



City of Tracy

**Tracy Hills Specific Plan  
Final Subsequent Environmental Impact Report  
Volume IV**

January, 2016

SCH#2013102053



CITY OF TRACY

TRACY HILLS SPECIFIC PLAN

FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

VOLUME IV

SCH#2013102053

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# 1 INTRODUCTION

## 1.1 ENVIRONMENTAL REVIEW PROCESS

The Tracy Hills Specific Plan (THSP) Recirculated Draft Subsequent Environmental Impact Report (SEIR) was circulated for a 45-day public review period beginning October 15, 2015 and ending December 4, 2015, as assigned by the State of California Governor’s Office of Planning and Research State Clearinghouse and consistent with the California Environmental Quality Act Guidelines (CEQA Guidelines). Copies of the document were distributed to state, regional and local agencies, as well as organizations and individuals for their review and comment.

Section 15088(a) of the *CEQA Guidelines* states that:

“The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments.”

In accordance with Section 15088(a) of the *CEQA Guidelines*, the City of Tracy (City), as lead agency, has evaluated the comments received on the Draft SEIR for the Tracy Hills Specific Plan project and has prepared written responses to the comments received.

All written comments on the Recirculated Draft SEIR, as well as verbal comments received at the Planning Commission hearings held on January 28 and November 18, 2015, respectively, are represented in this document. Chapter 3 provides two lists of all those who submitted comments on the Recirculated Draft SEIR during the public review period. Chapter 4 contains all the comments received on the Recirculated Draft SEIR along with responses to each. These responses include identifying text revisions in the Draft SEIR. Text changes resulting from comments on the Recirculated Draft SEIR as well as staff-initiated text changes, are presented in Chapter 2 (Revisions to the Draft SEIR). Revisions to the Draft SEIR text are indicated by bold text (**bold**) for text additions and strike out (~~strike out~~) for deleted text. Revised figures and tables are identified with the word “revised” in front of the figure or table number. The text changes included in Chapter 2 do not add significant new information to the Recirculated Draft SEIR. Further, the comments and responses do not result in any new significant impacts that have not been previously identified. For these reasons, a recirculation of all or portions of the Recirculated Draft SEIR is not required pursuant to *CEQA Guidelines* Section 15088.5 (b).

## 1.2 ENVIRONMENTAL REVIEW BACKGROUND

On December 23, 2014, the City of Tracy circulated for public review and comment the Draft Subsequent Environmental Impact Report (Draft SEIR) for the proposed Tracy Hills Specific Plan Project. Following the close of the public comment period for the Draft SEIR (which extended from December 23, 2014 through March 3, 2015), both the City and Project Applicant completed additional technical analysis for the Project including an exhaustive array of updated biological resource surveys in response to previous California

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Department of Fish and Wildlife Draft ESIR comments. While most of the aforementioned conclusions did not change, the City did identify several transportation improvements that, while identified in the City's Transportation Master Plan (TMP), are not within complete control of the City to implement. Thus, in these cases, the City has identified these impacts as significant and unavoidable until such time as these improvements are constructed. In an effort to provide full disclosure of all potential impacts of the proposed Project and provide additional opportunity for public input, the City elected to recirculate the Draft SEIR in its entirety for an additional 45 days of public review. As noted above, the public review period ended on December 4, 2015.

The City of Tracy elected to recirculate the Draft SEIR for public review and comment pursuant to Section 15088.5 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3). As identified in Section 15088.5 (a), "a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft SEIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

As identified in Section 15088.5 (f) (1), "when an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR." However, as previously stated, the City is committed to providing every opportunity for public input. Although the City is not required to publish responses to comments when the SEIR is being recirculated in its entirety, the City elected to include all comment letters and responses to those comments that were previously submitted during the Draft SEIR public comment period with the Draft Recirculated SEIR. Responses to the comment letters also include the location within the Draft Recirculated SEIR where the additional and/or updated information can be located, where appropriate. Refer to Volume II, Chapter 11 of the Draft Recirculated EIR. Additionally, as noted herein, the City has responded to all new comments submitted on this Recirculated Draft SEIR.

Pursuant to Section 15088.5 (f) (2) of the State CEQA Guidelines, the City requested that reviewers limit their comments to the revised chapters of the recirculated Draft SEIR (because even though the City elected to recirculate the Draft SEIR in its entirety, the Draft SEIR has only been revised in part). As noted above, the City has however, responded to all new comments received on the Recirculated Draft SEIR.

### **1.3 PURPOSE AND USE OF THE FINAL SEIR**

This document provides written responses to all comments received on the Recirculated Draft SEIR for the proposed Tracy Hills Specific Plan Project. As noted above, where responses to comments triggered the need for minor revisions to the text or analysis of the Draft SEIR, those revisions are included in this Final SEIR. The Final SEIR serves as an informational document for review of the THSP Project. Together with the Draft

SEIR and all appendices thereto, this document constitutes the Final SEIR if the City of Tracy Council certifies that the document is complete and adequately addresses all potential environmental impacts associated with implementation of the THSP.

## 1.4 CONTENT OF THE FINAL SEIR

The Final SEIR is comprised of the following elements:

- ◆ The Recirculated Draft SEIR and Appendices thereto (Volumes I and II)
- ◆ A list of persons, organizations and public agencies that commented on the Recirculated Draft SEIR
- ◆ Copies of all comments received
- ◆ Written responses to those comments
- ◆ Revisions to the Recirculated Draft SEIR
- ◆ Appendices to the Final SEIR

## 1.5 DOCUMENT ORGANIZATION

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** Provides an introduction and overview of the document.
- ◆ **Chapter 2: Revisions to the Draft SEIR.** Text changes resulting from comments on the Recirculated Draft SEIR as well as staff-initiated text changes are indicated by bold text (**bold**) for text additions and strike out (~~strike out~~) for deleted text.
- ◆ **Chapter 3: List of Commentors.** List of all those who submitted comments on the Recirculated Draft SEIR during the public review period
- ◆ **Chapter 4: Comments and Responses.** Contains all the comments received on the Recirculated Draft SEIR along with responses to each. These responses include identifying text revisions in the Final SEIR.
- ◆ **Appendices: Comment Letters and Supplemental Information.** The Appendices include all written comment letters and verbal communication received, as well as any other supplemental information needed to support the responses to the Final SEIR.

## 1.6 CERTIFICATION OF FINAL SEIR AND APPROVAL PROCESS

For a period of at least ten days prior to any public hearing during which the lead agency (City of Tracy) will take action to certify an EIR, the Final SEIR will be made available to, at a minimum, the trustee and responsible agencies that provided written comments on the Recirculated Draft SEIR. Pursuant to Section 15090(a) of the *CEQA Guidelines*, the Final SEIR must be certified before the lead agency can take action on the project.

Following Final SEIR certification, but prior to the public agency taking action on the project (planning applications), the lead agency will prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the City must prepare written CEQA findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the *CEQA Guidelines*. If significant environmental impacts that cannot be reduced to a less-than-significant level are identified for the project, the lead agency must prepare a Statement of Overriding Consideration, pursuant to section 15093 of the *CEQA Guidelines*. Significant and unavoidable

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impacts in the areas of Aesthetics, Agriculture Resources, Air Quality, Greenhouse Gas Emissions, Noise and Traffic and Circulation were identified for the THSP Project.

Certification of the Final SEIR may occur at a public hearing independent of project approval. Prior to approval of a project, the City must adopt CEQA findings, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Program. These actions may be considered during one final public hearing. The certification of the Final SEIR must be the first in the sequence of approvals.

## 2 REVISIONS TO THE DRAFT SEIR

This chapter presents specific changes to the Draft SEIR that are being made in response to comments made by the public, as well as staff-directed changes including typographical corrections and clarifications. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Bold text (**bold**) represents language that has been added to the EIR; text with strike out (~~strike out~~) has been deleted from the EIR.

The revisions contained herein merely clarify and amplify the information in the Draft SEIR, and none of the revisions constitutes significant changes to the analysis contained in the Draft SEIR.

### CHAPTER 1 EXECUTIVE SUMMARY

Page 1-8, Second Heading is hereby amended as follows:

#### 1.8.3 ~~Alternative 2~~ **3**: Reduced Density Alternative

Mitigation Measure 4.3-1a on page 1-15, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- ◆ Applicant shall consult with the County Public Health Services Department **or California Department of Public Health** to develop a Valley Fever Dust Management Plan that addresses Valley Fever exposure. The Plan shall be provided to the City and shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust.

Mitigation Measure 4.4-1c (3) on page 1-19, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

~~3) No later than five (5) business days prior to the initiation of any ground disturbing activities or grading (Grading Start Date), developer shall notify the Regional Offices of CDFW and USFWS in writing of its intent to destroy unoccupied SJKF dens and initiate grading. At this time, Developer shall again authorize qualified representative of CDFW and USFWS to attempt to relocate known SJKF, to the extent feasible. If CDFW and USFWS are unable to relocate known SJKF by the Grading Start Date, Developer shall be required to eliminated known SJKF dens in the manner set forth below:~~

- ◆ ~~Known SJKF dens located on the Project Site shall be excavated and destroyed under the direct supervision of a qualified biologist. Prior to the destruction of the dens, the dens shall be monitored for at least three (3) consecutive days to determine whether the den is active or dormant. Activity at the den can be monitored by placing tracking medium at den entrances and by spot lighting. If no den activity is observed during this period, then den should be destroyed immediately, pursuant to the den destruction procedures set forth below.~~

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- ~~◆ Destruction of dens shall be accomplished by careful excavation with hand tools until it is certain that no kit foxes are inside. The den shall be fully excavated and back filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period.~~
  - ~~◆ If a kit fox is found inadvertently inside a den during excavation, the animal shall be allowed to escape unhindered, or, to the extent feasible, representatives from the CSFW or USFWS shall be contacted to attempt to relocate and/or collar the kit fox pursuant to SJMSCP or other applicable protocol.~~
- 3) **The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained.**

Mitigation Measure 4.4-1f on page 1-22, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California Tiger Salamander (CTS), pre-activity clearance surveys shall be initiated by a qualified biologist in accordance with published guidelines and protocols. Survey methods shall be derived from published protocols, and to reinforce positive or negative findings with substantial evidence. **If CTS individuals or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained** is detected within portions of the Project Site proposed for development, then avoidance and minimization measures specific to CTS will be incorporated into the Project as necessary to reduce impacts to CTS to less than significant. This measure is specific to Areas A, B and C of the Project.

Mitigation Measure 4.8-2a on page 1-35, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

Prior to issuance of grading permits, a Phase II ESA focused on soil sampling **and soil vapor sampling** shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. The sampling shall be conducted in consultation with Conoco Phillips, Shell and the San Joaquin (EHD), with regard to potential contaminated soils from pipeline leaks. Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, in consultation with EHD. This recommendation from the Phase II ESA shall be implemented to the satisfaction of EHD.

Mitigation Measure 4.12-2 on page 1-46, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- 4.12-2            Prior to issuance of the first ~~building permit~~ **certificate of occupancy**, the developer shall construct an all-whether, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance



of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City.

Mitigation Measure 4.12-8b on page 1-47, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.12-8b As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of ~~building permits~~ **first certificate of occupancy**.

Mitigation Measure 4.13-5a on page 1-48, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- ◆ Intersection #7 (Corral Hollow Road / Valpico Road) – Signalize the intersection and reconstruct the southbound, eastbound, and westbound approaches to each include a left-turn lane and a shared through/right-turn lane. Reconstruct the northbound approach to include one left-turn lane, one through lane, and one right-turn lane. ~~This~~ **The Improvement for widening Corral Hollow Road is a partial TMP improvement, is currently being planned** and shall be ~~partially~~ funded by the City TIF. ~~The City Engineer shall, at the time the tentative map is prepared, identify the non-TMP improvements. The costs of the non-TMP improvements are the responsibility of the Applicant. The intersection shall be improved at the issuance of the first building permit.~~ **With implementation of the Corral Hollow Road/Valpico Road widening project, the impact would be fully mitigated.**
- ◆ Intersection #9 (Corral Hollow Road / New Schulte Road) - Reconstruct the westbound approach to include a westbound left-turn lane, one westbound through lane and right turn lane, and one westbound right-turn lane. The northbound, southbound, and eastbound approaches are to remain as they are in Existing Conditions. ~~Prior to approval of the first tentative map for the project, the City Engineer will identify which of the foregoing improvements, if any, are eligible for funding with the City's TIF funds. For those improvements determined by the City Engineer to be eligible for funding with City TIF funds, Applicant shall be responsible for paying its fair share of the costs of such improvements. For those improvements determined by the City Engineer not to be eligible for funding with City TIF funds, Applicant shall be responsible for paying the full costs of such improvements. The intersection shall be improved at the issuance of the first building permit.~~ **The City has an approved and funded CIP project that would add the westbound right turn lane. With implementation of the right turn lane, the impact would be fully mitigated.**
- ◆ Intersection #10 (Lammers Road / Old Schulte Road) - Signalize the intersection and reconstruct the northbound approach to include a northbound left-turn lane and a northbound through lane. Reconstruct the southbound approach to include a southbound right-turn lane and a southbound through lane. The eastbound approach shall remain as it is in Existing Conditions. However, the City has established a CIP Project for this interim improvement and partial funds have already been collected from other

development projects as fair share payments and these other development projects funded the addition of the northbound left-turn lane only. The Applicant fund the addition of the southbound right-turn lane and signal modifications required ~~to accommodate Project 2035 Conditions~~ **when the project generates 2,588 trips.**

~~Prior to approval of the first tentative map for the project, the City Engineer will identify which of the foregoing improvements, if any, are eligible for funding with the City's TIF funds. For those improvements determined by the City Engineer to be eligible for funding with City TIF funds, The Applicant shall be responsible for paying its fair share of the costs of such the CIP interim improvements: prior to issuance of the first building permit. For those improvements determined by the City Engineer not to be eligible for funding with City TIF funds, Applicant shall be responsible for paying the full costs of such improvements. The intersection shall be improved at the issuance of the first building permit. A portion of the ROW required for widening this intersection falls with San Joaquin jurisdiction.~~

Mitigation Measure 4.13-9a on page 1-159-160, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-9a As shown in Table 4.13-28, *Existing Plus Buildout Intersection Delay & LOS Mitigations*, the following mitigations are required to obtain acceptable LOS.

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - The City of Livermore has identified the installation of a signal at this intersection and the reconstruction of all approaches to include left-turn lanes. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L2 (Greenville Road /Tesla Road) - The City of Livermore has identified the installation of a signal at this intersection. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF partially to mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement.

The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

- ◆ Intersection #L3 (Concannon Boulevard / Livermore Avenue) - The City of Livermore has not identified any improvements at this intersection; however, optimization of signal timing improves the operating conditions to acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L5 (Isabel Avenue / Vallecitos Road) - The City of Livermore has identified the reconstruction of the westbound approach at the intersection to include a left-turn lane and a shared left/right-turn lane. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-9b on page 1-61, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- 4.13-9b      Per the Settlement Agreement, as referred to on pages 4.13-6 through 4.13-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer. These roadways would continue to operate at unacceptable conditions.

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Mitigation Measure 4.13-9c on page 1-61, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-9c Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer. The freeway would however continue to operate at unacceptable conditions.

Mitigation Measure 4.13-10a on page 1-162 and 1-163, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-10a As shown in Table 4.13-28, *Existing Plus Buildout Intersection Delay & LOS*, the following mitigations are required:

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L2 (Greenville Road / Tesla Road) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for

implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

- ◆ Intersection #L4 (Isabel Avenue / Concannon Boulevard) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$\$\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-10b on page 1-63, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- 4.13-10b Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$\$\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-10c on page 1-64, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- 4.13-10c Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to mitigate its impact. In addition, the Applicant shall pay ~~\$\$\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Tracy Hills Specific Plan  
Final Subsequent EIR

Mitigation Measure 4.13-14b on page 1-66, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-14b        The Applicant shall coordinate with the City Engineer to fund and implement the overlay of the existing two lanes of Corral Hollow Road between I-580 and Linne Road. Operational analysis at the intersection of Corral Hollow Road and Spine Road and Corral Hollow Road and Linne Road indicate that one through lane in each direction along Corral Hollow Road would maintain acceptable intersection LOS standards of D or better. Turn lanes will be provided at the intersection of Corral Hollow/Spine Road. Intersections govern street network operations in an urban environment, and the roadway segment capacity analysis omits intersection operations. Thus, widening of the street segments beyond the required capacity at the intersections is not required. The overlay of the two existing lanes is required to extend the current design life of Corral Hollow Road and is required before issuance of the first building permit **or final inspection permit of the first model homes.** ~~The roadway may include Class I or Class II bicycle and pedestrian facilities.~~

Mitigation Measure 4.13-15a on page 1-167-168, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - The City of Livermore has identified the installation of a signal at this intersection and the reconstruction of all approaches to include left-turn lanes. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs.
- ◆ Intersection #L2 (Greenville Road / Tesla Road) - The City of Livermore has identified the installation of a signal at this intersection. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs.
- ◆ Intersection #L5 (Isabel Avenue / Vallecitos Road) - The City of Livermore has identified the reconstruction of the westbound approach at the intersection to include a left-turn lane and a shared left/right-turn lane. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined

annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15b on page 1-167, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-15b Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15c on page 1-69, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-15c Per the Settlement Agreement, (pages 6-9), the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15d on page 1-70, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

- ◆ A Safe Routes To School Program is initiated in coordination with the School District. The Safe Routes to School Program shall be funded **and developed** by the Applicant. **The SRTS Program shall be developed when the school district applies for an encroachment permit at the City.**
- ◆ The Project applicant shall fund the development of a Traffic Management Plan that will be prepared ~~to the satisfaction of~~ **by** the City Engineer, the Police Department, and the Jefferson School District for the interim conditions when additional traffic would be generated to the interim school adjacent to the Tracy Hills Elementary School. The Traffic

Management Plan shall identify techniques (such as: assignment of a traffic control staff member from the school to flag and manage drop off and pick-up, to control efficient ingress and egress to the school site, and coning off lanes for efficient circulation) to maintain traffic and student safety, and provide efficient pick-up and drop off procedures. The Traffic Management Plan shall be implemented when the temporary school building opens up for attendance.

