consistent with the overall SJMSCP biological intent and conservation program.
2. Coverage for the proposed project is consistent with the SJMSCP Biological Opinion.
3. Biological impacts and Incidental Take associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP.
4. The project does not introduce significant new biological conditions into the Plan Area (i.e., impacts of the proposed project are less than or equal to those described in the SJMSCP and its supporting environmental documents).
5. The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and sufficient take acres remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.
6. The project meets at least one of the following criteria:
  - The project is adjacent to existing city limits; or
  - The project is adjacent to the boundaries of defined communities; or
  - The project is adjacent to existing airport facilities; or
  - The project is within an area designated as Freeway Service Commercial; or
  - The project is an expansion of an existing industrial or urbanized area in the unincorporated county; or
  - The project is proposed for annexation to a jurisdiction.
7. The project is not one of the projects specifically exempted from SJMSCP Coverage as identified in SJMSCP Section 8.2.2.
8. The project does not disrupt a corridor used by the giant garter snake, riparian brush rabbit, riparian woodrat, the San Joaquin kit fox or fisheries as indentified in the SJMSCP.
9. The project does not interfere with the San Joaquin River Wildlife Corridor as established in Section 5.5.2.3.
10. The project does not include installation of a linear barrier to species dispersal as defined in Section 5.5.8.
11. The TAC may consider and make additional findings for an individual project to determine if SJMSCP coverage for a project in this category is consistent with the overall biological intent of the SJMSCP and is consistent with the Biological Opinion.

It is recommended that the local agency along with the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package.  
<http://www.sjcog.org>

If you have any questions, please call (209) 235.0600.

Attachments:

- Section 8.2.1(10) Unmapped Project Process
- Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects
- Draft Reimbursement Agreement

*San Joaquin County Multi-Species Habitat Conservation &  
Open Space Plan (SJMSCP)*

**Section 8.2.1(10) Unmapped Project Process**



*Brent Ives*  
CHAIR

*Larry Hansen*  
VICE CHAIR

*Andrew T. Chesley*  
PRESIDENT

*Member Agencies*

CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

- Local Jurisdiction/jurisdiction notice with materials provided to SJCOG, Inc.
- Response to Local Jurisdiction/jurisdiction provided by SJCOG, Inc. with SJMSCP coverage application materials
- Applicant review and agrees to procedures for Unmapped Process for inclusion in the SJMSCP as adopted in September 2008 (e.g. schedule, costs, etc).
- Complete application packet and reimbursement agreement provided to SJCOG, Inc. for review
- SJCOG, Inc. to review and process application
- Project to Habitat Technical Advisory Committee for recommendation to SJCOG, Inc. Board
- Project to SJCOG, Inc. Board for approval of coverage
- SJCOG, Inc. notification to project about application for coverage under the SJMSCP
- SJMSCP biological process for incidental take minimization measures (ITMM)
- Review and agreement to ITMM by applicant
- Implementation of ITMM by applicant
- Pay appropriate fees under SJMSCP

**Section 8.2.1(10) CHECKLIST for UNMAPPED SJMSCP Projects Subject to TAC Review**

**Project Title:** \_\_\_\_\_

**Project Description:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>A. SJMSCP General Findings (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>SJMSCP Consistency.</b> Coverage for the proposed the proposed project is consistent with the overall SJMSCP biological intent and conservation program.						
2. Coverage for the proposed project does not introduce significant new <b>biological conditions</b> into the Plan area or result in significant new or different environmental impacts or--for land uses which have impacts--introduces impacts that are <b>equal to or are less than</b> those described in the SJMSCP as originally adopted [Section 8.8.3(45)].						
3. <b>Biological Opinion.</b> Coverage for the proposed project is consistent with the SJMSCP Biological Opinion						
4. <b>Incidental Take Minimization Measures.</b> The project can and will comply with the SJMSCP's Incidental Take Minimization Measures as specified in Section 5.2 including any modifications to those measures as authorized by the TAC pursuant to the SJMSCP.						
5. Mitigation pursuant to the SJMSCP is appropriate for the impacts on the Covered Species. (SJMSCP 8.2.4)						
<b>B. NEPA, CEQA, FESA, CESA Consistency (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>Biological impacts</b> associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, federal Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
2. <b>Incidental take</b> associated with the proposed project is within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.						
<b>C. Incidental Take Acreage Limits (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and <b>sufficient take acres</b> remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.						
2. <b>Natural Lands.</b> The project will not result in exceeding 9,202 acres of conversion of Natural Lands by SJMSCP Permitted Activities (this excludes 5,000 acres for vernal pool grasslands), nor 15% of the total acres of open space conversion for SJMSCP Permitted Activities within any five year period, whichever is less. (BO, page 18)						
3. <b>Agricultural Habitat Lands.</b> The project will not result in exceeding 57,635 acres of conversion of Agricultural Habitat Lands by SJMSCP Permitted Activities (BO, page 18)						
4. <b>Vernal Pool Grasslands.</b> The project does not include coverage for take of SJMSCP Covered Species associated with conversion of vernal pool grasslands (excluded in unmapped areas per BO, page 15).						
5. <b>Riparian Brush Rabbit Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian brush rabbit habitat meeting all of the following criteria: <ul style="list-style-type: none"> <li>✓ The project is a Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul> [SJMSCP 5.2.4.23 (C)]						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p><b>6. Riparian Woodrat Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian woodrat habitat meeting all of the following criteria:</p> <ul style="list-style-type: none"> <li>✓ Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul> <p>[SJMSCP 5.2.4.23 (C)]</p>						
<b>D. Project Coverage (All Unmapped Projects)</b>	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p><b>1.</b> The project is <b>not</b> one of the following specifically exempted from SJMSCP Coverage per Section 8.2.2</p> <ul style="list-style-type: none"> <li>✓ Ag activities except as provided in 8.2.1</li> <li>✓ Dredging except as provided in 8.2.1</li> <li>✓ Streambed alteration subject to CDFG review</li> <li>✓ Water diversion , water conveyance, water releases (1.4.9)</li> <li>✓ Activities covered by preexisting biological opinion</li> <li>✓ Pesticide use</li> <li>✓ Section 404 activities until coverage is obtained pursuant to the SJMSCP</li> <li>✓ Tracy Hills</li> <li>✓ American River Water Resources Investigation Project</li> <li>✓ Folsom South Canal Connection of EBMUD supplemental water supply program</li> <li>✓ South County Surface Water Supply Program</li> <li>✓ Private activities federally authorized, funded or carried out by federal agencies and projects on federally-owned land (2.1)</li> </ul>						
<b>E. Preconstruction Survey (Projects with Natural Lands, Potential SJMSCP Covered Species)</b>	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p><b>1.</b> The project site includes <b>Natural Lands or potential habitat for an SJMSCP Covered Species</b> and a preconstruction survey has been conducted. Or, the project site does not include Natural Lands or potential habitat for an SJMSCP Covered Species and a preconstruction survey was not required by the JPA.</p>						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>2. For projects requiring a preconstruction survey (i.e., with Natural Lands or with the potential for SJMSCP Covered Species):</p> <p>Based on the preconstruction surveys conducted for the proposed project, direct take of an SJMSCP Covered Species will not occur or incidental take minimization measures can be undertaken in compliance with the SJMSCP that sufficient minimize or avoid impacts to the species consistent with the SJMSCP and Biological Opinion as determined by the TAC</p>						
F. Corridors/Species Movement (All Unmapped Projects)	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>1. <b>San Joaquin kit fox.</b> The project does not disrupt a continuous corridor for the San Joaquin kit fox defined as follows:</p> <p>Continuous corridor of less than 15% slope with a length to width ratio of no more than 4:1 and no narrower than 0.35 mile connecting the kit fox range from Stanislaus Co. to Alameda Co. through the Southwest Zone with highest priority to land within 3 miles of the Delta Mendota Canal.</p> <p>Development in low slope occupied SJ kit fox habitat sw of I-580 is configured to provide a continuous corridor to support resident kit fox/</p> <p>In <i>SW/Central Transition Zones</i>, development is situated to allow stepping stone refugia west of the Delta Mendota Canal between that canal and the CA aqueduct.</p> <p>AND maintains an east-west dispersal habitat through the kit fox corridor such as along transmission lines and RR tracks west of the Delta Mendota Canal where practicable.</p> <p>(SJMSCP Section 5.5.3)</p>						
<p>2. The project does not interfere with the 1200' <b>San Joaquin River Wildlife Corridor:</b> 600 feet from the mean high water mark of the San Joaquin River on both sides of the river from Stewart Tract to the Stanislaus/San Joaquin County line except as follows:</p> <p>A. For the area west of the river bordering Stewart Tract, the corridor extends west from the river to the top of the levee on the water side of the levee and excludes Stewart Tract itself</p> <p>B. For the area east of the river bordering land in Lathrop and Manteca as indicated on the SJMSCP Planned Land Use Map, setbacks to be determined based on surveys for riparian brush rabbit.</p> <p>(SJMSCP Section 5.5.2.3)</p>						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>3. Giant Garter Snake.</b> The project will not impact land between the Mid-Valley GGS recovery unit and the San Joaquin Recovery Unit nor disrupt connectivity of this habitat. (BO, pg. 109)						
<b>4.</b> The project does not include installation of a <b>linear barrier to species dispersal</b> as defined in SJMSCP Section 5.5.8 (e.g., median barriers along a highway)						
<b>G. Species Specific (All Unmapped Projects)</b>	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>1. Plants.</b> The project will not result in the loss of individual plants or conversion of occupied habitat for the <b>large-flowered fiddleneck, succulent owl's clover, Greene's tuctoria, Delta button celery, diamond-petaled California poppy, showy madia, slough thistle, legenera, Hospital Canyon larkspur or Sanford's arrowhead</b> or the provisions of Section 5.5.2.1 have been implemented and limited take has been authorized pursuant to that section and the findings contained in 5.5.2.1 (B) have been made by the TAC.  The project will not result in conversion of occupied habitat for <b>California hibiscus</b> (BO, p. 151), <b>Delta mudwort</b> (BO, p. 152), <b>Delta tule pea</b> (BO p. 153), <b>Mason's lilaeposis</b> (BO, p. 154), <b>Suisun Marsh Aster</b> (BO, p. 156).						
<b>2. Burrowing Owl.</b> The project will not result in exceeding 19,533 acres of conversion of potential and occupied habitat for the burrowing owl unless the provisions of Section 5.5.2.4 have been met. (SJMSCP Section 5.5.2.4)  The project does not encompass known locations of <b>burrowing owls</b> . (BO, p. 145)						
<b>3. Giant Garter Snake.</b> The project will not result in mortality or harm of individuals or conversion of occupied habitat for the giant garter snake unless the provisions of Section 5.5.2.2 have been implemented and authorized pursuant to that Section 5.5.2.2 and the findings provided in that Section have been made by the TAC. Occupied habitat is: area west of I-5 on Terminous Tract, Shin Kee Tract, White Slough Wildlife Area, Rio Blanco Tract. W2, W3, W4 and D habitat surrounding a documented finding of GGS by a qualified person, and the Caldoni Marsh area.						
<b>4. Ring-tailed cat.</b> The project will not result in mortality or direct harm to individual ring-tailed cats. (SJMSCP Section 5.5.2.6)						
<b>5. Riparian brush rabbit.</b> The project will not result in mortality or direct or indirect harm to individual riparian brush rabbits or conversion of known occupied habitat unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.23 as modified by BO).						