Mitigation Measure 4.13-15e on page 1-71, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-15e The City shall work with Tom Hawkins Elementary School and Jefferson School District to develop a Traffic Management Plan for interim conditions. The Project Applicant shall fund the development of a Traffic Management Plan **for \$20,000**. ~~The to the satisfaction of the~~ City Engineer, the Police Department, the Tom Hawkins Elementary School and the Jefferson School District **will develop the Traffic Management Plan** for the interim conditions when additional traffic would be generated to the school. The Traffic Management Plan shall identify techniques (such as: assignment of a traffic control staff member from the school to flag and manage drop off and pick-up, to control efficient ingress and egress to the school site, and coning off lanes for efficient circulation) to maintain traffic and student safety, and provide efficient pick-up and drop off procedures. The Traffic Management Plan shall be implemented when the first student from the Phase 1a area attend the Tom Hawkins Elementary School. The City Engineer shall approve the Traffic Management Plan.

Mitigation Measure 4.13-15f on page 1-71, within Table 1-2: Draft EIR Summary of Impacts and Mitigations, is hereby amended as follows:

4.13-15f The Applicant shall **fund the development of** a Traffic Management Plan. ~~The to the satisfaction of the~~ City Engineer, Police Department, and the Jefferson School District **shall develop the Traffic Management Plan** for Interim Conditions which is inclusive of the determination of the modular school at the business park location.

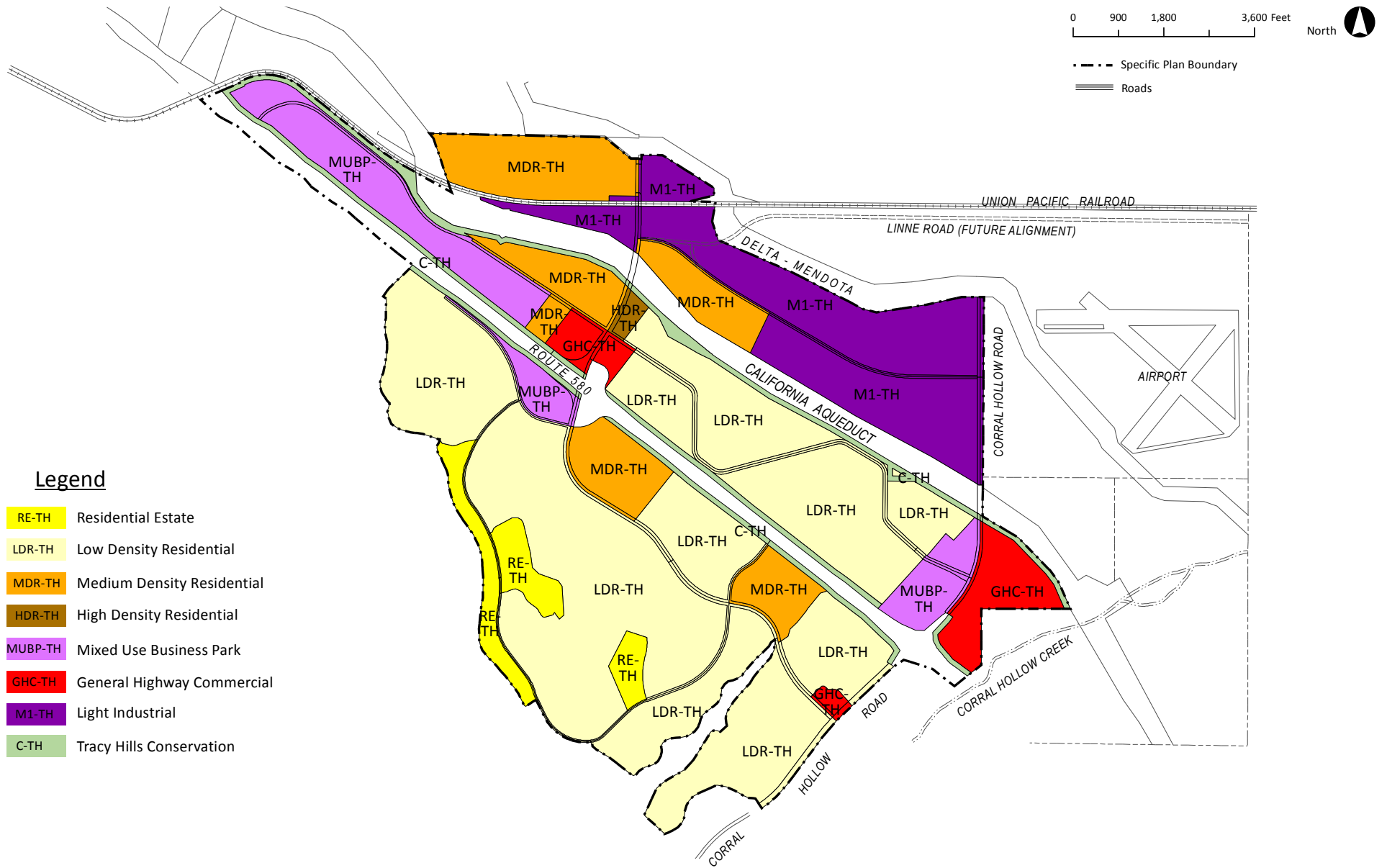
## CHAPTER 3 PROJECT DESCRIPTION

Figure 3-5 on page 3-17 of the Draft SEIR is hereby amended as shown on the following page to include:

- ◆ Slight modification of the Tracy Hills Conservation (C-TH) Zoning District boundary in the vicinity of the Ferry parcel (now owned by Integral) and the Sellick parcel (adjacent to the south side of the California Aqueduct)
- ◆ Slight modification to approximately 50 acres of property zoned as MUBP (adjacent to Corral Hollow Road)



TRACY HILLS SPECIFIC PLAN  
RECIRCULATED DRAFT SUBSEQUENT EIR



**Legend**

- RE-TH Residential Estate
- LDR-TH Low Density Residential
- MDR-TH Medium Density Residential
- HDR-TH High Density Residential
- MUBP-TH Mixed Use Business Park
- GHC-TH General Highway Commercial
- M1-TH Light Industrial
- C-TH Tracy Hills Conservation

REVISED FIGURE 3.5  
**ZONING DISTRICTS**

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## CHAPTER 4.3 AIR QUALITY

Mitigation Measure 4.3-1a on page 4.3-43 is hereby amended as follows:

- ◆ Applicant shall consult with the County Public Health Services Department **or California Department of Public Health** to develop a Valley Fever Dust Management Plan that addresses Valley Fever exposure. The Plan shall be provided to the City and shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever-containing dust.

## CHAPTER 4.4 BIOLOGICAL RESOURCES

Mitigation Measure 4.4-1c (3) beginning on page 4.4-53 is hereby amended as follows:

- ~~3) No later than five (5) business days prior to the initiation of any ground disturbing activities or grading (Grading Start Date), developer shall notify the Regional Offices of CDFW and USFWS in writing of its intent to destroy unoccupied SJKF dens and initiate grading. At this time, Developer shall again authorize qualified representative of CDFW and USFWS to attempt to relocate known SJKF, to the extent feasible. If CDFW and USFWS are unable to relocate known SJKF by the Grading Start Date, Developer shall be required to eliminated known SJKF dens in the manner set forth below:~~
- ~~◆ Known SJKF dens located on the Project Site shall be excavated and destroyed under the direct supervision of a qualified biologist. Prior to the destruction of the dens, the dens shall be monitored for at least three (3) consecutive days to determine whether the den is active or dormant. Activity at the den can be monitored by placing tracking medium at den entrances and by spot lighting. If no den activity is observed during this period, then den should be destroyed immediately, pursuant to the den destruction procedures set forth below.~~
  - ~~◆ Destruction of dens shall be accomplished by careful excavation with hand tools until it is certain that no kit foxes are inside. The den shall be fully excavated and back filled with dirt and compacted to ensure that kit foxes cannot reenter or use the den during the construction period.~~
  - ~~◆ If a kit fox is found inadvertently inside a den during excavation, the animal shall be allowed to escape unhindered, or, to the extent feasible, representatives from the CDFW or USFWS shall be contacted to attempt to relocate and/or collar the kit fox pursuant to SJMSCP or other applicable protocol.~~
- 3) **The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained.**

Mitigation Measure 4.4-1f on page 4.4-54 is hereby amended as follows:

Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California Tiger Salamander (CTS), pre-activity clearance surveys shall be initialed by a qualified biologist in accordance with published guidelines and protocols. Survey methods shall be derived from published protocols, and to reinforce positive or negative findings with substantial evidence. **If CTS individuals or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until**

**CDFW has been consulted and appropriate authorization obtained** is detected within portions of the Project Site proposed for development, then avoidance and minimization measures specific to CTS will be incorporated into the Project as necessary to reduce impacts to CTS to less than significant. This measure is specific to Areas A, B and C of the Project.

## CHAPTER 4.8 HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure 4.8-2a on page 4.8-54 is hereby amended as follows:

- 4.8-2a Prior to issuance of grading permits, a Phase II ESA focused on soil sampling **and soil vapor sampling** shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. The sampling shall be conducted in consultation with Conoco Phillips, Shell and the San Joaquin (EHD), with regard to potential contaminated soils from pipeline leaks. Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, in consultation with EHD. This recommendation from the Phase II ESA shall be implemented to the satisfaction of EHD.

## CHAPTER 4.12 PUBLIC SERVICES AND UTILITIES

Mitigation Measure 4.12-2 on page 4.12-47 is hereby amended as follows:

- 4.12-2 Prior to issuance of the first ~~building permit~~ **certificate of occupancy**, the developer shall construct an all-weather, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City.

Mitigation Measure 4.12-8b on page 4.12-49 is hereby amended as follows:

- 4.12-8b As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of ~~building permits~~ **first certificate of occupancy**.

## 4.13 TRAFFIC AND CIRCULATION

Page 4.13-19, is hereby amended as follows:

1. ~~644 \$500 (in 2014 dollars)~~ for regional transportation projects in San Joaquin County to improve I-205 or I-580. If the City of Tracy were to subsequently adopt the San Joaquin Council of Government's (SJCOG) Regional Traffic Impact Fee (RTIF), the developer would receive a dollar for dollar credit, up to ~~644 \$500~~. The City of Tracy adopted the SJCOG fee (updated in 2005) in the amount of \$2,500 per single-family dwelling unit and \$1,500 per multi-family dwelling unit. The uses of the SJCOG fee include improvements to I-205 and implementing the CMP roadway system. A dollar for dollar credit up to ~~644 \$500~~ will apply to the JPA fee if the applicant pays the SJCOG fees.

Page 4.13-20, is hereby amended as follows:

2. ~~2. \$644 \$500 (in 2014 dollars)~~ for regional transportation improvement projects within San Joaquin County for reducing the number of trips on I-205 or I-580 bound for Alameda County on I-580 or diverting or reducing trips on Corral Hollow/ Tesla Road, Patterson Pass Road, and/or Grant Line and Old Altamont Pass Roads. It is noted that an ideal use of these funds would be to improve facilities and services on the Altamont Commute Express (ACE). In the event that Lakeside Tracy Associates (LTA) or its successor-in-interest to the project undertakes any of the following trip reduction or Transportation Demand Management (TDM) Practices such as a commuter subscription bus service, carpool/vanpool subsidies, ride share matching, or other examples listed in the Settlement Agreement, it shall receive an automatic dollar for dollar credit for the costs thereof against the portion of this ~~\$644 \$500~~ fee ~~(in 2014 dollars)~~. The fee credit portion for TDM measures, up to ~~\$644 \$500~~ (2014 dollars) per residential unit, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-5a beginning on Page 4.13-190 is hereby amended as follows:

- ◆ Intersection #7 (Corral Hollow Road / Valpico Road) – Signalize the intersection and reconstruct the southbound, eastbound, and westbound approaches to each include a left-turn lane and a shared through/right-turn lane. Reconstruct the northbound approach to include one left-turn lane, one through lane, and one right-turn lane. ~~This~~ **The Improvement for widening Corral Hollow Road is a partial TMP improvement, is currently being planned** and shall be ~~partially~~ funded by the City TIF. ~~The City Engineer shall, at the time the tentative map is prepared, identify the non-TMP improvements. The costs of the non-TMP improvements are the responsibility of the Applicant. The intersection shall be improved at the issuance of the first building permit. With implementation of the Corral Hollow Road/Valpico Road widening project, the impact would be fully mitigated.~~
- ◆ Intersection #9 (Corral Hollow Road / New Schulte Road) - Reconstruct the westbound approach to include a westbound left-turn lane, one westbound through lane and right turn lane, and one westbound right-turn lane. The northbound, southbound, and eastbound approaches are to remain as they are in Existing Conditions. ~~Prior to approval of the first tentative map for the project, the City Engineer will identify which of the foregoing improvements, if any, are eligible for funding with the City's TIF funds. For those improvements determined by the City Engineer to be eligible for funding with City TIF funds, Applicant shall be responsible for paying its fair share of the costs of such improvements. For those improvements determined by the City Engineer not to be eligible for funding with City TIF funds, Applicant shall be responsible for paying the full costs of such improvements. The intersection shall be improved at the issuance of the first building permit. The City has an approved and funded CIP project that would add the westbound right turn lane. With implementation of the right turn lane, the impact would be fully mitigated.~~
- ◆ Intersection #10 (Lammers Road / Old Schulte Road) - Signalize the intersection and reconstruct the northbound approach to include a northbound left-turn lane and a northbound through lane. Reconstruct the southbound approach to include a southbound

right-turn lane and a southbound through lane. The eastbound approach shall remain as it is in Existing Conditions. However, the City has established a CIP Project for this interim improvement and partial funds have already been collected from other development projects as fair share payments and these other development projects funded the addition of the northbound left-turn lane only. The Applicant fund the addition of the southbound right-turn lane and signal modifications required ~~to accommodate Project 2035 Conditions~~ **when the project generates 2,588 trips.**

~~Prior to approval of the first tentative map for the project, the City Engineer will identify which of the foregoing improvements, if any, are eligible for funding with the City's TIF funds. For those improvements determined by the City Engineer to be eligible for funding with City TIF funds, The Applicant shall be responsible for paying its fair share of the costs of such the CIP interim improvements. prior to issuance of the first building permit. For those improvements determined by the City Engineer not to be eligible for funding with City TIF funds, Applicant shall be responsible for paying the full costs of such improvements. The intersection shall be improved at the issuance of the first building permit.~~ A portion of the ROW required for widening this intersection falls with San Joaquin jurisdiction.

Mitigation Measure 4-13.9a beginning on Page 4.13-188 is hereby amended as follows:

4.13-9a As shown in Table 4.13-28, *Existing Plus Buildout Intersection Delay & LOS Mitigations*, the following mitigations are required to obtain acceptable LOS.

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - The City of Livermore has identified the installation of a signal at this intersection and the reconstruction of all approaches to include left-turn lanes. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L2 (Greenville Road /Tesla Road) - The City of Livermore has identified the installation of a signal at this intersection. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF partially to mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by

the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

- ◆ Intersection #L3 (Concannon Boulevard / Livermore Avenue) - The City of Livermore has not identified any improvements at this intersection; however, optimization of signal timing improves the operating conditions to acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L5 (Isabel Avenue / Vallecitos Road) - The City of Livermore has identified the reconstruction of the westbound approach at the intersection to include a left-turn lane and a shared left/right-turn lane. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4-13.9b on Page 4.13-189 is hereby amended as follows:

- 4.13-9b Per the Settlement Agreement, as referred to on pages 4.13-6 through 4.13-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be

calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer. These roadways would continue to operate at unacceptable conditions.