Project Title:						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> </ul> <p>Any other project with direct or indirect effects exceeding the criteria in 5.2.4.23.C. (Biological opinion)</p>						
<p><b>6. Riparian woodrat.</b> The project will not result in mortality or direct or indirect harm to individual riparian woodrats or conversion of known occupied habitat unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.24, as modified by Biological Opinion).</p> <p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> <li>✓ Any other project with direct or indirect effects exceeding the criteria in 5.2.4.24.C. (Biological Opinion)</li> </ul>						
<p><b>7. Conservancy/Longhorn Fairy Shrimp.</b> The project will not result in mortality or harm to individual conservancy and/or longhorn fairy shrimp (SJMSCP Section 5.5.2.7)</p>						
<p><b>8. Yellow-legged frog.</b> The project does not encompass occupied foothill yellow-legged frog habitat. (BO, p. 128)</p>						
<p><b>9. Spadefoot toad.</b> The project does not encompass occupied spadefoot toad habitat. (BO, p. 130)</p>						
<p><b>10. Tricolored Blackbird.</b> The project does not increase the distance between tricolored blackbird nesting colonies and the closest suitable foraging habitat (BO, p. 135)</p>						
<p><b>11. Swainson's hawk.</b> The project does not impact any of the five primary population centers for the Swainson's hawk (BO, pg. 120).</p>						
<p><b>12. California tiger salamander.</b> The project does not encompass any known breeding ponds for the California tiger salamander (BO, pg. 125)</p>						



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*I have read, acknowledge, and verified that all the preceding conditions have been filed out to the best of my ability:*

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Firm:

\_\_\_\_\_  
Phone Number:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
E-mail Address:

\_\_\_\_\_  
City, State, Zip:

Reviewed by the SJCOG, Inc. Staff

Attached comment sheet

Referred back to project applicant for additional information

➤ Signed \_\_\_\_\_  
(SJCOG, Inc. Staff) (Date)

**Biological Peer Reviewed**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Attached comment sheet

Referred back to project applicant for additional information

➤ Signed \_\_\_\_\_  
(Signature) (Date)

SJMSCP TAC Comments:

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Approved by the SJMSCP Technical Advisory Committee based on findings A-H.

Denied by the SJMSCP Technical Advisory Committee based on finding \_\_\_\_\_.

Referred back to staff for additional information by SJMSCP TAC

➤ Signed \_\_\_\_\_  
(Chair, SJMSCP TAC) (Date)

## REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (hereinafter "Agreement") is made and entered into on \_\_\_\_\_, 2010 by and between SJCOG, INC., a California public benefit corporation (hereinafter "SJCOG"), and \_\_\_\_\_ (hereinafter "\_\_\_\_\_").

### RECITALS

WHEREAS, PROJECT APPLICANT is seeking coverage as another unmapped land use project under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP") for its project (Project Title), as described in the "Checklist for Unmapped SJMSCP Projects" attached as Exhibit A and incorporated herein ("Project"); and

WHEREAS, PROJECT APPLICANT has completed, at its sole cost and expense, the Checklist for Unmapped SJMSCP Projects ("Checklist") and provided the complete Checklist to SJCOG for review; and

WHEREAS, as part of determining if the Checklist is complete and determining if the Project is consistent with the SJMSCP and the Biological Opinion, SJCOG will incur certain costs and expenses; and

WHEREAS, SJCOG desires to utilize the services of name of Consultant, i.e., Jones & Stokes (hereinafter referred to as "Consultant") as well as Neumiller & Beardsee as Legal Counsel to perform the necessary "Peer Review" which shall be defined as an evaluation of PROJECT APPLICANT'S completed Checklist by a consultant hired by SJCOG, not currently employed by PROJECT APPLICANT, to review the completed Checklist and confirm the finding that the Project is consistent with the SJMSCP and the Biological Opinion; and

WHEREAS, SJCOG will enter into a contract with the Consultant to perform the necessary Peer Review; and

WHEREAS, SJCOG and PROJECT APPLICANT desire to memorialize PROJECT APPLICANT'S obligations to reimburse SJCOG for expenses incurred as a result of performing the Peer Review;

NOW, THEREFORE, for good and valuable consideration, SJCOG and PROJECT APPLICANT agree as follows:

## TERMS AND CONDITIONS

1. Recitals. The recitals set forth above are true and correct and made a part of this Agreement.

2. Reimbursement. PROJECT APPLICANT hereby agrees to reimburse SJCOG for actual costs incurred by SJCOG for services associated with the performance of the Peer Review, and costs incurred by SJCOG for services performed by SJCOG's Legal Counsel in drafting, negotiating and administering this Agreement. Estimated costs include labor and expenses incurred by the Consultants, Legal Counsel and SJCOG. The Consultants costs are estimated to collectively total \$5000.00. SJCOG's administrative costs for reviewing and overseeing the Consultants work are twenty-five percent (25%) of the total Consultants costs (i.e. \$1250.00). Legal fees are estimated to be approximately \$3500.00. However, fees may vary based on the complexity of this Agreement and Project. It is estimated, therefore, that actual costs incurred by SJCOG shall be approximately \$9750.00 and PROJECT APPLICANT agrees to reimburse SJCOG for said costs. PROJECT APPLICANT, by signing below, acknowledges that this amount is an estimate only and that the actual costs incurred by SJCOG may be significantly higher or lower than estimated depending on the circumstances. PROJECT APPLICANT shall reimburse SJCOG for actual costs incurred for the performance of the Peer Review.

3. Deposit and Terms of Reimbursement. PROJECT APPLICANT shall make an initial deposit of \$1250.00 (the "Initial Deposit") with SJCOG upon approval of this Agreement. SJCOG shall place the Initial Deposit into a trust fund. SJCOG shall transfer funds from the trust fund account to cover labor costs and expenses, and invoices from the Consultants and Legal Counsel as well as administrative costs incurred by SJCOG.

Forty-five (45) days following receipt of the Initial Deposit, PROJECT APPLICANT shall deposit with SJCOG the remainder of the total estimated cost, \$8500.00 (the "Additional Deposit"). SJCOG shall place the Additional Deposit into a trust fund and shall transfer funds to cover costs incurred in the same manner set forth for the Initial Deposit.

If the Initial Deposit and Additional Deposit should be depleted, PROJECT APPLICANT shall then be billed by SJCOG for the actual costs incurred by SJCOG associated with the Peer Review. SJCOG shall then submit to PROJECT APPLICANT on a monthly basis an invoice for the reimbursement of expenses and administration costs, which invoice shall include copies of invoices from the Consultants, Legal Counsel, and SJCOG for which reimbursement is requested. PROJECT APPLICANT shall pay to SJCOG within thirty (30) days of receipt of any invoice for all expenses identified in each request for reimbursement.

Interest shall be added to any late payments made at a rate of ten percent (10%) per year. If at the termination of this Agreement there are any unspent funds, they shall be refunded to PROJECT APPLICANT. However, should this Agreement terminate as a result of PROJECT APPLICANT'S breach, SJCOG shall be entitled to keep any remaining funds of the Initial Deposit and/or the Additional Deposit. SJCOG will not enter into a contract with the Consultant to perform the Peer Review unless and until PROJECT APPLICANT makes the Initial Deposit.

4. Description of Project. This Agreement covers the performance of the Peer Review to determine if the Project is consistent with the SJMSCP and the Biological Opinion.

5. Selection of Consultants. SJCOG has selected and PROJECT APPLICANT hereby agrees that \_\_\_\_\_ will be retained by SJCOG to perform the Peer Review.

6. Information. PROJECT APPLICANT agrees to supply SJCOG and the Consultant with all information and technical data necessary to review PROJECT APPLICANT'S proposed project so that they can perform the Peer Review. Any information required under this Section shall be supplied by PROJECT APPLICANT in a timely manner and shall only be released for public review after the review and approval of PROJECT APPLICANT.

7. Term of Agreement. This Agreement shall terminate when PROJECT APPLICANT has reimbursed SJCOG all those costs specified in this Agreement.

8. Agreement Not a Guarantee. PROJECT APPLICANT agrees that the reimbursement of costs for the performance of the Peer Review does not constitute a promise, guarantee, or warranty that the Project will be consistent with the SJMSCP and the Biological Opinion.

9. Indemnity and Hold Harmless. PROJECT APPLICANT agrees to defend, indemnify and hold harmless SJCOG and its agents, officers, and employees from any and all claims, actions or proceedings against SJCOG which attack the adequacy, sufficiency, and/or legality of any decision made by SJCOG hereunder.

10. Applicable Law. This Agreement shall be governed by the laws of the State of California.

11. Binding Effect. This Agreement is for the benefit of and shall be binding upon all parties and their respective successors, heirs, executors, administrators, assigns and successors in interest.

12. Non-Assignment. PROJECT APPLICANT shall not assign this Agreement without the prior written approval of SJCOG which shall not be unreasonably withheld.

13. Notices. "Notice" means any notice, demand, request, or other communication or document to be provided under this Agreement. All notices shall be in writing and shall be sent to the following address or at such other address as either party may later specify for that purpose.

SJCOG: Steve Mayo  
Senior Habitat Planner  
SJCOG  
555 E. Weber Avenue  
Stockton, CA 95202

With copy to: Rod A. Attebery  
Neumiller & Beardlsee  
P.O. Box 20  
Stockton, CA 95201-3020

PROJECT APPLICANT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding its subject matter. This Agreement supersedes all proposals, oral and written, and all negotiations, conversations or discussions heretofore and between the parties related to the subject matter of this Agreement.

15. Amendments. Any modifications to this Agreement shall be in writing and signed by authorized representatives of both parties.

16. Attorney's Fees and Venue. In the event of a dispute arising under this Agreement, the prevailing party shall be entitled to an award against the other party of reasonable attorney's fees and costs incurred in connection with the dispute. The venue for any litigation, arbitration, or mediation shall be San Joaquin County, California.

17. Cumulative Rights; Waiver. The failure by either party to exercise, or delay in exercising any rights under this Agreement, shall not be construed or deemed to be a waiver thereof, nor shall any single or partial exercise by either party preclude any other or future exercise thereof or the exercise of any other right. Any waiver of any provision or any waiver of any breach of any provision of this Agreement must be in writing, and any waiver by either party of any breach of any provision of this Agreement shall not operate as or be construed to be a waiver of any other breach of that provision or of any breach of any other provision of this Agreement.

18. Severability. If any provision of this Agreement is deemed by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severed or deleted from this Agreement and the balance of this Agreement shall remain in full force and effect notwithstanding such invalidity, illegality or unenforceability.

19. Headings. All headings herein are inserted only for convenience and ease of reference and are not considered in the construction or interpretation of any provision of this Agreement.

20. Signing Authority. The individuals signing this Agreement represent and agree that they have full and actual authority to bind their respective parties to this Agreement.

IN WITNESS WHEREOF, SJCOG and PROJECT APPLICANT have executed this Agreement as of the day and year first above written.

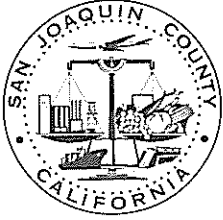
**SJCOG, Inc.**  
**a California public benefit corporation**

\_\_\_\_\_  
By: STEVE DIAL  
Its: Treasurer

**PROJECT APPLICANT**

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_



**San Joaquin County  
Environmental Health Department  
600 East Main Street  
Stockton, California 95202-3029**

*Website: [www.sjgov.org/ehd](http://www.sjgov.org/ehd)  
Phone: (209) 468-3420  
Fax: (209) 464-0138*

**DIRECTOR**  
Donna Heran, REHS

**PROGRAM COORDINATORS**  
Robert McClellon, REHS  
Jeff Carruesco, REHS, RDI  
Kasey Foley, REHS

**RECEIVED**

**MAR 11 2010**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

March 4, 2010

Rochelle Henson, Senior Planner  
City of Manteca  
Community Development Department  
Planning Division  
City of Manteca  
1001 West Center Street  
Manteca, California 95337

**Subject: Notice of Preparation of a Environmental Impact Report for the Northwest  
Airport Way Master Plan**

The San Joaquin County Environmental Health Department (EHD) has the following comments in regards to the above proposed project:

- A. The existing homes are being served by onsite sewage disposal systems and individual wells for domestic and irrigation purposes. The EHD recommends that as a part of developing these properties, the existing well(s) and septic system(s) shall be destroyed under permit and inspection with the EHD. Any existing residences or businesses that remain shall be connected to public sewer and public water.

If you have any questions, please call Rodney Estrada, Lead Senior Registered Environmental Health Specialist, at (209) 468-0331.

Rodney Estrada, Lead Senior REHS  
Acting Program Coordinator

RE:tl



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

[www.sjcog.org](http://www.sjcog.org)

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MAR - 9 2010

Building Safety Division

March 5, 2010

City of Manteca Community Development Dept.  
1001 W. Center St.  
Manteca, CA 95337  
Attn: Ms. Rochelle Henson, Senior Planner

RE: ALUC REVIEW - NOTICE OF PREPARATION  
NORTHWEST AIRPORT WAY MASTER PLAN

Dear Ms. Henson:

On behalf of the San Joaquin County Airport Land Use Commission (ALUC), I would like to thank the County for providing our agency with opportunity to comment on the proposed Northwest Airport Way Master Plan.