Mitigation Measure 4-13.9c on Page 4.13-190 is hereby amended as follows:

4.13-9c Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$\$\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer. The freeway would however continue to operate at unacceptable conditions.

Mitigation Measure 4.13-10a on Page 4.13-190 is hereby amended as follows:

4.13-10a As shown in Table 4.13-28, *Existing Plus Buildout Intersection Delay & LOS*, the following mitigations are required:

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.
- ◆ Intersection #L2 (Greenville Road / Tesla Road) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar



credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

- ◆ Intersection #L4 (Isabel Avenue / Concannon Boulevard) - Even with implementation of the identified improvements in Cumulative conditions, the intersection would continue to operate at an unacceptable LOS. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. The cumulative impact would not be fully mitigated through payment of the JPA TIF. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-10b on Page 4.13-192 is hereby amended as follows:

- 4.13-10b Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-10c on Page 4.13-192 is hereby amended as follows:

- 4.13-10c Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-14b on Page 4.13-219 is hereby amended as follows:

4.13-14b The Applicant shall coordinate with the City Engineer to fund and implement the overlay of the existing two lanes of Corral Hollow Road between I-580 and Linne Road. Operational analysis at the intersection of Corral Hollow Road and Spine Road and Corral Hollow Road and Linne Road indicate that one through lane in each direction along Corral Hollow Road would maintain acceptable intersection LOS standards of D or better. Turn lanes will be provided at the intersection of Corral Hollow/Spine Road. Intersections govern street network operations in an urban environment, and the roadway segment capacity analysis omits intersection operations. Thus, widening of the street segments beyond the required capacity at the intersections is not required. The overlay of the two existing lanes is required to extend the current design life of Corral Hollow Road and is required before issuance of the first building permit **or final inspection permit of the first model homes.** The roadway may include Class I or Class II bicycle and pedestrian facilities.

Mitigation Measure 4.13-15a on Page 4.13-221 is hereby amended as follows:

- ◆ Intersection #L1 (Greenville Road / Patterson Pass Road) - The City of Livermore has identified the installation of a signal at this intersection and the reconstruction of all approaches to include left-turn lanes. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs.
- ◆ Intersection #L2 (Greenville Road / Tesla Road) - The City of Livermore has identified the installation of a signal at this intersection. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs.
- ◆ Intersection #L5 (Isabel Avenue / Vallecitos Road) - The City of Livermore has identified the reconstruction of the westbound approach at the intersection to include a left-turn lane and a shared left/right-turn lane. With this improvement the intersection would operate at acceptable conditions. Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by no more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~

**\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15b on Page 4.13-221 is hereby amended as follows:

4.13-15b Per the Settlement Agreement, as referred to on pages 6-9, the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15c on Page 4.13-222 is hereby amended as follows:

4.13-15c Per the Settlement Agreement, (pages 6-9), the Applicant shall pay ~~in 2014 dollars, \$1,288~~ **\$1,000** per residential unit to the JPA TIF to partially mitigate its impact. In addition, the Applicant shall pay ~~\$644~~ **\$500** per residential dwelling unit paid at building permit issuance, said fee to be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record (ENR) index for road construction costs. A dollar for dollar credit up to ~~\$644~~ **\$500** for payment of the SJCOG fee and up to ~~\$644~~ **\$500** for implementation of TDM measures will apply to these fees per the Settlement Agreement. The fee credit portion for TDM measures, shall be calculated at the time each building permit is issued as the project is constructed. The calculation of this fee credit shall be overseen by the City Engineer.

Mitigation Measure 4.13-15d on Page 4.13-223 is hereby amended as follows:

- ◆ A Safe Routes To School Program is initiated in coordination with the School District. The Safe Routes to School Program shall be funded **and developed** by the Applicant. **The SRTS Program shall be developed when the school district applies for an encroachment permit at the City.**
- ◆ The Project applicant shall fund the development of a Traffic Management Plan that will be prepared ~~to the satisfaction of~~ **by** the City Engineer, the Police Department, and the Jefferson School District for the interim conditions when additional traffic would be generated to the interim school adjacent to the Tracy Hills Elementary School. The Traffic Management Plan shall identify techniques (such as: assignment of a traffic control staff member from the school to flag and manage drop off and pick-up, to control efficient ingress and egress to the school site, and coning off lanes for efficient circulation) to maintain traffic and student safety, and provide efficient pick-up and drop off procedures.

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The Traffic Management Plan shall be implemented when the temporary school building opens up for attendance.

Mitigation Measure 4.13-15e on Page 4.13-224 is hereby amended as follows:

4.13-15e The City shall work with Tom Hawkins Elementary School and Jefferson School District to develop a Traffic Management Plan for interim conditions. The Project Applicant shall fund the development of a Traffic Management Plan **for \$20,000. The to the satisfaction of the** City Engineer, the Police Department, the Tom Hawkins Elementary School and the Jefferson School District **will develop the Traffic Management Plan** for the interim conditions when additional traffic would be generated to the school. The Traffic Management Plan shall identify techniques (such as: assignment of a traffic control staff member from the school to flag and manage drop off and pick-up, to control efficient ingress and egress to the school site, and coning off lanes for efficient circulation) to maintain traffic and student safety, and provide efficient pick-up and drop off procedures. The Traffic Management Plan shall be implemented when the first student from the Phase 1a area attend the Tom Hawkins Elementary School. The City Engineer shall approve the Traffic Management Plan.

Mitigation Measure 4.13-15f on Page 4.13-224 is hereby amended as follows:

4.13-15f The Applicant shall **fund the development of** a Traffic Management Plan. ~~The to the satisfaction of the~~ City Engineer, Police Department, and the Jefferson School District **shall develop the Traffic Management Plan** for Interim Conditions which is inclusive of the determination of the modular school at the business park location.

Table 4.13-61: Existing + Phase 1A Intersection Delay & LOS Trigger Analysis – Tracy, on page 4.13-206, has been amended as follows:

- ◆ Revised to illustrate only the trigger points and corresponding level of service result at which improvements are required. See revised table following this page.

Table 4.13-68: Transportation & Circulation EIR Mitigation Matrix, beginning on page 4.13-229, has been amended as follows:

- ◆ Revised to reflect a fair share payment towards the improvement at the intersection of #10 Lammers Road/Old Schulte Road and to identify a trigger at which the southbound right-turn lane should be installed.
- ◆ One additional minor revision was made to the assignment of mitigation responsibility. Both of these revisions are minor and only serve to provide additional clarity and accuracy based on the evolution of the pending project.

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Intersection	LOS Criteria	Jurisdiction	Existing Control <sup>1</sup>	Worst peak hour project trip generation/equivalent number of Single Family Housing Dwelling Units which triggers AWSC				Existing (2013) + Phase 1 (Mitigated w/ AWSC)				Worst peak hour project trip generation/equivalent number of Single Family Housing Dwelling Units which triggers signalization				Project Mitigation Action	Existing (2013) + Phase 1 (Mitigated w/ Signal)							
				Trips	SFD	LOS		Delay		AM Peak		PM Peak		Trips	SFD		LOS		Delay		AM Peak		PM Peak	
						LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay				LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
1 Corral Hollow Rd and I-580 EB Ramps	C/D <sup>2</sup>	Caltrans	SSSC	196 (PM Peak)	192	C	18.7	A	66	E	25.2	832 (PM Peak)	816	C	24.9	Signalized Intersection; Existing Geometry	A	57	B	11.2				
						E	49.7																	
3 Corral Hollow Rd and Spine Rd	D	City	SSSC	372 (PM Peak)	365	A	6.3	B	15.0	E	20.3	436 (PM Peak)	427	D	34.9	Signalized Intersection; Add NBLT and SBRT lanes	A	48	A	4.7				
						D	35.0																	
4 Corral Hollow Rd and Linne Rd	D	City	SSSC	396 (PM Peak)	388	A	7.7	A	11	A	4.4	468 (PM Peak)	459	D	34.6	Signalized Intersection plus provide preemption for railroad tracks; Existing Geometry	A	12	A	1.3				
						D	35.0																	

Note: Intersections that are operating below acceptable levels are shown in **BOLD**.

OVRFL represents an intersection that operates with a delay exceeding 300 seconds.

<sup>1</sup> Each study intersection is control by a signal, all way stop control (AWSC), or side street stop control (SSSC).

<sup>2</sup> For SSSC a LOS F is assumed as unacceptable on the side street approach. Typically a signal is only warranted when the side street LOS is F. Thus this overall LOS threshold C/D governs.

Source: Kimley-Horn & Associates, Inc. (2014)

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TRACY HILLS SPECIFIC PLAN  
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Scenario	Mitigation #	Mitigation Location	Mitigation Type	Mitigation Summary (Refer to Mitigation text for detailed improvement)	Indicated in Adopted TMP?	Implementation Trigger	Mitigation Responsibility	Funding Program					Significant After Mitigation?				
								City TIF	Partial City TIF	Co TIF	JPA TIF	RTP					
All	4.13-1	a	Transit	Transit	Applicant to install transit facilities, including bus shelters within THSP.	No	Each tentative map approval	Applicant in collaboration with City Engineer and TRACER.							None		
	4.13-1	b	Transit	Previous EIR for BART Stations	BART to work with cities to develop parking solutions at stations. Applicant to pay JPA fees.	No	At issuance of each building permit	Applicant					✓		Yes, Jurisdiction		
	4.13-2	-	Bicycle and Pedestrian	Bike/Ped Facilities	Construct bicycle and pedestrian infrastructure in accordance with the approval of each final map or building permit to connect to City Network.	Yes	At issuance of each building permit and final map approval.	Applicant in collaboration with City Engineer	✓						Yes, Jurisdiction		
	4.13-4	b	TDM	TDM Measures	Develop TDM Plan Construct Park-and-Ride facility.	No Yes	TDM Action Plan: 100 Employees Park-and-Ride: When Lammers Interchange is constructed, Applicant may pay fund up front	Applicant Applicant in collaboration with City Engineer							None None		
Tracy (Existing Plus Project 2035) (*This scenario includes mitigations and triggers for traffic volumes that are added for Project development at year 2035)	4.13-5	a	#1: Corral Hollow Road / I-580 EB Ramps	Intersection	Signalize and convert to beyond TMP geometry OR Build Corral Hollow Interchange per TMP and build Lammers Interchange per TMP. Work with Caltrans and City on PSR immediately following adoption of EIR.	2035 Conditions are included in TMP	2,588 AM Peak Hour Trips	Applicant	✓						Yes, Jurisdiction		
			#2: Corral Hollow Road / I-580 WB Ramps	Intersection	Signalize and convert to beyond TMP geometry OR build Lammers Interchange which is in TMP. Work with Caltrans and City on PSR immediately following adoption of EIR.	2035 Conditions are included in TMP	2,588 AM Peak Trips	Applicant	✓						Yes, Jurisdiction		
			#3: Corral Hollow Road / Spine Road	Intersection	Construct and signalize.	2035 Conditions are included in TMP	First Building Permit	Applicant		✓						No	
			#4: Corral Hollow Road / Linne Road	Intersection	Signalize and convert to partial TMP geometry . Signalization requires railroad crossing improvements and interconnect. Commence with a preliminary and final design process for the intersection and railroad crossing improvements.	Yes	468 PM Peak Hour Trips	Applicant and City Engineer		✓						Yes, Jurisdiction	
			#5: Tracy Boulevard / Linne Road	Intersection	Signalize and convert to partial TMP geometry . Signalization requires railroad crossing improvements and interconnect. Commence with a preliminary and final design process for the intersection and railroad crossing improvements.	Yes	469 PM Peak Hour Trips	Applicant and City Engineer		✓						Yes, Jurisdiction	
			#7: Corral Hollow Road / Valpico Road	Intersection	Signalize intersection and add lanes.	Yes	First Building Permit	None for Applicant, City CIP project									No
			#9: Corral Hollow Road / New Schulte Road	Intersection	Reconstruct westbound approach lanes.	Yes	First Building Permit	Applicant and City Engineer None for Applicant, City CIP project		✓							No
			#10: Lammers Road / Old Schulte Road	Intersection	Project to add a SBR turn lane. Project pays fair share to interim improvement, which includes signalization and NBL. Trigger for interim improvement is first building permit. Project shall also fund or construct SBR turn lane at trigger of 2,588 trips.	Yes	First Building Permit	Applicant & Previously Approved Projects and City Engineer									Yes, Jurisdiction
			#13: Mountain House Parkway / I-580 EB Ramps	Intersection	None for Applicant	No, but is included in Approved Projects' Conditions	Not Applicable	Previously Approved Projects (Cordes)									Not Applicable
			#14: Mountain House Parkway / I-580 WB Ramps	Intersection	None for Applicant	No, but is included in Approved Projects' Conditions	Not Applicable	Previously Approved Projects (Cordes)									Not Applicable
			#23: Internal Intersection on S. Tracy Hills Road	Intersection	Signalize and construct.	No	At issuance of the first building permit for VTM and development of this area of the project	Applicant									No
			#36: Corral Hollow Road / Tennis Lane	Intersection	Construct median on Corral Hollow and allow right turn out only on Tennis Ln.	No, but will be added to TMP	Not Applicable	City Engineer	✓								No
					b	Corral Hollow Road b/w S. Tracy Hills and Golden Leaf Lane and Lammers Road between I-580 and Kimball High School	Roadway	Widen Corral Hollow Road between S. Tracy Hills Road and Golden Leaf Ln. Also construct Lammers Road as in 4.13-5c. Construct Lammers Road to four lanes between I-580 and Kimball HS	Yes	2,588 AM Peak Hour Trips	Applicant	✓					

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### 3 LIST OF COMMENTORS

Comments on the Recirculated Draft SEIR were received from the following agencies, organizations, and individuals. Letters are arranged by category, within each category, letters are arranged by date received, and then alphabetically. Each comment letter has been assigned a number, as indicated below:

#### 3.1 WRITTEN COMMENTS

Written comments were received by the following agencies, and individuals.

##### State Agencies (SA)

- SA1 David M. Sampson, Chief, State Water Project Operations Support Office, Division of Operations and Maintenance, California Department of Water Resources. November 16, 2015.
- SA2 Tom Dumas, Chief, Office of Metropolitan Planning, California Department of Transportation. November 30, 2015.
- SA3 Scott Morgan, Director, State Clearinghouse, California Governor's Office of Planning and Research. December 1, 2015.
- SA4 Scott Wilson, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife. December 3, 2015.
- SA5 Randy Caldera, Sector Superintendent, California Department of Parks and Recreation. December 4, 2015.

##### Regional Agencies (RA)

- RA1 Laurel Boyd, San Joaquin Council of Governments, Inc. October 21, 2015.
- RA2 Arnaud Marjollet, Director of Permit Services and Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District. December 2, 2015.
- RA3 Rodney Estrada, REHS, Program Coordinator, San Joaquin County Environmental Health Department. December 3, 2015.
- RA4 Fran Garland, Watershed and Environmental Planning Manager, Contra Costa Water District. December 4, 2015.

##### Organizations (OR)

- OR1 Robert Sarvey and Rob Simpson, Executive Director, Helping Hands Tools, December 4, 2015.

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General Public (GP)

GP1 Thomas Martin, Prologis. November 3, 2015.

GP2 Thomas Martin, Prologis. November 30, 2015.

### 3.2 VERBAL COMMENTS

Verbal comments made during the Planning Commission public hearings are included as comment letters in Chapter 4 of this Final EIR, as listed below.

PC1 Planning Commission Hearing on January 28, 2015.

PC2 Planning Commission Hearing on November 18, 2015.

## 4 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, comments received during the Recirculated Draft SEIR public review period. Comments are presented in their original format in Appendix A, along with annotations that identify each comment letter.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Comment letters in this chapter follow the same order as listed in Chapter 3 of this Final SEIR and are categorized by:

- ◆ Written Comments:
  - State Agencies
  - Regional Agencies
  - Local Agencies
  - Organizations
- ◆ Verbal Comments:
  - Planning Commission Hearing on January 14, 2015
  - Planning Commission Hearing on November 18, 2015

Where the same comment has been made more than once, a response may direct the reader to an earlier numbered comment and response so as to avoid repetition. Where a response requires revisions to the Recirculated Draft SEIR, the revisions are explained and shown in Chapter 2 of this Final SEIR.