The project site is located within the Stockton Metropolitan Airport's (SMA) Area of Influence. As a reminder to City staff, a comprehensive update to the 1993 Airport Land Use Plan (ALUCP) was completed for the county's public use airports last year. The updated ALUCP was adopted on June 25, 2009 but did not include the SMA. This exclusion was due to unforeseen delays in the completion of the airport's Master Plan Update and, therefore, all projects within Stockton's influence area are subject to the policies and criteria within the 1993 ALUCP, not the 2009 ALUCP.

The following comment letter is comprised of two components, 1) Land Use Consistency Review; and, 2) Comments on the Notice of Preparation (NOP).

CONSISTENCY REVIEW

The project is located within the Airport Influence Area for the Stockton Metropolitan Airport (SMA), and pursuant to the State Aeronautics Act (Public Utilities Code Section 21676), the project is also subject to a Consistency Determination by the San Joaquin County ALUC. The ALUC will not make a determination at this time. A formal consistency analysis will be carried out upon review of the Draft Environmental

Impact Report (DEIR). Although further detailed review of the project details will be carried out during the review of the DEIR, the project information provided within the NOP is not proposing any types of prohibited land uses within the Stockton Metropolitan Airport's Area of Influence.

### NOP COMMENTS

For this project and the direct relation to ALUC authority, there are two relevant significance thresholds within the 2009 CEQA Guidelines, Appendix G:

1. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
2. Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

The DEIR should incorporate a discussion and supporting analysis, if necessary, to address these thresholds as they relate to the 1993 Airport Land Use Plan and provide information showing compliance with the plan's policies and/or compatibility criteria.

Secondly, CEQA Guidelines Section 15154 (a) and Public Resource Code, Section 21096, state the following:

*When a lead agency prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted for a project within two nautical miles of a public airport or public use airport, the agency shall utilize the Airport Land Use Planning Handbook published by Caltrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport-related safety hazards and noise problems.*

The DEIR should incorporate a discussion and supporting analysis, if necessary, to address this requirement. As noted in the consistency determination at the beginning of this letter, the site falls within the Stockton Metropolitan Airport Area of Influence per the 1993 Airport Land Use Plan (exhibit attached).

Lastly, within the 1993 ALUCP the SMA's Area of Influence is divided into subareas. In each subarea, different land use standards, conditions, and restrictions apply. The site is not located within any of the subareas and therefore listed below are conditions for all new land uses due to their

location within an AIA. The ALUC requests that the project design within the DEIR take the relevant conditions into consideration:

- Although not proposed at this time as part of the project, residential uses must have an avigation easement. The Deed of Avigation and Hazard Easement must be filed with the local agency's recording agency prior to construction.
- Occupied structures must be soundproofed to reduce interior noise to 45 dB according to State guidelines.
- Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
- No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
- Power lines must be undergrounded, if necessary, to prevent hazard to aircraft.
- Regardless of location within San Joaquin County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. Such structures also require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).

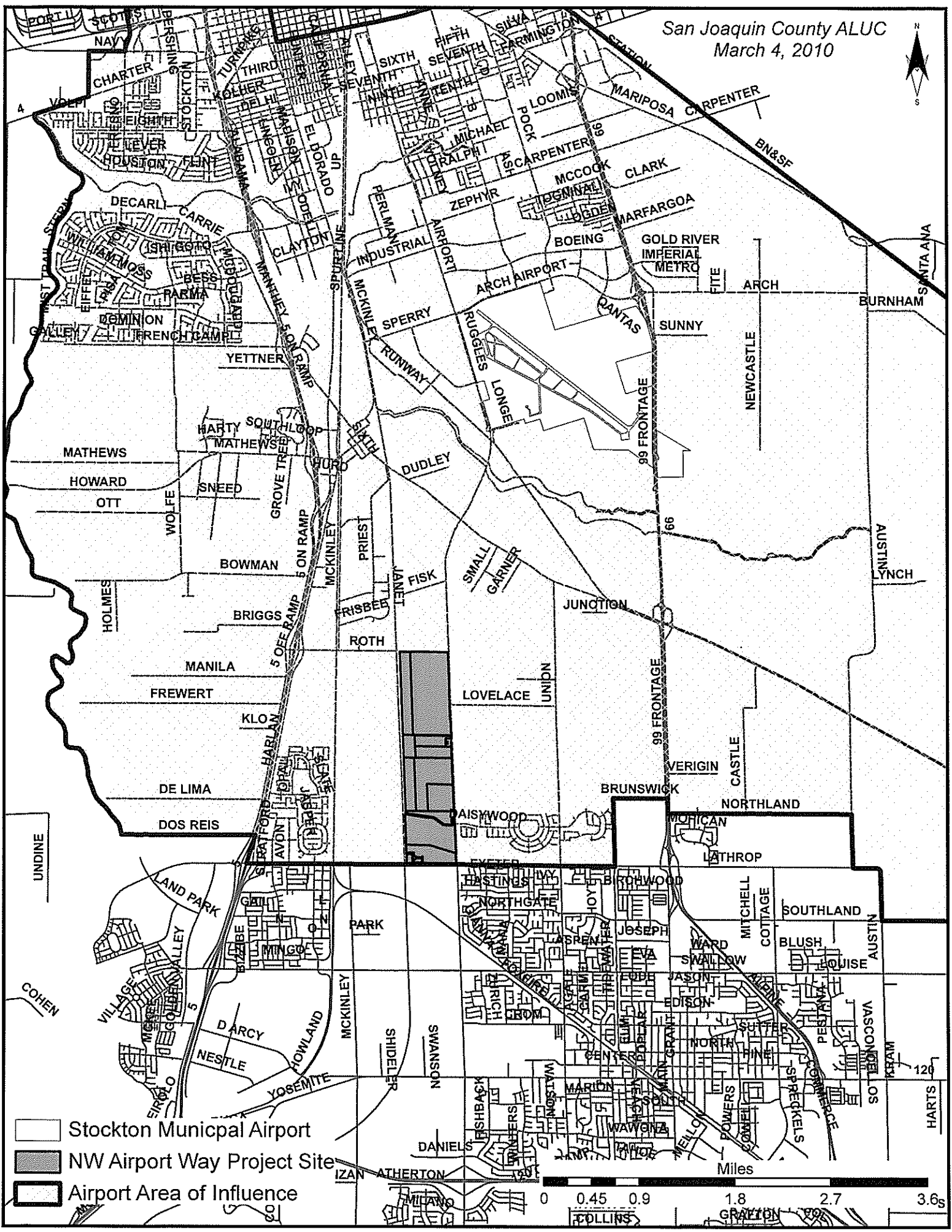
Thank you again for the opportunity to comment. Please contact ALUC staff Laura Brunn if you have and questions or comments at (209) 235-0579, or by email at [brunn@sjcog.org](mailto:brunn@sjcog.org).




Sincerely,

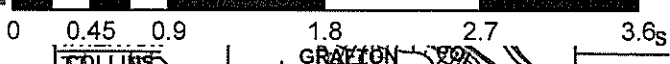


Laura Brunn, Associate Regional Planner  
San Joaquin Council of Governments

cc: Terry Farris, Associate Transportation Planner, Caltrans Aeronautics  
Sandy Hesnard, , Aviation Environmental Specialist, Caltrans Aeronautics



-  Stockton Municipal Airport
-  NW Airport Way Project Site
-  Airport Area of Influence



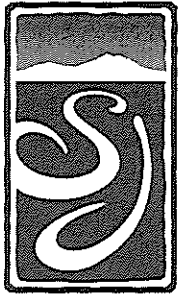
Sandy Hesnard  
Aviation Environmental Specialist  
California Department of Transportation (Caltrans)  
Division of Aeronautics (MS 40)  
PO Box 942874  
Sacramento, CA 94274-0001

Terry Farris  
Aviation Environmental Specialist  
California Department of Transportation (Caltrans)  
Division of Aeronautics (MS 40)  
PO Box 942874  
Sacramento, CA 94274-0001

CC  
addresses

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pls. mail



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438(fax)

[www.sjcog.org](http://www.sjcog.org)

March 5, 2010

*Larry Hansen*  
CHAIR

*Ann Johnston*  
VICE CHAIR

*Andrew T. Chesley*  
EXECUTIVE DIRECTOR

Ms. Rochelle Henson  
Community Development Department  
City of Manteca  
1001 W. Center St., Manteca CA 95337

*Member Agencies*

CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Dear Ms. Henson:

**Re: CMA Review - City of Manteca Notice of Preparation (NOP)  
Northwest Airport Way Master Plan**

Thank you for the opportunity to comment on this important document. As the County's designated Congestion Management Agency, the San Joaquin Council of Governments (SJCOC) has reviewed the above-referenced document with respect to traffic impacts pursuant to the California Environmental Quality Act (CEQA).

The establishment of a Regional Congestion Management Program (RCMP) is required by State Government Code, Section 65088 – 65089.10 and the County's Measure K Renewal Ordinance. The purpose of the RCMP is to monitor the cumulative transportation impacts of growth of the regional roadway system, establish a level of service standard, identify deficient regional roadways and develop plans to mitigate the deficiencies, and encourage travel demand management and operational preservation.

The attached exhibit shows the roadways within San Joaquin County that are monitored as part of the adopted RCMP Network. The monitored roadways within close proximity of the project site are Airport Way, Lathrop Rd., Yosemite, Interstate 5, and State Route 99.

One of the major implementation actions of the RCMP is to establish and monitor Level of Service (LOS) conditions on the Network and to assess where any deficiencies exist. A roadway segment is considered deficient if operating at a LOS of "E" or "F" (as calculated per the RCMP's adopted methodology). Once a roadway segment is identified as deficient, the agency where the majority of a segment



physically lies will have twelve months to prepare a Deficiency Plan. Government Code Section 65089.4 details the required analysis and components of a Deficiency Plan.

Although roadway segments operating at LOS “D” (per RCMP methodology) are not considered deficient within the RCMP, this standard does trigger a requirement. Roadway segments operating at LOS “D” are subject to the preparation of a plan that analyzes specific strategies for operational preservation and transportation demand management. SJCOG is currently preparing a Regional Travel Demand Management Action Plan that will provide future guidance.

A second major implementation action of the CMP is the CMA’s requirement to analyze and comment on future land uses (threshold criteria are projects that may generate 125 or greater peak hour trips) that may impact roadways located within the RCMP network. The *Land Use Analysis Process* was adopted as part of the 2007 Regional Congestion Management Plan and is also a requirement of state CMP statute and the Measure K Renewal Ordinance.

The significance thresholds within the 2009 CEQA Guidelines, Appendix G, with a direct relation to CMA authority and the above background discussion are:

XV. TRANSPORTATION/TRAFFIC – Would the project:

1. *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*
2. *Conflict with adopted policies, plans, or programs supporting alternative transportation?*

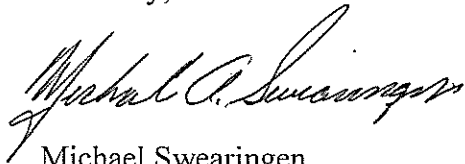
As it is probable that the land uses proposed with this project will generate 125 or more peak hour trips, SJCOG, in implementing the RCMP, requires that the potential impacts to roadways be analyzed within the project’s Traffic Impact Analysis (TIA) and the findings summarized within the DEIR. The DEIR should contain a section that specifically addresses requirements and standards of the Regional Congestion Management Plan. If the project trips result in a degradation of LOS conditions, the identification and implementation of mitigation measures to resolve or mitigate the identified impact(s), including an estimate of the costs associated with the mitigation is required per state CMP statute.

As a last note, the project is proposing to improve Lathrop Road, Airport Way, and Roth Rd. Airport Way is part of the regional expressway system and future design is

expected to meet expressway standards per the San Joaquin County Regional Expressway Plan. New truck routes will also be developed. Operating Surface Transportation Assistance Act (STAA) rated trucks on roads other than the designated routes can lead to a compromise of traffic safety. Any new routes supporting STAA rated trucks should be designed and built and gain official designation as a STAA truck route.