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Comment Number	Comment	Response
State Agencies		
<b>California Department of Water Resources</b>		
SA1-1	<p>The proposed development is in close proximity to the Department of Water Resources (DWR) right-of-way (ROW) on both sides of the California Aqueduct (Mile Post 15.47 - 17.10).</p> <p>Due to the close proximity of the residential development and schools in relation to the California Aqueduct, DWR suggests that the City of Tracy require ongoing outreach to draw the public's attention to inherent dangers such as the danger of swift moving water within the California Aqueduct. Particularly, this outreach should be conducted at schools in close proximity to the adjacent to the California Aqueduct.</p>	<p>The Recirculated Draft SEIR acknowledges the close proximity of the DWR right-of-way on both sides of the California Aqueduct, as analyzed in Sections 3.0 (Project Description), 4.8 (Hazards and Hazardous Materials), and 4.13 (Traffic and Circulation).</p>
SA1-2	<p>Any proposed modifications that would have impacts to DWR facilities, such as access across DWR facilities or storm water runoff, shall be reviewed and approved by DWR prior to construction.</p>	<p>DWR's comment is noted. The Recirculated Draft SEIR acknowledges that the Project may require subsequent approvals from DWR as a responsible agency (refer to Sections 2.0 and 4.13 of the Recirculated Draft SEIR).</p>
SA1-3	<p>Since the proposed development for the Tracy Hills Specific Plan has the potential to impact DWR's California Aqueduct ROW, certain elements of the City's specific plan may require an Encroachment Permit from DWR prior to start of any construction.</p>	<p>Comment Noted. Refer to Response to SA1-2 above.</p>
<b>California Department of Transportation</b>		
SA2-1	<p>The Department does not agree with response SA3-1 from Letter SA3, Chapter 11 Response to Comments on Draft SEIR, Tracy Hills SP Recirculated DEIR V.2. The response SA3 states, "The Tracy Travel Demand Model trip generation rates are overall higher when compared to ITE trip generation. Phase 1 would generate approximately 1,542 trips in the AM peak hour and 2,299 trips in the PM peak hour based on the Tracy Travel Demand Model trip generation rates. Using ITE trip generation rates, Phase 1 would generate 1,088 trips in the AM peak hour and 1,524 trips in the PM peak hour. Using ITE trip generation rates, project buildout would generate 6,942 trips in the AM peak hour and 10,042 trips</p>	<p>The City notes Caltrans disagreement with Response SA3-1. However, our response and reasoning thereto is accurate for the following reasons. PM peak hour trips in either direction of travel exceed the AM trips and thus govern the identification of required improvements and mitigation. Furthermore, utilizing the City rates, is consistent with the City of Tracy General Plan, the City of Tracy Transportation Master Plan and the City of Tracy Transportation Development Impact Fee Program. Using ITE rates would significantly underestimate the required roadway infrastructure, which would be to Caltrans detriment. The City model rates for Phase 1 for the AM peak is higher in both the AM and PM peak</p>

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	<p>in the PM peak hour. Using the City Model rates, project buildout would generate 7,831 trips during the AM peak hour and 14,064 trips during the PM peak hours at buildout conditions. The project trip generations in the attached Table 1 &amp; 2 are developed using ITE rates for Phase 1a and Buildout conditions. The results show using ITE trip generation rates, Phase 1a and project buildout would generate 1,957 trips and 9,802 trips respectively during the AM peak hour. While using the City Model rates Phase 1a and project buildout would generate 1,542 trips and 7,831 trips respectively during AM Peak hour as shown in the response SA3-1 and Table 4.13-18a (Project Buildout Trip Generation) &amp; Table 4.13-58 (Phase 1a Trip Generation), THSP Recirculated DEIR. Underestimate project AM trip generation will provide underestimate project's generated traffic on the adjacent freeway facilities during the AM peak hour.</p> <p>THSP Recirculated DEIR's traffic study should revise the AM trip generation using ITE for its proposed project zoning district/land use for all of its study scenarios. The trip generation needs to be detailed and specific in land uses and codes from ITE.</p>	<p>hour. The City model rates for buildout PM is 200% the ITE AM rate, and the AM ITE rate is only 12% higher. The PM traffic governs decisions about selection of improvements. Conducting AM ITE analysis would not further an understanding of impacts or result in any additional or modified mitigation measures.</p>
SA2-2	<p>According to Letter SA3, Chapter 11 Response to Comments on Draft SEIR, THSP Recirculated DEIR V.2, the responses SA3-2A, 2B, 2C indicate the proposed trip distribution for Project 2035 &amp; Project Buildout conditions reflect the traffic forecast accurately due to the more balanced jobs-to-housing ratio would result in more trips having origins and destinations within Tracy. These responses also state, "Within the THSP, as more employment-related land uses develop, internal distribution within the THSP and the City would increase, thus resulting in less regional trips traveling outside of the City boundaries. The City just approved the Cordes Ranch Specific Plan which includes approximately 1,462 net acres of commercial, office, manufacturing, warehouse, and distribution uses. This increase in employment is forecasted to decrease traffic on the regional road system. FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard's Pre-school, CMC Rebar, El Polio Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment</p>	<p>The Commentor disagrees with the jobs and housing growth forecasts as clearly depicted in the City of Tracy, County of San Joaquin and SJCOG planning processes. The jobs housing ratios result in traffic generation and are accurately reflected in the distribution of Project traffic within Tracy and onto the regional road network for Phase 1a, 2035 and Buildout conditions. The Tracy Hills distribution of traffic is consistent with the City of Tracy General Plan, the Tracy Transportation Demand Model, and the SJCOG model. Low income job trips are included in the trip generation and trip distribution. The City model does take into consideration income levels locally and regionally. In addition, second and third income earners in a household could have a local job, which is part of the Project trip generation and reflected in the City Travel Demand Model. At THSP buildout, implementation of the project is estimated to result in the construction of 5,499 homes and would generate approximately 7,820 jobs resulting in a positive jobs-housing balance ratio of 1.42.</p>

Comment Number	Comment	Response
	<p>opportunities, furthering the City's 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City." The Department agrees with these above statements that THSP's non-residential developments and above mentioned city developments will attract local city employees, thus resulting in less regional trips traveling onto the freeway system. Therefore, the Department has no concerns with the proposed trip distribution of THSP non-residential developments.</p> <p>However, the Department does not agree with the above "jobs-to-housing ratio balance" statement assuming more than 80% of the proposed THSP residential project development's generated trips within the City of Tracy boundary under Project 2035 and Buildout. A further look into the "balance" between the created jobs and THSP residential development, indicates it there may not be a "balance" when comparing the THSP new home prices and the salaries of created/increased jobs within THSP retail, office &amp; warehouse as well as the above mentioned local development projects. In order to purchase the new properties, the future residents of THSP must have incomes that would provide them the ability to live in the immediate area. Therefore, it is assumed that the majority of the THSP's resident development would potentially attract people who purchase THSP properties and commute to work.</p> <p>The THSP Recirculated DEIR's traffic study has still assumed a large percentage of more than 80% of the proposed residential project development's generated trips within the City of Tracy boundary under Project 2035 and Buildout. By doing so it avoids assigning a significant portion of the residential project's generated traffic on the adjacent freeways and interchanges under traffic analysis scenarios. Inaccurate assumption of trip distributions will provide inaccurate traffic analysis results, traffic impacts, and traffic mitigations.</p>	
SA2-3	<p>According to Mitigation Measure 4.13-14a, THSP's Recirculated DEIR page 4.13-217, the project proposes to install an AWSC (all-way stop controlled) intersection as an interim improvement once development is approved to generate 196 PM peak hour trips to mitigate interim impact at Corral Hollow Rd/I-580 EB Ramps under Existing + Phase 1A. Also, according to Table 4.13-61 Existing+ Phase 1A Intersection Delay &amp; LOS Trigger Analysis, it shows the mitigation with AWSC will improve the delay and LOS at this intersection. However, there is no Synchro analysis that supports this proposed AWSC</p>	<p>A Synchro software output sheet is provided in the Appendix of the Recirculated Draft SEIR, which illustrates the LOS results consistent with Table 4.13-14a and Table 4.13-61. The Synchro electronic files have since been provided to Caltrans.</p>

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	<p>mitigation. According to Letter SA3, Chapter 11 Response to Comments on Draft SEIR, THSP Recirculated DEIR V.2, the response SA3-8 stated the updated Synchro files with proposed AWSC mitigation would be provided for review. However, the provided electronic Synchro file does not include this updated information.</p>	
SA2-4	<p>According to Mitigation Measures 4.13-5a &amp; 4.13-6a, THSP Recirculated DEIR, the proposed mitigations at the intersection of I-580 EB ramps and Corral Hollow Rd under Existing + Project 2035 Mitigation TMP Only &amp; Existing+ BO Mitigation TMP Only include only the reconstruction of the northbound approach to include a northbound through lane and a shared northbound through/right-turn lane. However, a review of the Synchro analysis at this intersection under Existing+ Project 2035 Mitigation TMP Only, Existing+ BO Mitigation TMP Only and Table 4.13-20 Existing+ Project 2035 Intersection Delay &amp; LOS Mitigation indicate the northbound approach including two northbound through lanes and a northbound right-turn lane. There are inconsistencies between Synchro analysis and proposed mitigations in THSP Recirculated DEIR.</p>	<p>The mitigations shown in Table 4.13-5a and 4.13-6a and the mitigations measures as identified in Section 4.13 of the Recirculated Draft SEIR are consistent and accurate. The Commentors' statement is inaccurate. In addition, the Synchro files provided are also consistent with the mitigations and the LOS results reported in the Recirculated Draft SEIR.</p>
SA2-5	<p>A review of the Synchro analysis at I-580 EB ramps and Corral Hollow Rd intersection under Existing+ Project 2035 Mitigation Beyond TMP indicates several errors in lane configuration inputs. For instance, in the AM peak, there are two SBT lanes on Corral Hollow Rd; however, there is a single receiving lane on SB Corral Hollow Rd, just south of the intersection. Additionally, the EB right-turn movement should be coded as yield control rather than a free right-turn which conflicts with the SBT movement. The inaccurate coding also occurs at WB right-turn at WB ramps intersection. Similarly, WB right-turn movement at WB ramps intersection under Existing+ BO Mitigation Beyond TMP has been coded as a free right-turn which conflicts with the NBT movement.</p>	<p>Minor updates to the Synchro electronic file were made and provided to Caltrans following receipt of this comment. The electronic file now represents the output results in the Recirculated Draft SEIR. Note that the change in the right-turn lane control does not change the findings or mitigations at the study intersections. Per Caltrans previous comments on the Cordes Ranch EIR, all interchange terminals have signalized control to improve access for pedestrians and bicycles. The Commentor is inconsistent in their position regarding intersection control (i.e., free or signalized) at interchanges in Tracy.</p>
SA2-6	<p>According to Table 4.13-20 Existing+ Project 2035 Intersection Delay &amp; LOS Mitigation, the project proposes to convert Corral Hollow overpass to 4 through lanes with a WB loop on- ramp under Existing+ Project 2035 Beyond TMP at WB ramps intersection. However, the electronic Synchro analysis show a total of 6 lanes including two SB thru-lanes, two NB thru- lanes, and two dedicated right-turn lanes (continuous across the bridge from EB ramps intersection to</p>	<p>If Lammers interchanges are not constructed, Corral Hollow interchange would have six lanes. If Lammers Road interchanges are constructed, the bridge would have four lanes. The Synchro files provided reflects these options.</p>



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	<p>WB ramps intersection) for WB loop on-ramp on Corral Hollow overpass under beyond TMP improvement. Therefore, the above mentioned mitigation in Table 4.13-20 should be revised to show that the overpass will be widened to 6 lanes including 4 through lanes and 2 continuous right-turn lanes as WB loop on-ramp.</p>	
SA2-7	<p>In summary, the Tracy Hills Specific Plan Recirculated DEIR and its incorporated traffic study underestimates the AM trip generation rate and the assumption of trip distribution in order to avoid assigning a significant portion of the project's generated traffic on the adjacent freeways and interchanges. As a result of these issues, it is the Departments' stance that the THSP Recirculated DEIR's traffic study does not accurately disclose and address the project's potential significant impacts to traffic. The affected areas and the severity of the impacts to transportation facilities would be greater than stated in this traffic study. The THSP Recirculated DEIR's traffic study should be revised and submitted to the Department for further review and comment.</p>	<p>See responses above. No additional analysis is required since worst case conditions are analyzed. The City's experts disagree with the comments provided.</p>
<b>CA Governor's Office of Planning and Research</b>		
SA3-1	<p>The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 30, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.</p> <p>Please note that Section 21104(c) of the California Public Resources Code states that:</p> <p>"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."</p>	<p>This is an acknowledgement by the State Clearinghouse that the Recirculated Draft SEIR was distributed to the selected state agencies for review and that the City has complied with the applicable provisions of the California Environmental Quality Act. No response is required.</p>

Tracy Hills Specific Plan  
 Final Subsequent EIR

Comment Number	Comment	Response
	<p>These comments are forwarded for use in preparing your final environmental document: Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.</p> <p>This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.</p>	
<b>California Department of Fish and Wildlife</b>		
SA4-1	<p>Trustee Agency Authority</p> <p>CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	Comment noted.
SA4-2	<p>Responsible Agency Authority</p> <p>CDFW is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from CDFW, such as an Incidental Take Permit (ITP), pursuant to the California Endangered Species Act (CESA), or a Lake and Streambed Alteration Agreement (LSAA) issued under Fish and Game Code Sections 1600 et seq.</p> <p>CDFW has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, an ITP will be required. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially</p>	Comment noted.

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	<p>impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.</p>	
SA4-3	<p>Section 1600 Lake and Streambed Alteration Agreement</p> <p>For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream , or use material from a streambed , CDFW may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <a href="https://www.wildlife.ca.gov/Conservation/LSA">https://www.wildlife.ca.gov/Conservation/LSA</a>; or to request a notification package, contact the Bay Delta Regional Office at (707) 944-5500.</p>	Comment noted.
SA4-4	<p>Movement Corridors</p> <p>The Project has the potential to cause significant impacts to identified movement corridors and disrupt wildlife movement with-in and through the Project Site. The environmental document , comment letter response dated October 2015, and a subsequent meeting on November 4, 2015 with the Project Proponent has addressed some of the concerns raised by CDFW by establishing movement through and around the Project site. The Project Proponent's proposal to establish a direct connection with a conservation easement from Area B to Area C would address our concerns related to migration corridors. Preservation of this corridor and the other smaller corridors within this parcel would address wildlife connectivity impacts, avoid impacts to potential 1600 jurisdictional features and increase the impact to preservation ratio of the overall Project.</p>	<p>Comment noted. Refer to Response OR2-5A and OR2-6A. Per NOREAS, the proposed Project will not impact any federally or state endangered and threatened species. The only federally or threatened species that has been documented anywhere near the Project Site in over a quarter century of study is the CRLF, which was actually documented off the Project Site and in the 3,500 acre preserve area. While small, discrete subset of land within Area C of the Project is co-located with USFWS-designated critical habitat for CRLF, that portion of the Project Site does not actually support CRLF, and the CRLF has never been documented in that area, or any area of the Project Site. (See, Volume III, Appendix C-2, 2015 NOREAS Report). This is the only USFWS designated critical habitat anywhere on the Project Site for any species. Accordingly, the</p>

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		<p>Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p> <p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the Project Site has ever been designated by the USFWS as “critical habitat” for the SJKF.</p> <p>Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found. (<i>See</i>, Appendix C-2, 1993 Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development; 1999 Habitat Conservation Plan for Lakeside Tracy Development; 2004 Environmental Assessment for the Tracy Hills HCP; 2006 Tracy Hills San Joaquin Kit Fox Analysis; 2006 Tracy Triangle San Joaquin Kit Fox Surveys #2689-011; 2010 Biological Resources on the Tracy 580 Business Park Property; 2011 Preserve Management Plan for the Tracy 580 Business Park Preserve; 2011, 2012, 2013 and 2014 Scat detection Dog Surveys for the Endangered San Joaquin Kit Fox at the Tracy Hills Project Site; 2015 NOREAS Report, Appendix I.) The quarter century worth of surveys conducted for the SJKF consist of an incredibly comprehensive data set that goes well beyond the amount of data available for other projects located in the City.</p> <p>Of particular note are the Scat Detection Dog Surveys that were conducted for all three area of the Project Site (Areas A, B &amp; C) in 2010, 2012, 2013 and 2014 by the Working Dogs Foundation. No SJKF scats, or other signs of SJKF were observed during surveys. The negative findings of the four consecutive years of scat detection surveys provide strong evidence that the SJKF is not present on the Project Site. This conclusion was confirmed by NOREAS’ 2015 focused SJKF surveys, which only spotted one SJKF that was actually located outside the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix I.) The 2015 NOREAS</p>

1 Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.

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		<p>survey concluded that impacts to SJKF would be less than significant based on historical surveys, its own surveys, and the Project Site's poor quality habitat for SJKF, particularly when compared to the higher quality habitat in the 3,500 acre preserve area.</p> <p>Moreover, as referenced above, the fact that areas of the Project Site could hypothetically support SJKF is not unique to the Project Site. The SJKF has been studied in connection with the Project Site due to the Project Site's general geographic location, not because of its particular suitability to support the SJKF. Indeed, the 3,500 acres preserve located adjacent to Area C of the Project Site contains higher quality SJKF habitat than the Project Site. (Appendix C-2, 2015 NOREAS Report.)</p> <p>Accordingly, the proposed Project would not have potentially significant impacts on the SJKF or any other federally or state listed species, and instead, all impacts will be less-than-significant in this regard.</p> <p>Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project's impacts to any federally or state listed species or their habitat, specifically including the SJKF and CRLF.</p> <p>Notwithstanding the lack of any legal requirement to do so, this revised version of the Biological Resources section of the Recirculated Draft SEIR has added a number of mitigation measures specific to the SJKF and CRLF (<i>e.g.</i>, pre-construction surveys and other preventative measures) to ensure that the proposed Project's impacts remain less-than-significant in this regard. (<i>See</i>, Mitigation Measures 4.4-1c, 4.4-1d, and 4.4-1g.)</p> <p>As to all species, as discussed in detail throughout this revised Biological Resources Section of the Recirculated Draft SEIR, based on both a quarter century of studies and 2014 and 2015 updated surveys, specifically including the focused surveys for all relevant special status species performed by NOREAS in 2015, the proposed Project will not result in any potentially significant impacts on any special status species, and will instead result in less-than-significant impacts in this regard. Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no</p>

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		<p>mitigation is required to mitigate the proposed Project’s impacts to any special status species.</p> <p>With regard to the CTS, burrowing owl, northern harrier, and American badger, despite the lack of any legal requirement to do so, this revised Section imposes Mitigation Measures 4.4-1e through 4.4-1o, to ensure all impacts to these species remain less-than-significant.</p> <p>Per NOREAS, as has been concluded in twenty-five years of study and confirmed by the 2014 and 2015 updated pedestrian-based surveys, the portion of the Project Site that will be developed does not support any State or Federally-listed flora and fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As such, it is not a high value wildlife linkage corridor.</p> <p>Additionally, Interstate 580 – which runs through the middle of the Project Site, separating Areas A and B from Area C – is a significant barrier which impedes and curtails wildlife movement throughout the region, severely limiting the Project site’s utility as a wildlife movement corridor or linkage area. The Project will also implement a 100-foot setback from I-580 in the form of a conservation easement to provide for a linkage corridor through the middle of the Project Site (between Areas B and C). (<i>See</i>, Mitigation Measure 4.4-4a.)</p> <p>The California Aqueduct – which is the border between Area A and B –and Delta-Mendota Canal, which is located northeast as functions as the border of Area A/the Project Site, act as stepping stone refugia habitat for the dispersal of SJKF and other wildlife species that exist in the region outside of the Project Area. These man-made waterways provide unobstructed travel corridors for wildlife species to connect to habitats located to the north and south of the Project Site, and would not be affected by development of the Project. The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.</p> <p>The aforementioned 3,500-acre open space area adjacent to Area C was set aside by the Project Applicant under a series of conservation easements to protect the integrity of a provides a natural corridor to the north and the south extending</p>

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		<p>along the southern coastal mountain ranges of California. This preserve contains higher quality habitat for all relevant species than the low- grade habitat on the Project Site.</p> <p>Area C of the Project Site is adjacent to the eastern foothills of the Diablo Mountain Range. The Diablo Mountain Range provides a natural wildlife corridor to the north and the south extending along the southern coastal mountain ranges of California. Development of Area C will be limited to the relatively flat grasslands south of I-580 and east of the foothills of the mountains, which is on the opposite side of the preserve area. As a result, the migration corridor west of the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project completely avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly, Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any</p>

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SA4-5	<p>The environmental document should also incorporate avoidance and minimization measures that keep known wildlife movement corridors intact, including but not limited to clear-span bridges with adequate and undeveloped corridors underneath them as well as the appropriate number of and the appropriately sized wildlife movement culverts. It is further recommended that the appropriate wildlife movement studies be initiated to determine the appropriate number and size of wildlife crossings that will be necessary to keep all linkage corridors identified in the environmental document functioning. The CEQA document is advised to adequately analyze and address direct, indirect, and cumulative impacts to this key linkage area and public trust resources and to discuss mitigation measures.</p>	<p>wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p> <p>Comment noted. Refer to Response OR2-5A and OR2-6A. Per NOREAS, the proposed Project will not impact any federally or state endangered and threatened species. The only federally or threatened species that has been documented anywhere near the Project Site in over a quarter century of study is the CRLF, which was actually documented off the Project Site and in the 3,500 acre preserve area. While small, discrete subset of land within Area C of the Project is co-located with USFWS-designated critical habitat for CRLF, that portion of the Project Site does not actually support CRLF, and the CRLF has never been documented in that area, or any area of the Project Site. (<i>See</i>, Volume III, Appendix C-2, 2015 NOREAS Report). This is the only USFWS designated critical habitat anywhere on the Project Site for any species. Accordingly, the Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p> <p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the</p>



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<sup>2</sup> Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.

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		<p>the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project completely avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly, Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural</p>

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SA4-6	<p>Special-Status Plant Species</p> <p>Special-status plant species surveys presented on Page 4.4-31 of the DSEIR were conducted in 1988 and 1990 and only reviewed for consistency with no field observations in 1996 for Areas B and C of the THSP. In response to comments in the CDFW letter dated January 28, 2015, subsequent surveys were conducted in 2015 but CDFW recommends follow up surveys be conducted in accordance with the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2009) and the United States Fish and Wildlife Service (USFWS); Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS 2000) and as stated in Table 4.4-1, if listed species are found in Area C, then appropriate take coverage will be sought from CDFW. Botanical surveys are floristic in nature and must be timed appropriately, cover the entire area of direct and indirect effects, and may require multiple surveys in order to detect all species which could potentially be present before CEQA impact analysis occurs. Note the above referenced guidelines instruct the use of reference sites to confirm appropriate survey timing, particularly for seasonably variable, often difficult to detect species.</p>	<p>purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p> <p>Comment noted. Refer to Response OR2-7A. Per NOREAS, in 2015, NOREAS undertook a focused rare plant survey to determine whether any federally or state listed, candidate other special status plant species occur on the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix E.) As discussed throughout this revised Biological Resources Section, and consistent with previous surveys, this survey determined that no such plant species occur.</p>
SA4-7	<p>San Joaquin Kit Fox Avoidance and Minimization</p> <p>There is anecdotal evidence of visual sightings of San Joaquin kit fox (SJKF) in the Project area. In our conversations with the Project Proponent, they have described that they are conducting additional surveys to identify the presence of SJKF. Since the potential exists that SJKF may be in the area, Measure 4.4-1c in the Biological Resources Section of the environmental document should identify that no activity is authorized that permits the take of SJKF unless take authorization is provided by CDFW and USFWS. Measure 4.4-1c, Item 3, Line</p>	<p>The Recirculated Draft SEIR (Mitigation Measure 4.1-1C (3) has been revised to remove any inferred references that take of SJKF is permitted without an ITP. Additionally, Mitigation Measure 4.4-1c (3) has been revised to include the following requested language: "If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained.". Refer to Chapter 2 of this document.</p>

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	<p>5, references the relocation of SJKF. The relocation of SJKF constitutes take under section 86 of the Fish and Game Code and would require an ITP as per section 2081 of the Fish and Game Code. Line 5 and any inferred reference that take of SJKF is permitted without an ITP should be removed from this measure and any other part of the environmental document. CDFW recommends including the following: "If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained."</p>	
SA4-8	<p>California Tiger Salamander Avoidance and Minimization</p> <p>While no direct evidence of the presence of California tiger salamanders in the Project Area is provided, Measure 4.4-1f in the Biological Resources Section of the environmental document should include the following language: "If California tiger salamander individuals, or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained."</p>	<p>The Recirculated Draft SEIR (Mitigation Measure 4.4-1f) has been revised to reflect the requested language. Refer to Chapter 2 of this document. "If California tiger salamander individuals, or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained."</p>
<b>California Department of Parks and Recreation</b>		
SA5-1	<p>The OHMVR Division operates Carnegie State Vehicular Recreation Area (SVRA), an off-highway vehicle (OHV) recreation destination popular with residents in the greater Bay Area, Alameda, Contra Costa, and San Joaquin Counties. Opened to the public in 1979, Carnegie SVRA comprises approximately 4600 acres between Alameda and San Joaquin Counties in Corral Hollow Canyon. The SVRA provides both OHV recreational opportunities and non-motorized recreational opportunities, such as camping, hiking and wildlife viewing, and is close to the new residential neighborhoods planned in the Tracy Hills Specific Project Area.</p>	<p>The Comment is noted. The comment does not raise any issues or address the adequacy of the Recirculated Draft SEIR, and thus no further response is needed.</p>
SA5-2	<p>Carnegie SVRA is currently updating its 1981 General Plan to expand recreational opportunities and visitor services. The planning process included considerable public feedback, including a public workshop at Tracy High School in June 2013. Attendance studies showed many visitors were residents from San Joaquin County and many travel through Tracy using Interstate 205 and 580 then taking Corral Hollow Road to access the SVRA. Carnegie SVRA is within four</p>	<p>The Comment is noted. The comment does not raise any issues or address the adequacy of the Recirculated Draft SEIR, and thus no further response is needed.</p>

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	<p>miles of the Tracy Hills Specific Project area and easily accessible to the planned neighborhoods. Information about the General Plan, along with scientific studies and visitor surveys is available online at</p> <p><a href="http://carnegiegeneralplan.com/">http://carnegiegeneralplan.com/</a></p>	
Regional Agencies		
<b>San Joaquin Council of Governments, Inc.</b>		
RA1-1	<p>SJCOG, Inc. has reviewed the Notice of Availability of the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR. The project consists of a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (THSP). The comprehensive update to the THSP allows for necessary modifications to bring the 1998 THSP Plan into consistency and compliance with the City's updated Infrastructure Master Plans and the General Plan. The goal of the THSP is to implement the City's General Plan and establish a contemporary comprehensive land use policy and regulatory document for the development of the THSP area. Development will be divided into three designated areas: Areas A, B, and C:</p> <ul style="list-style-type: none"> <li>◆ Area A will include a mix of low and medium density residential areas adjacent to light industrial uses.</li> <li>◆ Area B is planned predominately for single-family homes, open space conservation corridors, mixed use business park, and commercial retail areas. These uses will provide employment opportunities and daily needs and services for residents. Multi-use trails will connect residential neighborhoods, integrated with public park amenities that are within walking distance. Additionally, an elementary school site is planned to serve the neighborhood residents of this area. Development of the central portion of the THSP will be divided into two phases: Phase 1a and Phase 1b.</li> <li>◆ Area C will primarily consist of residential neighborhoods with parks and school sites. Consistent with the General Plan, 185 acres of open space, (originally shown as a golf course in the 1998 approved Specific</li> </ul>	Comment noted.

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	<p>Plan), will be integrated into the low density residential areas. A mixed use business park area will be located southwest of the planned Lammers interchange and a commercial retail area will be located along the southeasterly Project boundary at Corral Hollow Road. This area abuts approximately 3,500 acres of open space under a conservation easement.</p> <p>The project site is located west of Interstate 5, south of Interstate 205, and north of State Route 132 at the eastern foothills of the Diablo Mountain Range in the southeastern portion of the City of Tracy.</p>	
RA1-2	<p>City of Tracy 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.</p>	Comment noted.
RA1-3	<p>This Project and all sequential projects may be subject to the SJMSCP. This project and all sequential projects may be subject to a case-by-case review. Phase 1a and 1b of Area B are covered, Area C is not eligible for SJMSCP coverage and Area A may be subject to SJMSCP participation. As individual projects are processed by the City of Tracy within the Tracy Hills Specific Plan, the project proponents should be advised to contact SJCOG, Inc. staff as to appropriate processes under the SJMSCP. Please note, this process can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <a href="http://www.sjcog.org">http://www.sjcog.org</a></p>	Comment noted.



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RA1-4	<p>After this project is approved by the Habitat Technical Advisory Committee and the SJCOG, Inc. Board, the following process must occur to participate in the SJMSCP:</p> <ul style="list-style-type: none"> <li>◆ Schedule a SJMSCP Biologist to perform a pre-construction survey prior to any ground disturbance</li> <li>◆ SJMSCP Incidental take Minimization Measures and mitigation requirement:               <ol style="list-style-type: none"> <li>1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.</li> <li>2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.</li> <li>3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:                   <ol style="list-style-type: none"> <li>a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or</li> <li>b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or</li> <li>c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or</li> <li>d. Purchase approved mitigation bank credits.</li> </ol> </li> <li>4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:</li> </ol> </li> </ul>	Comment noted.

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	<p>a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or</p> <p>b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or</p> <p>c. Purchase approved mitigation bank credits.</p> <p>Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.</p> <p>Receive your Certificate of Payment and release the required permit</p>	
RA1-5	<p>It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.</p>	<p>Comment noted.</p>
<p><b>San Joaquin Valley Air Pollution Control District</b></p>		
RA2-1	<p>Voluntary Emission Reduction Agreement (VERA) and District Rule 9510 Indirect Source Review (ISR)</p> <p>The District recommends that Mitigation Measures 4.3-1c and 4.3-2 be rephrased to address compliance with District Rule 9510 and implementation of a VERA as two separate mitigation measures.</p> <p>Mitigation Measures 4.3-1c and 4.3-2 in the RDEIR require compliance with Rule 9510, and implementation of a VERA as an alternative to comply with Rule 9510. However, Rule 9510 is a regulatory requirement while VERA is a feasible mitigation measure for projects subject to the California Environmental Quality</p>	<p>The Commentor is directed to the Response to Comment RA6-1 of Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. As noted in the Recirculated Draft SEIR, a VERA is a voluntary contractual agreement between the Applicant and the SJVAPCD in which the Applicant agrees to mitigate project specific emissions by providing funds to the SJVAPCD Emission Reduction Incentive Program (ERIP). The fees are used by the SJVAPCD to fund sufficient emission reduction projects; achieving the required mitigation. A VERA is just one of the tools available to help achieve the mitigation required by the lead agency.</p> <p>As noted in the Recirculated Draft SEIR, by its definition, the VERA is a voluntary program initiated by the SJVAPCD to help reduce project-related emissions. As it is a voluntary program and involves an agreement with the</p>

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	<p>Act (CEQA) requirements. The District would like to provide the following clarification and recommendation:</p> <p>The Project is subject to Rule 9510 with the project proponent required to comply with the rule. Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off- site mitigation fees. Even though compliance with District Rule 9510 substantially reduces project specific impacts on air quality, it may not be sufficient to reduce project specific emissions to less than significant levels under CEQA.</p>	<p>SJVAPCD, emissions reductions from a VERA cannot be quantified at this time. However, in addition to compliance with SJVAPCD Rule 9510, the Recirculated Draft SEIR included the option to implement a VERA in Mitigation Measure 4.3-1c.</p> <p>It should be noted that SJVAPCD Rule 9510 is an effective method for reducing NO<sub>x</sub> and PM<sub>10</sub> emissions. According to the SJVAPCD's <i>2015 Annual Report on the District's Indirect Source Review Program</i> (2015 Annual Report) (December 17, 2015), 9,300 tons of NO<sub>x</sub> and PM<sub>10</sub> emissions have been avoided through the incorporation of on-site mitigation and clean-air design measures into projects subject to Rule 9510. As noted in the 2015 Annual Report, implementation of Rule 9510 resulted in combined projected on-site and off-site emission reductions totaling 985 tons of NO<sub>x</sub> and 1,397 tons of PM<sub>10</sub> in the 2014-2015 reporting year.</p> <p>Through implementation of Rule 9510, the SJVAPCD 2015 Annual Report has reported positive changes in development practices. Since adoption of Rule 9510, the SJVAPCD has found that developers are using cleaner construction equipment fleets. In 2006, only 14.3 percent of approved projects reduced construction exhaust impacts through use of a clean construction equipment fleet. However, by the 2014-2015 reporting period, this percentage has risen to approximately 39 percent. Additionally, emissions reductions achieved through implementation of a VERA are credited toward satisfying Rule 9510 requirements. As indicated above, compliance with the SJVAPCD Rule 9510 is an effective means of achieving significant emissions reductions. Rule 9510 has specific required emissions reductions that the Recirculated Draft SEIR uses as performance standards for the mitigation. The performance standards fulfill the CEQA mitigation measure enforceability requirements within Section 15126.4(a)(2) and rough proportionality rule.</p> <p>As a VERA is a voluntary program, it is not considered a feasible mitigation measure as its details are not specific and specific reduction measures cannot be mandated in a mitigation measure at this point in time.</p>
RA2-2	<p>A VERA is a mitigation measure for CEQA by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects. A VERA can be implemented to address impacts from both construction and operational</p>	<p>Refer to Response to Comment RA2-1, above. Any emissions reductions from a VERA are not considered a feasible mitigation measure as its details are not specific and specific reduction measures cannot be mandated in a mitigation measure at this point in time.</p>