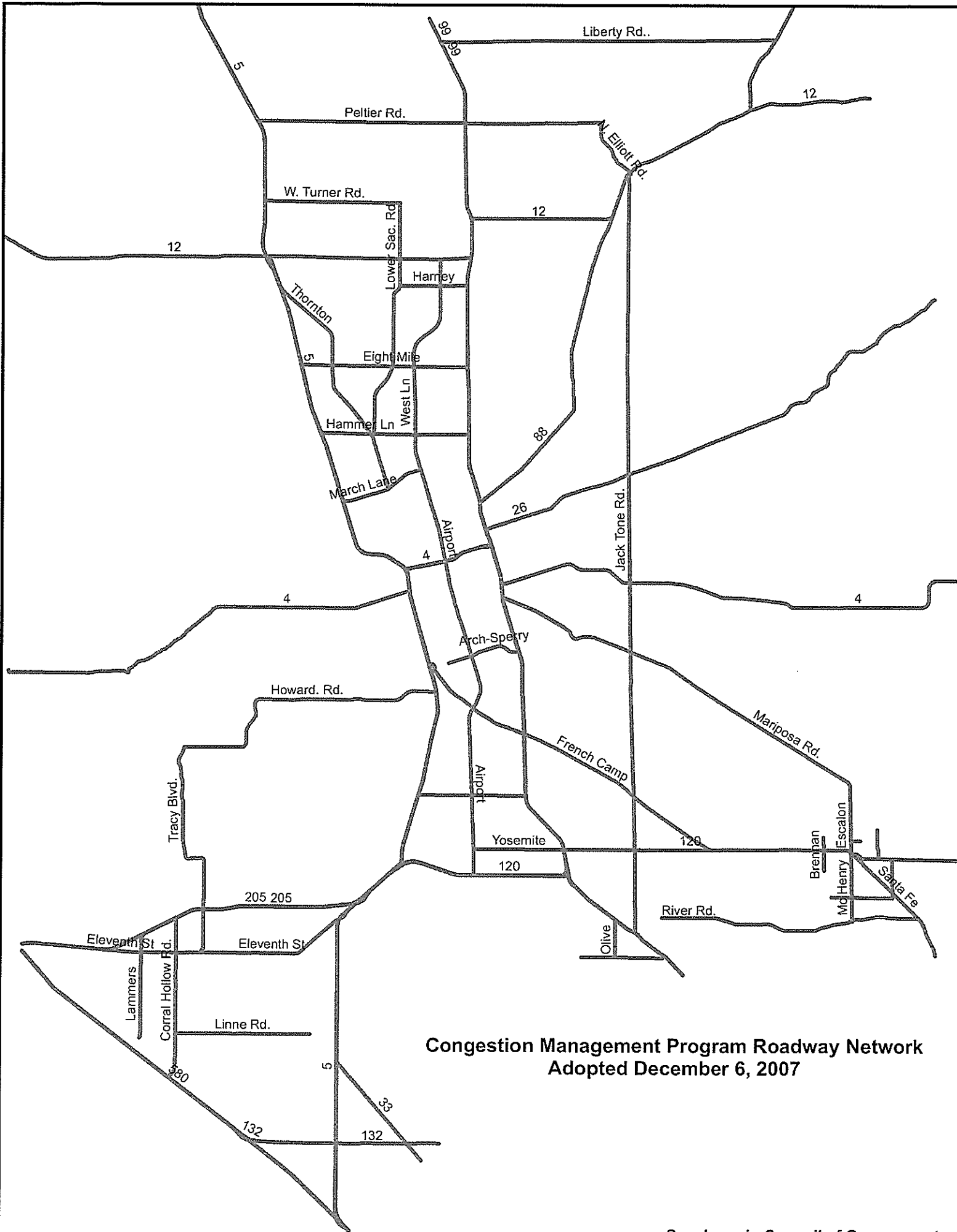
Thank you for the opportunity to review and comment on the Northwest Airport Way Master Plan. If you have any questions please call the RCMP's lead planner, Laura Brunn, at (209) 235-0579. We would be pleased to meet with the city concerning these comments if that would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Swearingen". The signature is fluid and cursive, written over a white background.

Michael Swearingen  
Senior Regional Planner

cc: Dana Cowell, SJCOG Deputy Director  
Laura Brunn, SJCOG Regional Planner



**Congestion Management Program Roadway Network  
Adopted December 6, 2007**



Jacqui Breitenbucher

Senior Director of Business Services/ Chief Business Officer

March 3, 2010

Rochelle Henson, Senior Planner  
City of Manteca  
Community Development Department  
2001 W. Center Street  
Manteca, CA 95337

Dear Ms. Henson,

Manteca Unified School District has received the Notice of Preparation of an Environmental Impact Report for the Northwest Airport Way Master Plan. The Master Plan lists Light Industrial, Community Commercial, and Open Space/Drainage.

Manteca Unified School District has reviewed the proposal and has no comments or recommendations concerning this proposal.

Sincerely,

Jacqui Breitenbucher  
Senior Director of Business Services, CBO

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COMMUNITY DEVELOPMENT  
DEPARTMENT



March 8, 2010

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MAR 11 2010

COMMUNITY DEVELOPMENT  
DEPARTMENT

Rochelle Henson  
City of Manteca  
Community Development Department  
1001 W. Center Street  
Manteca, CA 95337

**Project: Notice of Preparation, Northwest Airport Way Master Plan**

**District CEQA Reference No: 20100100**

Dear Ms. Henson:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the Northwest Airport Way Master Plan, located at Township 1 South, Range 6 East in the unincorporated San Joaquin County adjacent to Manteca, CA. The District offers the following comments:

1. The annexation of the land in the Northwest Airport Way Master Plan and in the non master plan area by itself will not have an impact on air quality. However, future development within the area will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:
  - A. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Thus, the District recommends that potential health risks be further reviewed when approving future projects, including those that would be exempt from CEQA requirements. Specific consideration should be given when approving projects that could expose sensitive receptors to toxic air contaminants (TACs). If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. If there are questions regarding health risk assessments, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

Additional information on TACs can be found online by visiting the District's website at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