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	<p>phases of a project. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds to the District. The District's role is to administer the implementation of the VERA consisting of identifying emissions reductions projects, funding those projects and verifying that emission reductions have been successfully achieved.</p>	<p>Additionally, as noted in Response to Comment RA2-1, compliance with SJVAPCD Rule 9510 is an effective method for reducing the NO<sub>x</sub> and PM<sub>10</sub> emissions and resulted in combined projected on-site and off-site emission reductions totaling 985 tons of NO<sub>x</sub> and 1,397 tons of PM<sub>10</sub> in the 2014-2015 reporting year.</p>
RA2-3	<p>Although a VERA provides emission reductions that can be used to satisfy both Rule 9510 and CEQA requirements, Rule 9510 is regulatory requirement irregardless of a VERA. Therefore, the District recommends that the requirement to comply with Rule 9510 and the requirement to implement a VERA for CEQA be addressed as separate mitigation measures.</p>	<p>Refer to Response to Comment RA6-1, above. Implementation of a VERA was not included in the Recirculated Draft SEIR as a separate mitigation measure because the project's emissions reductions from a VERA cannot be quantified at this time. As a voluntary program, a VERA is not considered a feasible mitigation measure as its details are not specific and cannot be mandated at this point in time. As a result, it is not possible to quantify any reductions from a VERA and determine whether the VERA would reduce the project's impacts to a less than significant level.</p>
<b>San Joaquin County Environmental Health Department</b>		
RA3-1	<p>The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services.</p>	<p>The Commentor's support of the project is noted.</p>
<b>Contra Costa Water District</b>		
RA4-1	<p>Contra Costa Water District (CCWD) owns approximately 4,000 acres of conservation lands off Corral Hollow Road in San Joaquin County that was purchased as mitigation for the Los Vaqueros Reservoir Expansion Project in 2012. The property is managed according to a Habitat Conservation Plan approved by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (Service) earlier this year. Additionally, the property is being placed in a Conservation Easement, currently under review by CDFW. As seen on the attached map, CCWD's conservation property (formerly the Etchelet Ranch) is in the immediate vicinity of the Tracy Hills Specific Plan area. CCWD has reviewed the Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report and finds no mention of this conservation area in</p>	<p>Comment noted. Refer to Response OR2-4B, OR2-5A, OR2- 6A, and OR2-8A. As noted in Section 4.4 of the Recirculated Draft SEIR, the proposed project will not have any significant impacts to any biological resources or wildlife movement corridors on the project site and surrounding area, in particular the 3,500 acre preserve area. As a result, it can be inferred that, since the biological resource analyses prepared by NOREAS concluded that development of the proposed project will not have any significant impacts to any biological resources or wildlife movement corridors on the project site or 3,500 acre preserve area, that that development of the proposed project will not have any significant impacts to the CCWD's conservation property.</p>

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	<p>the description of surrounding land uses or in the impact analysis. CCWD's conservation property should be acknowledged in the EIR and included as appropriate in the impact analysis. Copies of the Habitat Management Plan and draft Conservation Easement for CCWD's Corral Hollow property are available upon request.</p>	
Organizations		
<b>Helping Hand Tools and Robert Sarvey</b>		
OR1-1	<p>Thank you for the opportunity to comment on the Tracy Hills Specific Plan Draft Subsequent Environmental Impact Report SCH# 2013102053. On behalf of Helping Hands Tools and its members in Tracy and Robert Sarvey we submit the following comments. As with the previous environmental documents offered for review in 2014 the development agreement associated with this project is not presented. It is impossible for the public to effectively analyze the proposal without the development agreement. Please conclude your negotiations on the development agreement and once again issue this DEIR for public comment and review with the development agreement included.</p> <p>The Development Agreement is not Presented.</p> <p>The October 15, 2015 DEIR once again fails to present the development agreement for the public to examine in conjunction with the 2015 DEIR. The DEIR states that, "<i>The terms of the development agreement do not implicate environmental impacts</i>"<sup>3</sup> The terms of the development agreement provide the funding for mitigation measures which are designed to reduce significant impacts to environmental resources and public services. As the DSEIR states the development agreement includes provisions for project wastewater conveyance and treatment and funding for such services, provisions for funding and construction of reclaimed water infrastructure, provisions for funding, construction and maintenance of neighborhood and community parks, provisions relating to the funding and construction of traffic infrastructure, provisions for funding and construction of public safety infrastructure,</p>	<p>This letter generally duplicates the content of the comment letter submitted by Robert Sarvey in March 2015, and as responded to in detail in Volume II, Chapter 11 of the Recirculated Draft SEIR. For the convenience of the Commentor, as well as the general public, the prior response are referenced herein, followed by reiteration of the full response. Where the subject of the comment is new, or updated to reflect a comment on the current Recirculated Draft SEIR, a new response is provided.</p> <p>Refer to Response to Comment GP6-1 and GP6-2 in Volume II Chapter 11 of the Recirculated Draft SEIR. Section 3.3.5 of the Draft Recirculated SEIR includes a description of the basic terms of the proposed Development Agreement (DA). The intent of the DA is to provide the Applicant with substantial assurance that the proposed project can be completed "in accordance with existing policies, rules and regulations, and subject to conditions of approval" (Gov't Code Section 65864(b)). Although the DA has not yet been fully negotiated, the purpose of identifying the basic terms, as described on page 3-55 of the Draft Recirculated SEIR, is to disclose what environmental impacts, if any, would be associated with the implementation of items identified in the DA and to what degree said items would require evaluation in the Draft Recirculated SEIR. This disclosure is provided such that the public and the decision makers are informed as to the potential environmental impacts of entering into such an agreement. As noted on page 3-55, the DA would lock in the rules at execution of the agreement for a term of 25 years, and serve as the mechanism for</p>

<sup>3</sup> DEIR Page 3-55

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	<p>requirements to implement funding mechanisms to address public service needs of the project. Significant impacts to traffic and transportation, public services including police and fire, impacts to water resources, park construction and maintenance, road construction and improvements all rely on mitigation measures which will be funded and implemented through the development agreement. The project generates no property tax to the City of Tracy to fund these improvements and services to serve the THSP so the mitigation provided is reliant on the terms of the development agreement. For example the operation of the police department is funded by the general plan. Prior to Measure E property tax revenue provided approximately 50 to 60% of General fund revenue.<sup>4</sup> Without the property tax revenue for Tracy Hills police services in Tracy will continue to decline. Even though the residents passed Measure E a ½ percent sales tax increase in 2010 the number of FTE employees in the police department has been reduced by 20 employees according to the 2015/2016 proposed budget.<sup>5</sup> (See Comment Letter OR1 within Appendix A for referenced graphic)<sup>6</sup></p> <p>Without property tax revenue from Tracy Hills the city will not have the revenue to keep department operations from degrading which is a significant impact to police services. Without details of the development agreement the 2015 DSEIR does not provide enough information to foster meaningful public participation and informed decision-making.</p>	<p>determining the provisions for the funding of improvements related to infrastructure and public service needs. All of the infrastructure improvements and public services required of the proposed Project are described in detail throughout Section 4 of the Draft Recirculated SEIR. No additional or new environmental impacts would be generated by the approval and subsequent implementation of the terms being contemplated under the DA as of the published date of this Draft Recirculated SEIR. If through the negotiation process, the DA is modified in a manner that would potentially generate new impacts, increase the severity of impacts previously identified or is modified in such a substantive manner as to render the description of terms currently in the Draft Recirculated SEIR as inadequate and thereby not allowing for meaningful public review, the City could require additional environmental review.</p>
OR1-2	<p><u>The Project Description is Inadequate.</u></p> <p>The 2015 DSEIR alleges to be the, “Tracy Hills Specific Plan Draft Subsequent Environmental Impact Report.” The DSEIR indicates that the DSEIR discusses only the environmental impacts of phase 1 of the project because similarly-detailed development plans have not yet been prepared for the subsequent phases of the THSP. Phase 1 includes the development of residential housing and a mixed use business park.</p>	<p>Refer to Response to Comment GP6-3 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Recirculated Draft SEIR thoroughly analyzes impacts associated with all development proposed within the THSP, including the mixed use business park proposed as part of Phase I. Impacts associated with development of the mixed use business park are included in Chapters 4.1 through 4.13 of the Recirculated Draft SEIR. While the City does not currently have specific business applications pending for the proposed business park, the</p>

<sup>4</sup> 2013/2014 City of Tracy Budget 2013 - 2014 ADOPTED BUDGET Page 77 of 457

<sup>5</sup> The January 1997 Tracy Hills DEIR on page 2.27 states that in order to maintain current service level ratios, the proposed project will generate the need for approximately 19 additional sworn patrol officers, and may create additional demands upon the existing administrative unit and capital facilities of the Tracy Police Department this is a significant project impact.

<sup>6</sup> City of Tracy 2015/2016 Proposed Budget page E 19

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	<p>Other than the residential portion of phase 1 of the project the 2015 DSEIR cannot and does not provide a description of the mixed use business park proposed for phase 1. It cannot because it doesn't know what businesses will be constructed so it cannot analyze and mitigate those environmental impacts of that portion of phase 1. The project lacks specificity. The DSEIR is inadequate to properly analyze phase 1 of the project and certainly is not useful in an analysis of the entire project. The DSEIR would properly be titled the Tracy Hills Draft Subsequent Environmental Impact Report for Phase 1 of residential portion of the Tracy Hills Project. As with most projects in Tracy it is likely that only the residential portion of the project will be constructed and the mixed use business park is a myth. For example the proposed Tracy Hills 580 business park that was contemplated in approvals as recently as 2011 has been eliminated from the project. The Gateway Project that was supposed to provide good paying jobs but has never been developed despite approvals dating back over many years.</p>	<p>Recirculated Draft SEIR analysis relied on the permitted uses for the mixed use business park land use designation as well as calculating development based on a 0.20 FAR (floor area ratio). In a maximum buildout scenario, there is potential for over 1.59 million square feet of business park uses to be potentially constructed. This calculation was utilized to determine impacts associated with air quality, noise, traffic, and greenhouse gas emissions. Additionally, the business park area is designated to allow a mix of development to provide market flexibility for a broad array of commercial, institutional and business uses to serve the community and provide local employment opportunities. The primary land uses are intended to be focused on job generating land uses such as administrative and corporate offices and commercial uses of the project.</p>
OR1-3	<p><u>The DSEIR Description of Baselines and Impacts is Inadequate.</u></p> <p>In many places the 2015 DSEIR offers no analysis but instead refers to analyses performed in the general plan or some other master plan that indicates no significant impacts. The DSEIR does not define the existing baseline or provide any analysis of the THSP impacts to that baseline. For example impacts to Fire Services, Police Services, and schools are not analyzed in the DSEIR they are merely considered insignificant because the general plan concludes that at full build out there will be no significant impacts.<sup>7</sup> The city must now go back to the drawing board and craft a CEQA equivalent environmental document for the public to asses. The new document must include the development agreement, an assessment of current conditions, an adequate description of the mixed use business park contemplated in Phase 1 (a) and the impact of the entire project on the current baseline and all feasible mitigation measures.</p>	<p>Refer to Response to Comment GP6-4 in Volume II Chapter 11 of the Recirculated Draft SEIR. As discussed on page 4.10-14 of the Recirculated Draft SEIR, the 2011 update of the General Plan identified the potential development (location, range, mix and intensity of development) allowed within the THSP. The changes proposed by the comprehensive update to the 1998 THSP are not substantive in nature, (i.e., do not expand the development footprint, or overall density or intensity of development) and thus, are no greater in magnitude than the impacts anticipated and evaluated in the 2011 General Plan for the THSP Area. Reliance on the General Plan and General Plan EIR for supplemental information and analysis for the proposed THSP is not only appropriate, but also reduces redundancy in environmental analysis. Additionally, a description and assessment of existing environmental conditions both on- and off-site are located in numerous places throughout the Recirculated Draft SEIR, including the beginning of each of the analysis chapters. Refer to Chapters 4.1 through 4.13 of the Recirculated Draft SEIR.</p>

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OR1-4	<p><u>4.1 AESTHETICS</u></p> <p>The DEIR concludes that the project would have a significant and unavoidable impact to visual resources. Under CEQA when a project has a significant impact all feasible mitigation measures must be adopted. The Reduced Density Alternative is considered the environmentally superior alternative and would lower impacts to visual resources. Due to the highly visible hillside location of some portions of proposed development and the designation of Interstate 580 and Corral Hollow Road as scenic routes the project could minimize visual impacts by avoiding construction of homes on the scenic hillsides. Increasing the amount of high density housing would allow the same number of houses to be developed without ever encroaching on the scenic hillsides.</p>	<p>Finally, the full 2014 Draft SEIR was made available electronically on the City's website on December 19, 2014, and remains available today.</p> <p>Refer to Response to Comment GP6-5 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Reduced Density Alternative is described in Chapter 7.3 of the DSEIR. As noted in Section 7.3 of the Draft Recirculated SEIR impact analysis, Alternative 3 (Reduced Density Alternative) could minimize potentially significant impacts on the site character, if the development footprint is reduced. However, in relation to current conditions, this alternative would still alter the scenic character of the site and resulting impacts would remain significant and unavoidable as with the Project.</p>
OR1-5	<p><u>4.2 AGRICULTURAL RESOURCES</u></p> <p>Loss of farmland has been particularly severe in San Joaquin County, where approximately 15,000 acres of high quality farmland more than in any other county in California were developed between 1990 and 2004. This loss of high quality farmland accounted for 76 percent of all the land urbanized in San Joaquin County over the same period.<sup>8</sup> There are approximately 4,000 acres of Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance within the Tracy Sphere of Influence.<sup>9</sup> The 2015 DSEIR for Tracy Hills proposes to convert 2,711 acres of farmland which is approximately 68% of the available farmland in the sphere of influence into urban uses. The 2,711 acres that is to be utilized in the THSP represents 100 % of the farmland within the Tracy City limits.</p>	<p>Refer to Response to Comment GP6-6 in Volume II Chapter 11 of the Recirculated Draft SEIR. The first part of Mr. Sarvey's comment relates to the loss of farmland in San Joaquin County between 1990 and 2004. These first few sentences of his comment do not raise any questions germane to the Draft Recirculated SEIR analysis, and therefore are noted.</p> <p>With respect to the comment regarding loss of farmland from the THSP, the THSP Project Area contains primarily Farmland of Local Importance (approximately 2,200 acres) and Grazing Land (approximately 500 acres) and also contains a small patch of Prime Farmland (25 acres) and Vacant or Disturbed Land (13 acres).<sup>10</sup> The majority of the 2,200 acres identified as Farmland of Local Importance has historically been utilized as grazing land with no infrastructure in place to irrigate and actively farm. For the portion of the 2,200 acres of Farmland of Local Importance historically utilized as grazing land, the Project established</p>

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<sup>10</sup> California Department of Conservation, *California Important Farmland Finder*. <http://maps.conservation.ca.gov/ciff/ciff.html>, accessed on March 26, 2014.



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		<p>and recorded a conservation easement to ensure that over 3,500 acres of grazing land would be preserved in perpetuity. For any of the 2,200 acres of Farmland of Local Importance that has been actively farmed, the City's adopted agricultural mitigation fee shall be paid for each acre of Farmland of Local Importance to be developed.</p> <p>Further, the loss of agricultural land is not a new impact. The loss of agricultural lands were evaluated in the 1998 EIR for the Tracy Hills Specific Plan. Prior to the original 1998 Specific Plan EIR analysis, the loss of agricultural lands were contemplated, and evaluated as part of the City's 1993 General Plan, An Urban Management Plan and Final Environmental Impact Report (UMP EIR). Lastly, Tracy Hill's cumulative contribution to the loss of agricultural land was identified by the 1993 UMP EIR and the City of Tracy subsequently adopted a Statement of Overriding Consideration (Resolution #93-226) for this impact. Notwithstanding all of the above, the recirculated Draft SEIR also re-evaluates this impact despite the fact that there is no change to the development footprint associated with the proposed THSP project, and no change to the estimated loss of total agricultural lands. As stated above, for the portion of the 2,200 acres of Farmland of Local Importance historically used as grazing land, the Project established and recorded a 3,500 acre open space easement to ensure that 3,500 acres would be preserved in perpetuity.</p> <p>The City's Municipal Code identifies the Project site as exempt from the City's adopted fee. While not required, the Applicant has agreed to payment of the fee as described herein, and within Mitigation Measure 4.2-1 of the Draft Recirculated SEIR. Therefore, Section 4.2, Agricultural Resources, Mitigation Measure 4.2-1 requires the Applicant to pay the agricultural mitigation fee adopted by the City for each acre of Prime Farmland to be developed. Additionally, as outlined in Mitigation Measure 4.2-1, the measure also requires the Applicant to pay the agricultural mitigation fee for each acre of Farmland of Local Importance that has been actively farmed and is to be developed. The fees would be collected by the City at the time certificates of occupancy are issued for site-specific development projects, or as otherwise required by the City.</p> <p>With respect to the number of acres identified in each farmland classification, the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) prepares maps and statistical data used for analyzing impacts</p>

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		<p>on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land rated as Prime Farmland. The maps are typically updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. However, the map for San Joaquin County is from 2012. In order for land to be shown on FMMP’s Important Farmland Maps as Prime Farmland and Farmland of Statewide Importance, land must meet both the following criteria :</p> <ol style="list-style-type: none"> <li>1. The land has been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date. Irrigated land use is determined by FMMP staff by analyzing current aerial photos, local comment letters, and related GIS data, supplemented with field verification, and;</li> <li>2. The soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the USDA Natural Resources Conservation Service (NRCS). NRCS compiles lists of which soils in each survey area meet the quality criteria. Factors considered in qualification of a soil by NRCS include:                         <ul style="list-style-type: none"> <li>◆ Water moisture regimes, available water capacity, and developed irrigation water supply</li> <li>◆ Soil temperature range</li> <li>◆ Acid-alkali balance</li> <li>◆ Water table</li> <li>◆ Soil sodium content</li> <li>◆ Flooding (uncontrolled runoff from natural precipitation)</li> <li>◆ Erodibility</li> <li>◆ Permeability rate</li> <li>◆ Rock fragment content</li> <li>◆ Soil rooting depth</li> </ul> </li> </ol> <p>The 2014 San Joaquin County Important Farmland Map was published by the California Department of Conservation after the Notice of Preparation (NOP) for this Project was published. Under CEQA, the environmental setting for an</p>

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		<p>EIR are determined as they exist at the time the NOP is published (<i>See</i>, CEQA Guidelines § 15125 (a).) Therefore, the most recent (2012) San Joaquin County Important Farmland Map available at the time the environmental analysis for this project commenced and which existed at the time of preparation of the NOP, identifies the Project Area to include 25 acres of Prime Farmland (as shown in Figure 4.2-1 in the DSEIR). In determining whether impacts to agricultural resources are significant, the analysis in the DSEIR relied upon the 2014 CEQA Guidelines which use the following threshold as an indicator for a significant impact:</p> <p>“Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.”</p> <p>Since the most recent FMMP (2012) map identifies approximately 25 acres of Prime Farmland within the Project Area, and does not identify any Unique Farmland, or Farmland of Statewide Importance within the Project boundaries, the determination was made that the agricultural mitigation fee would be paid for those 25 acres of Prime Farmland. As mentioned above, the Applicant has also agreed (but is not required by CEQA) to pay the agricultural mitigation fee for each acre of Farmland of Local Importance that has been actively farmed and is to be developed. The mitigation for Prime Farmland, Farmland of Local Importance, and Grazing Land can be found on page 4.2-11, under Mitigation Measure 4.2-1.</p>
OR1-6	<p>The City of Tracy ordinance 13.28.040 establishes a Farmland Mitigation Fee. Section 13.28.020 (a) of the ordinance provides that: <i>“In order to implement the goals and objectives of the City's General Plan and to mitigate impacts caused by new development within the City, an agricultural mitigation fee is necessary. The purpose of the agricultural mitigation fee is to mitigate the loss of productive agricultural lands converted for urban uses within the City by permanently protecting agricultural lands planned for agricultural use and by working with farmers who voluntarily wish to sell or restrict their land in exchange for fair compensation.”</i></p> <p>The ordinance also finds that, “Loss of agricultural land is consistently determined to be a significant impact under the California Environmental</p>	Refer to Response to Comment OR1-5 above.

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OR1-7	<p>Quality Act (CEQA) in development projects. Despite recognizing all of these important goals and that the loss of 2,711 acres of farmland is a significant impact under CEQA the City Farmland Mitigation Ordinance carves out an exception for Tracy Hills contrary to CEQA. The Tracy Hills project doesn't have to pay the farmland mitigation fee unless it receives any SSJID water, in which case the project would be subject to the agricultural mitigation fee of Two Thousand and no/100ths (\$2,000.00) Dollars per acre for every acre of prime farmland in that project converted. But section 4.3.2 of the 2014 DEIR states that, "<i>The potable water supply for Tracy Hills will come from a combination of sources including Byron Bethany Irrigation District pre-1914 and Central Valley Project water as well as other City sources.</i>" The Tracy Hills Project will use water sources other than BBID water so in fact the project is required to mitigate prime farmland under the City's non CEQA complaint Farmland Ordinance.</p> <p><u>The 2014 FMMP not the 2012 FMMP is the Appropriate Map to Determine Prime Farmland Acreage for Mitigation.</u></p> <p>The 2015 Draft Subsequent Environmental Impact Report Volume II October, 2015 states on page 11-338 that according to, "The most recent FMMP (2012) map identifies approximately 25 acres of Prime Farmland within the Project Area, and does not identify any Unique Farmland, or Farmland of Statewide Importance within the Project boundaries. The determination was made that the agricultural mitigation fee would be paid for the 25 acres of Prime Farmland within the Project Area." The 2012 FMMP is not the most recent farmland map. The 2015 DSEIR ignores the more recent 2014 FMMP which shows considerable more prime agricultural land within the project area as depicted by the two maps presented below.<sup>11</sup> The area between the DMC and the Aqueduct adjacent to Corral Hollow Road is now an active orchard as can be seen from the portion of the 2014 FMMP presented below on the right. (See Comment Letter OR1 within Appendix A for referenced graphic)<sup>12,13</sup>.</p>	<p>The 2014 FMMP referenced in the comment was published October 2015. According to a representative with the California Department of Conservation (per a conversation on December 15, 2015), based on their publishing deadline, the map would have been published sometime after the 15<sup>th</sup> of October 2015. The NOP for this Project was published prior to release of the 2014 FMMP; however, the applicant will be required to comply with the agricultural mitigation fee in effect at time of project approval.</p> <p>Appendix C-1 consists of a biological report prepared by RBF Consulting in 2014. Subsequent to the 2014 Draft SEIR, an updated biological report was prepared for the Project Site by NOREAS in 2015 (Appendix C-2). The Recirculated Draft SEIR included a revised Biological Resources Section based on the NOREAS Report; this report supersedes the report prepared by RBF Consulting, therefore, the RBF report was not updated.</p>

<sup>11</sup> 2012 Farmland Map is presented in its entirety in attachment 1, the 2014 Farmland map is presented in its entirety in attachment 2.

<sup>12</sup> 2014 Farmland Mapping of San Joaquin County <ftp://ftp.consrv.ca.gov/pub/dlrr/FMMP/pdf/2014/sjq14.pdf> Attachment 1

<sup>13</sup> 2012 Farmland mapping of San Joaquin County <ftp://ftp.consrv.ca.gov/pub/dlrr/FMMP/pdf/2012/sjq12.pdf> Attachment 2

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OR1-8	<p>The DSEIR indicates that the entire area A which includes 468.3 acres of land is in agricultural use.<sup>14</sup> The DSEIR Appendix C.2 contains 201 acres of orchards and 277 acres of agricultural land for 477 total acres of agricultural land. The DSEIR is not consistent with its own appendices.</p> <p><u>The Project can Eliminate a Significant Impact to Agricultural Resources by Increasing Residential Development Density</u></p> <p>The underlying causes of farmland loss in California are rapid population growth and the inefficient use of land. Tracy Hills presents a massive conversion of agricultural land to residential housing. The DSEIR entails the construction of 5,499 homes on 1,638 acres or a density of one dwelling unit per .30 of an acre. In contrast, recent development in Sacramento County, an acknowledged leader in efficient growth, accommodates 20 people per acre. The 2015 DSEIR states that impacts of the THSP are significant and unavoidable with respect to Prime Farmland and Farmland of Local Importance. The DSEIR concludes that the impact of the THSP is <i>Less-than-significant</i> with respect to cumulative impacts to Grazing Land. Since the project has a significant impact to Prime Farmland and Farmland of Local Importance all feasible mitigation measures must be implemented to satisfy CEQA requirements. The project can easily reduce its residential density and avoid impacts to Prime Farmland and Farmland of Local Importance and develop solely on the available grazing land. The project includes only 9.2 acres of high density residential development for 125 homes or 13.59 homes per acre which is less than 3% of the total homes expected to be constructed in the THSP. The rest of the project devotes a total of 1,629.7 acres to residential housing supporting 5,374 medium to low density homes for a total of 3.3 homes per acre. It is feasible to increase the proportion of high density homes and avoid the Prime Farmland and Farmland of local importance altogether thus avoiding a significant impact as defined in the 2015 DSEIR. The increased density will also provide more affordable housing and mitigate some of the significant GHG and air quality impacts and preserve other precious resources within the Tracy City limits.</p>	<p>Alternatives to the Project are discussed in Section 7 of the Recirculated Draft SEIR. The Recirculated Draft SEIR analyzed three alternatives to the Project, including a reduced density alternative, Alternative 3. The Recirculated Draft SEIR determined that although implementation of Alternative 3 would result in less density, and likely a smaller overall building footprint on the Project site, in order for development to occur and respecting all other site constraints, the Project site would nonetheless require conversion of the agricultural lands identified. Therefore, with implementation of both Alternative 3 and the Project, impacts associated with agricultural resources would be significant and unavoidable.</p> <p>Also, the City's General Plan (2011) identified the potential development and development intensity allowed within the THSP. In addition, although impacts to Prime Farmland and Farmland of Local Importance would occur with implementation of the Project, the majority of the 2,200 acres identified as Farmland of Local Importance has historically been utilized as grazing land with no infrastructure in place to irrigate and actively farm (page 4.2-11).</p>

<sup>14</sup> 2015 DSEIR Appendix C.1 Page 38 of 193 "Area A of the THSP, bound by the California Aqueduct, Union Pacific Rail Road, Delta Mendota Canal and Corral Hollow Road is actively utilized for agricultural crops with three existing residences. The area east of Corral Hollow Road is vacant except for a cement foundation from an abandoned tuck stop."

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OR1-9	<p><u>The Diversion of Water to Tracy Hills Impacts Agriculture</u></p> <p>The use of 4,000 to 6,000 acre feet of water for the Tracy Hills Development will divert the same amount of water from agricultural users. The governor has declared a state of emergency due to drought. The City of Tracy has been told to expect half their normal supply from the Bureau of Reclamation for 2015.<sup>15</sup> The DSEIR does not discuss the water diversion impacts on agriculture in the Tracy area and the county. The United States Bureau of Reclamation announced February 27<sup>th</sup> that local farmers and water districts with federal contracts will get no water from it this year.<sup>16</sup> With the possibility of another year of drought looming more the State Water Resources Control Board has warned that everyone pumping water out of the rivers could, for the first time in history, be restricted in 2015.<sup>17</sup> The diversion of water for Tracy Hills is a significant impact that must be discussed in the FEIR. As the DSEIR states 1,315 af/yr available in conjunction with annexation of 387 acres of agricultural land within the Proposed Project area would reduce water available for agriculture by 1,315 AFY.<sup>18</sup></p>	<p>Refer to Response to Comment GP6-9 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor erroneously states that there will be impacts to agriculture from the water deliveries to Tracy Hills.</p> <p>The May 2003 “Agreement Between the Department of Water Resources of the State of California and the Byron-Bethany Irrigation District regarding the Diversion of Water from the Delta” and the April 2014 “Long-term Contract Between the United States and the Byron Bethany Irrigation District Providing for the Exchange of Non-Project Water for Project Water” (included in Appendix A of the WSA) and associated December 2013 Finding of No Significant Impact (FONSI-09-149) provide for reliable delivery of water to that portion of the project identified to use BBID pre-1914 water. The FONSI 09-149 concluded that there would be no significant impacts to agriculture from the delivery of BBID water to Tracy Hills. As noted in the WSA (page 46), a copy of FONSI-09-149 is included in Appendix A of the WSA (Appendix F-2, starting on page 406 of the WSA). A copy of FONSI-09-149 is also included as Appendix D of this Final SEIR.</p>
OR1-10	<p>The 2015 DSEIR makes claims that, “The May 2003 “Agreement Between the Department of Water Resources of the State of California and the Byron-Bethany Irrigation District regarding the Diversion of Water from the Delta” and the April 2014 “Long-term Contract Between the United States and the Byron Bethany Irrigation District Providing for the Exchange of Non- Project Water for Project Water” (included in Appendix A of the WSA) and associated December 2013 Finding of No Significant Impact (FONSI-09-149) provide for reliable delivery of water to that portion of the project identified to use BBID pre-1914 water. The FONSI 09-149 concluded that there would be no significant impacts to agriculture from the delivery of BBID water to Tracy Hills.”<sup>19</sup></p>	<p>Both the Recirculated Subsequent EIR and the revised WSA address recent drought conditions and water supply developments. The revised WSA provided in Appendix F-2 of the Recirculated Subsequent EIR addresses the following recent water supply developments:</p> <ul style="list-style-type: none"> <li>◆ The City’s response to the Governor’s April 2015 Executive Order B-29-15 (<i>See</i>, response to comment OR1-72);</li> <li>◆ The status of the June 2015 SWRCB “notice” sent to BBID ordering BBID to “immediately stop diverting” pursuant to its pre-1914 water rights and requiring that BBID complete an on-line “Curtailed Certification Form”</li> </ul>

<sup>15</sup> <http://www.kcra.com/news/california-farmers-wont-get-federal-water/24602778>

<sup>16</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/news/no-federal-water-for-valley-farmers/article\\_9156fcb6-c144-11e4-8d9a-57802aa9c93d.html](http://www.goldenstatenewspapers.com/tracy_press/news/no-federal-water-for-valley-farmers/article_9156fcb6-c144-11e4-8d9a-57802aa9c93d.html)

<sup>17</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/our\\_town/more-farmers-could-face-water-use-limits/article\\_60f3f8da-a812-11e4-93aa-af09314758d0.html](http://www.goldenstatenewspapers.com/tracy_press/our_town/more-farmers-could-face-water-use-limits/article_60f3f8da-a812-11e4-93aa-af09314758d0.html)

<sup>18</sup> 2015 DSEIR Appendix F2 Page 3

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	<p>The 2015 DSEIR ignores the current drought conditions that have occurred since 2003. The governor has declared a state of emergency due to drought conditions in California. On April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The Executive Order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages for municipal water use and for <b>agricultural production</b>, increased wildfire activity, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue. The Executive Order confirms that the orders and provisions in the Governor's previous drought proclamations and orders, the January 17, 2014, Proclamation, April 25, 2015, Proclamation, and Executive Orders B-26-14 and B-28- 14, remain in full force and effect. On April 2, 2015, the State Water Board issued another notice warning that notices of unavailability of water were likely to be issued soon. On July 20, 2015 the water board issued fines to BBID for illegal diversion of water which impacted other downstream users including agricultural interests.<sup>20</sup> The severity of the drought has dramatically increased since the 2013 FONSI finding.</p>	<p>certifying that BBID has ceased all diversions under its pre-1914 water right (<i>See</i>, response to comment (PC2-4)</p> <ul style="list-style-type: none"> <li>◆ The City's evaluation of ability to meet its water demands using only groundwater supplies in any single year without causing long-term impacts to the groundwater basin (<i>See</i>, Appendix C of the WSA); and</li> <li>◆ The City's recent actions related to the implementation of the recycled water system (<i>See</i>, response to comment OR1-72).</li> </ul> <p>It should also be noted that as of December 30, 2015, there is a higher-than-average water content in the Sierra snowpack, which demonstrates the cyclical nature of hydrologic conditions. The DWR December 30, 2015 snow survey at the Phillips Station plot (elevation 6,800 feet) just off Highway 50 near Sierra-at-Tahoe Road 90 miles east of Sacramento found that the snow depth (54.7 inches) and water content (16.3 inches) were above average (136 percent of the January 1 average for that site). More telling than a survey at a single location, however, are DWR's December 30, 2015 electronic readings from 99 stations scattered throughout the Sierra Nevada. Measurements indicated the water content of the northern Sierra snowpack is 11 inches (108 percent of the multi-decade average for the date). The central and southern Sierra readings were 12.1 inches (116 percent of average) and 7 inches (86 percent) respectively. Statewide, the snowpack held 10.2 inches of water equivalent (105 percent of the December 30 average).</p> <ul style="list-style-type: none"> <li>◆ DWR's December 30, 2015 press release notes that snowfall during the remainder of the winter will determine whether the recent drought will continue. However, current weather patterns and El Niño predictions look very promising for improving both snowpack and reservoir storage conditions.</li> </ul>
OR1-11	<p><u>Tracy Hills also impacts adjacent agricultural resources.</u></p> <p>Grazing land west of the THSP Project Area will experience negative impacts on grazing activities from implementation of the Project such as limiting access to the grazing land, and exposure to noise or other irritants from the proximity</p>	<p>Refer to Response to Comment GP6-10 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Recirculated Draft SEIR states on page 4.2-10 that grazing land west of the THSP could experience negative impacts on its</p>