- B. Construction Emissions – The EIR concludes that construction emissions will have a potentially significant impact on air quality but with mitigation these impacts from construction exhaust would be reduced to a less than significant impact. In order to conclude that the construction exhaust emissions would be less than significant, mitigation measures reducing construction exhaust emissions must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd.(a)(2)). Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NO<sub>x</sub> g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
- C. Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
- 50 dwelling units
  - 2,000 square feet of commercial space;
  - 25,000 square feet of light industrial space;
  - 100,000 square feet of heavy industrial space;
  - 20,000 square feet of medical office space;
  - 39,000 square feet of general office space; or
  - 9,000 square feet of educational space; or
  - 10,000 square feet of government space; or
  - 20,000 square feet of recreational space; or
  - 9,000 square feet of space not identified above

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payments of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- D. Individual development projects may also be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- E. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
2. The Northwest Airport Way Master Plan is the blueprint for future growth and provides guidance for the community's development. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5. Given the size of the project, it is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality the Northwest Airport Way Master Plan should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at <http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>.
  3. AB 170 (Reyes) requires cities and counties in the San Joaquin Valley to include an air quality element or air quality implementation strategies in their general plans. The District prepared the Air Quality Guidelines for General Plans (AQGGP) to assist in addressing this new requirement. The city is required to forward the air quality element or its equivalent to the District for review. The AQGGP can be found online at <http://www.valleyair.org/transportation/Entire-AQGGP.pdf>.
  4. Referral documents for new development projects should include a project summary detailing, at a minimum, the land use designation, project size, and proximity to sensitive receptors and existing emission sources.
  5. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Matthew Cegielski at (559) 230-5907.

Sincerely,

David Warner  
Director of Permit Services

*for*   
Arnaud Marjollet  
Permit Services Manager

DW:mc

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



March 9, 2010

Rochelle Henson  
City of Manteca  
1001 W. Center Street  
Manteca, CA 95337

Re: Notice of Preparation, Draft Environmental Impact Study (DEIR)  
Northwest Airport Way Master Plan  
SCH# 2010022024

Dear Ms. Henson:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The traffic impact study within the traffic/circulation section of the DEIR needs to specifically consider safety issues to at-grade railroad crossings and rail corridor. In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative traffic related impacts created by other projects.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

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- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Thank you for your consideration of these comments. We look forward to working with the City on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

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COMMUNITY DEVELOPMENT  
DEPARTMENT

17 March 2010

Rochelle Henson  
City of Manteca  
1001 W. Center Street  
Manteca, CA 95337

## NORTHWEST AIRPORT WAY MASTER PLAN SCH# 2010022024

The California Environmental Quality Act (CEQA) provides a requirement for the Regional Water Boards to exercise their authority to require minimization and mitigation of impacts to the waters of the state. In response to those obligations, the Regional Water Board makes the following comments.

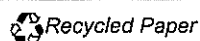
The proposed project is within the regulated area covered by the *City of Manteca's Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4 Permit)*, *NPDES Order No. CAS000004 (MS4 Permit)*, *State Water Resources Control Board Water Quality (SWRCB) Order No. 2003-0005-DWQ*. An integral and enforceable part of this Order includes the Storm Water Management Plan (SWMP) for the Permittee. One of the six minimum control measures required to be specifically addressed in the SWMP includes **Post Construction Storm Water Management**. It states that the Permittee must require long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow to the pre-development levels, to be incorporated into development and significant redevelopment projects.

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements. The main goal of the MS4 Permit is to protect water quality from the impacts of storm water runoff from new development and redevelopment projects to the Maximum Extent Practicable. The intent is that storm water quality impacts will be considered in all aspects of a municipality's activities and that multiple departments within the municipality will work together to implement storm water BMPs. For instance, the **planning department** should coordinate with the **public works department** when considering projects and their potential storm water impacts, for both constructability and maintenance of BMPs.

### Specific Comments on the Proposed Development

The Northwest Airport Way Master Plan consists of 390 acres in the Master Plan Area and 221 acres in the Non-Master Plan Area. Under the section **Open Space, Landscaping, and**

**California Environmental Protection Agency**



**Drainage** it states that open space will be primarily achieved through landscape, corridors, low-impact drainage landscape corridors, and detention basins. The open spaces in the Plan Area would also serve as corridors for onsite stormwater treatment and detention facilities that are part of an overall framework of open areas in the Master Plan.

Specific design strategies and standards that address low impact development and hydromodification concepts to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality are not included. Details of low impact development and hydromodification strategies need to be addressed in the CEQA document. The following principals should be addressed in each and every project:

### **Low Impact Development (LID) and Hydromodification Strategies**

On January 20, 2005, the State Water Resources Control Board adopted sustainability as a core value for all California Water Boards' activities and programs, and directed California Water Boards' staff to consider sustainability in all future policies, guidelines, and regulatory actions, including the review of applicable CEQA documents.

LID is a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, LID takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall. LID has been a proven approach in other parts of the country and is seen in California as an alternative to conventional storm water management. The Water Boards are advancing LID in California in various ways.

Hydromodification strategies should include controls to manage the increases in the magnitude, volume and duration of runoff from development projects in order to protect receiving waters from increased potential for erosion and other adverse impacts, ideally to the pre-development levels. Hydromodification strategies should address, but not be limited to, the following:

- Requires incorporation of controls, including structural and non-structural BMPs, to mitigate the projected increases in flows;
- Controls post-development runoff rates and velocities from a site to avoid adverse impact on downstream erosion, flooding and stream habitat;
- Minimizes the quantity of stormwater directed to impermeable surfaces and the MS4s (municipal storm drain);
- Maximizes the percentage of permeable surfaces to allow more percolation of stormwater into the ground where feasible;

- Considers the full range of feasible BMPs; and
- Considers various assessment methodologies designed to evaluate the existing geomorphic condition of receiving waters, along with the expected susceptibility of these receiving waters to erosion/change as a result of hydromodification from land development and other land uses.

In this regard, we recommend the project proponent consider all the technically and economically feasible BMPs and applicable design standards to mitigating potential impacts of storm water runoff from the proposed project.

If you have any questions regarding storm water, please contact Daniel Schultz at 916.464.4617 or email address [dschultz@waterboards.ca.gov](mailto:dschultz@waterboards.ca.gov).



Daniel Schultz  
Environmental Scientist  
Storm Water Unit

cc: State Clearinghouse  
Koosun Kim, Storm Water Coordinator, City of Manteca