<sup>20</sup>[http://r.search.yahoo.com/\\_ylt=AwrTcd.S5lhW1\\_0A9D4nnlIQ;\\_ylu=X3oDMTByc3RzMXFjBGNvbG8DZ3ExBHBvcwM0BHZ0aWQDBHNIYwNzcq-;RV=2/RE=1448695570/RO=10/RU=http%3a%2f%2fwww.waterboards.ca.gov%2fwaterrights%2fwater\\_issues%2fprograms%2fhearings%2fbyron\\_bethany%2fdocs%2fac1072015.pdf/RK=0/RS=v58uFNmbRrQA31s8sgvBOICWfVE-](http://r.search.yahoo.com/_ylt=AwrTcd.S5lhW1_0A9D4nnlIQ;_ylu=X3oDMTByc3RzMXFjBGNvbG8DZ3ExBHBvcwM0BHZ0aWQDBHNIYwNzcq-;RV=2/RE=1448695570/RO=10/RU=http%3a%2f%2fwww.waterboards.ca.gov%2fwaterrights%2fwater_issues%2fprograms%2fhearings%2fbyron_bethany%2fdocs%2fac1072015.pdf/RK=0/RS=v58uFNmbRrQA31s8sgvBOICWfVE-)

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	<p>of new urban areas to grazing cattle. Therefore, impacts on agricultural activities - including impacts caused from development within Phase 1a on the adjacent land would be significant.<sup>21</sup> The DEIR fails to discuss the odors, noise, and dust that will impact the THSP from adjacent farming activities. The traffic impacts from the THSP will also affect the farmers ability to move its equipment down Corral Hollow Road.</p>	<p>agricultural activities from implementation of the Project, which would therefore have significant impacts on agricultural activities on the adjacent land. However, Mitigation Measure 4.2-2 would reduce this impact to a less than significant level. Mitigation Measure 4.2-2 states:</p> <p>“As construction occurs along the Specific Plan Area boundary, buffers such as roadways, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy OSC-2.2 P1.”</p> <p>The Commentor states the “DEIR fails to discuss the odors, noise, and dust that will impact the THSP from adjacent farming activities”. Implementation of the buffers required in Mitigation Measure 4.2.-2 would reduce any potential impacts between the THSP and grazing lands to a less than significant level.</p> <p>Recent CEQA case law has held that CEQA requires the lead agency to analyze the impacts of a project on the environment, not the impacts of the environment on the project (<i>Ballona Wetlands Land Trust v. City of Los Angeles</i> (2011) 201 Cal.App.4th 455; <i>South Orange County Wastewater Authority v. City of Dana Point</i> (2011) 196 Cal.App.4th 1604, 1617.). Also, see Response RA6-2. Additionally, in <i>California Building Industry Association v. Bay Area Quality Management District</i>, Supreme Court Case No. S213478, the court concluded that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.</p> <p>Furthermore, in addition to the buffers, provided for in Mitigation Measures 4.2-2, that would reduce exposure to fugitive dust, the agricultural uses would be subject to SJVAPCD Rule 8081, which limits fugitive dust emissions from agricultural sources. Rule 8081 includes measures for proper handling of bulk materials, cleaning trackouts onto paved roads, and fugitive dust management plans for unpaved roads and unpaved vehicle/equipment traffic areas. Furthermore, compliance with Rule 8011 (Regulation VIII General Dust Control Requirements) would also be required.</p>

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		<p>The agricultural uses typically associated with odor concerns (as identified by the SJVAPCD Guide for Assessing and Mitigating Air Quality Impacts [2015]) include composting facilities and dairies/feed lots. The nearby agricultural areas do not include dairies or composting facilities. Therefore, odors from agricultural areas would not be significant.</p> <p>Regarding noise impacts from the agricultural areas, the ambient noise measurements indicated that agricultural related noise was not a significant contributor to the noise levels in the project area. Roadway/traffic noise was the predominant noise source; refer to Recirculated Draft EIR Table 4.11-4. Thus, the adjacent farming activities would not significantly impact the THSP Project.</p>
OR1-12	<p>The 2015 DEIR states that, “Implementation of the buffers required in Mitigation Measure 4.2-2 would reduce any potential impacts between the THSP and grazing lands to a less than significant level.” First of all the agricultural lands adjacent to the Tracy Hills residential areas are not all grazing land a fact which the 2015 DSEIR fails to acknowledge. As shown by the 2014 FMMP there are now significant orchard operations occurring between the DMC and the Aqueduct. The buffers provided in mitigation measure 4.2-2 will not limit odors form agricultural operations or dust created by adjacent agricultural areas.</p>	<p>Refer to Response to Comment OR1-7 and OR1-11 above. The 2014 FMMP was published after the circulation of the NOP for this Project.</p>
OR1-13	<p><u>The DSEIR Improperly Fails to Discuss Cumulative Impacts to Agricultural Resources.</u></p> <p>The DSEIR does not provide an analysis of the cumulative impacts to agricultural resources that have occurred in the past nor does it provide a current baseline to assess the projects cumulative impacts to agricultural resources in the Tracy area. The DSEIR does not even reveal that the THSP utilizes the last available farmland within the city limits. The DSEIR merely states, <i>“impacts to agricultural resources were evaluated in the City’s General Plan EIR. However, no mitigation measures were identified to reduce this impact, and the City Council adopted a statement of overriding considerations with respect to the anticipated loss of farmland.”</i></p>	<p>Cumulative impacts to agricultural resources are discussed on page 4.2-10 and 4.2-11 of the Recirculated Draft SEIR. There are no changes to the Project that would change the cumulative impacts to agricultural resources that were not previously analyzed in the City’s General Plan EIR. Mitigation Measure 4.2-3 requires that individual site-specific development projects in the THSP pay the agricultural mitigation fee adopted by the City for each acre of Prime Farmland and Farmland of Local Importance impacted.</p>
OR1-14	<p>The city ultimately developed a farmland mitigation fee outside of the general plan to mitigate cumulative impacts to agricultural lands but as the DSEIR states, <i>“However, as previously noted and further described in the Tracy Municipal Code, Chapter</i></p>	<p>As stated in Mitigation Measure 4.2-3 on page 4.2-12 of the Recirculated Draft SEIR, although the City’s Municipal Code identifies the Project site as exempt from the City’s adopted agricultural mitigation fee, the Project Applicant has</p>

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	<p>13.28.040, the Project is presently exempt from the City's Agricultural Mitigation Fee."<sup>22</sup> The project is exempt from the only mitigation measure developed by the City to mitigate the cumulative loss of agricultural land.</p>	<p>agreed to payment of the fee and the City is imposing it as an attempt to impose any and all feasible Mitigation Measures to mitigate for loss of Prime and Locally Important Farmland.</p>
OR1-15	<p>The DSEIR fails to provide a baseline assessment of the current available agricultural land in the project area and provide an analysis of how the conversion of 2,731 acres of agricultural land will impact agricultural resources in the project area. There is no baseline or impact assessment there is merely a statement that impacts to agricultural lands are significant and unavoidable.</p>	<p>The Recirculated Draft SEIR indicates that the THSP Project Area contains 25 acres of Prime Farmland, approximately 2,200 acres of Farmland of Local Importance and approximately 500 acres of Grazing Land (page 4.2-1). The Recirculated Draft SEIR assesses the impact to Prime Agricultural land, Farmland of Statewide Importance and Grazing land with implementation of the Project by stating that the net loss of agricultural land is significant and unavoidable (page 4.2-9).</p>
OR1-16	<p><b><u>BIOLOGICAL RESOURCES</u></b></p> <p><u>The 100 Foot Wide Easement Around the Aqueduct is Inadequate and Should be Increased to 300 feet. The Project also Needs to Provide a 300 Foot Buffer Zone Around Delta Mendota Canal.</u></p> <p>According to the DSEIR, “the proposed Project will result in a less than significant impact on biological resources before mitigation. Specifically, as made clear by the voluminous historical surveys of the Project Site, the comprehensive updated surveys conducted in 2014 and 2015, the analysis provided in the updated 2015 Biological Resources Assessment and analysis in Section 4.4 of the DEIR, the portion of the Project Site that will be developed, which is highly disturbed, simply does not contain the type of habitat or species that if impacted by development, would be potentially significant under CEQA. Accordingly, the proposed Project will result in a less-than-significant impacts on biological resources, even without mitigation.<sup>23</sup>”</p> <p>The 2015 EIR opines that, “Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found.<sup>24</sup> <b>The 2015 DEIR reveals that statement to be</b></p>	<p>Comment noted. Refer to Response OR2-5A and OR2-6A. Per NOREAS, the proposed Project will not impact any federally or state endangered and threatened species. The only federally or threatened species that has been documented anywhere near the Project Site in over a quarter century of study is the CRLF, which was actually documented off the Project Site and in the 3,500 acre preserve area. While small, discrete subset of land within Area C of the Project is co-located with USFWS-designated critical habitat for CRLF, that portion of the Project Site does not actually support CRLF, and the CRLF has never been documented in that area, or any area of the Project Site. (<i>See</i>, Volume III, Appendix C-2, 2015 NOREAS Report). This is the only USFWS designated critical habitat anywhere on the Project Site for any species. Accordingly, the Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p>

<sup>22</sup> 2015 DSEIR Volume 2 Page 210,211 of 880

<sup>23</sup> 2015 DSEIR Page 11-339

<sup>24</sup> 2015 DEIR Volume II page 11-342

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	<p><b>an outright lie.</b> As the DSEIR states “During the approximately 30 days of SJKF surveys, a single SJKF was observed in May of 2015 via binoculars during a spotlighting survey. The animal was foraging within the fenced right-of-way of the California Aqueduct, which is not within the Project Site. This observation lasted approximately 20 seconds, as the fox ultimately moved along the California Aqueduct’s gravel security road in a southern direction until it was out of site.”<sup>25</sup> Although the NOREAS report claims that the kit fox was not spotted within the project site its map included in Appendix C.2 demonstrates otherwise as shown below (See Comment Letter OR1 within Appendix A for referenced graphic).</p>	<p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the Project Site has ever been designated by the USFWS as “critical habitat” for the SJKF.</p> <p>The map in Appendix C.2 (Figure 4) was generated by the California Natural Diversity Database (CNDDDB). The CNDDDB collects information from a wide variety of sources and makes this data available in a standardized text and graphic format. The different sizes of circles and polygons indicate the level of location detail provided in the source document(s). The larger the circular feature, the more vague the location. For occurrences requiring circles with varying radii, the point is generated at the center of the circle. For the circular features the point is always the centroid. With respect to Figure 4 in the biological technical report for the THSP, the polygon for map code 31 (SJKF) does touch the southeastern edge and northwestern edge of the Project site, but the center of the polygon is outside the Project site. Furthermore, this specific map code is considered an accuracy class 5 and 6, which is a non-specific, circular feature with a 300 meter radius (1/5 mile) and 600 meter radius (2/5 mile). Therefore, the SJKF was not observed within the Project site.</p> <p>Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found. (See, Appendix C-2, 1993 Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development; 1999 Habitat Conservation Plan for Lakeside Tracy Development; 2004 Environmental Assessment for the Tracy Hills HCP; 2006 Tracy Hills San Joaquin Kit Fox Analysis; 2006 Tracy Triangle San Joaquin Kit Fox Surveys #2689-01<sup>26</sup>; 2010 Biological Resources on the Tracy 580 Business Park Property; 2011 Preserve Management Plan for the Tracy 580 Business Park</p>

<sup>25</sup> 2015 DSEIR Volume 1 Page 4.4-21

<sup>26</sup> Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.

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		<p>Preserve; 2011, 2012, 2013 and 2014 Scat detection Dog Surveys for the Endangered San Joaquin Kit Fox at the Tracy Hills Project Site; 2015 NOREAS Report, Appendix I.) The quarter century worth of surveys conducted for the SJKF consist of an incredibly comprehensive data set that goes well beyond the amount of data available for other projects located in the City.</p> <p>Of particular note are the Scat Detection Dog Surveys that were conducted for all three area of the Project Site (Areas A, B &amp; C) in 2010, 2012, 2013 and 2014 by the Working Dogs Foundation. No SJKF scats, or other signs of SJKF were observed during surveys. The negative findings of the four consecutive years of scat detection surveys provide strong evidence that the SJKF is not present on the Project Site. This conclusion was confirmed by NOREAS' 2015 focused SJKF surveys, which only spotted one SJKF that was actually located outside the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix I.) The 2015 NOREAS survey concluded that impacts to SJKF would be less than significant based on historical surveys, its own surveys, and the Project Site's poor quality habitat for SJKF, particularly when compared to the higher quality habitat in the 3,500 acre preserve area.</p> <p>Moreover, as referenced above, the fact that areas of the Project Site could hypothetically support SJKF is not unique to the Project Site. The SJKF has been studied in connection with the Project Site due to the Project Site's general geographic location, not because of its particular suitability to support the SJKF. Indeed, the 3,500 acres preserve located adjacent to Area C of the Project Site contains higher quality SJKF habitat than the Project Site. (Appendix C-2, 2015 NOREAS Report.)</p> <p>Accordingly, the proposed Project would not have potentially significant impacts on the SJKF or any other federally or state listed species, and instead, all impacts will be less-than-significant in this regard.</p> <p>Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project's impacts to any federally or state listed species or their habitat, specifically including the SJKF and CRLF.</p> <p>Notwithstanding the lack of any legal requirement to do so, this revised version of the Biological Resources section of the Recirculated Draft SEIR has added a</p>

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		<p>number of mitigation measures specific to the SJKF and CRLF (<i>e.g.</i> pre-construction surveys and other preventative measures) to ensure that the proposed Project’s impacts remain less-than-significant in this regard. (<i>See</i>, Mitigation Measures 4.4-1c, 4.4-1d, and 4.4-1g.)</p> <p>As to all species, as discussed in detail throughout this revised Biological Resources Section of the Recirculated Draft SEIR, based on both a quarter century of studies and 2014 and 2015 updated surveys, specifically including the focused surveys for all relevant special status species performed by NOREAS in 2015, the proposed Project will not result in any potentially significant impacts on any special status species, and will instead result in less-than-significant impacts in this regard. Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project’s impacts to any special status species.</p> <p>With regard to the CTS, burrowing owl, northern harrier, and American badger, despite the lack of any legal requirement to do so, this revised Section imposes Mitigation Measures 4.4-1e through 4.4-1o, to ensure all impacts to these species remain less-than-significant.</p> <p>Per NOREAS, as has been concluded in twenty-five years of study and confirmed by the 2014 and 2015 updated pedestrian-based surveys, the portion of the Project Site that will be developed does not support any State or Federally-listed flora and fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As such, it is not a high value wildlife linkage corridor.</p> <p>Additionally, Interstate 580 – which runs through the middle of the Project Site, separating Areas A and B from Area C – is a significant barrier which impedes and curtails wildlife movement throughout the region, severely limiting the Project site’s utility as a wildlife movement corridor or linkage area. The Project will also implement a 100-foot setback from I-580 in the form of a conservation easement to provide for a linkage corridor through the middle of the Project Site (between Areas B and C). (<i>See</i>, Mitigation Measure 4.4-4a.)</p> <p>The California Aqueduct – which is the border between Area A and B –and Delta-Mendota Canal, which is located northeast as functions as the border of Area</p>

Comment Number	Comment	Response
		<p>A/the Project Site, act as stepping stone refugia habitat for the dispersal of SJKF and other wildlife species that exist in the region outside of the Project Area. These man-made waterways provide unobstructed travel corridors for wildlife species to connect to habitats located to the north and south of the Project Site, and would not be affected by development of the Project. The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.</p> <p>The aforementioned 3,500-acre open space area adjacent to Area C was set aside by the Project Applicant under a series of conservation easements to protect the integrity of and provides a natural corridor to the north and the south extending along the southern coastal mountain ranges of California. This preserve contains higher quality habitat for all relevant species than the low- grade habitat on the Project Site. The 3,500-acre open space conservation easement area substantially reduced the original project development footprint.</p> <p>Area C of the Project Site is adjacent to the eastern foothills of the Diablo Mountain Range. The Diablo Mountain Range provides a natural wildlife corridor to the north and the south extending along the southern coastal mountain ranges of California. Development of Area C will be limited to the relatively flat grasslands south of I-580 and east of the foothills of the mountains, which is on the opposite side of the preserve area. As a result, the migration corridor west of the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project completely avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly,</p>

Comment Number	Comment	Response
OR1-17	<p>The DSEIR then states, “Although little can be concluded from a single observation of one animal, it is conceivable, albeit unlikely, that the California Aqueduct is functioning as a movement corridor for a small number of SJKF.” While the DSEIR claims that the aqueduct and canal are not a migration corridor for Kit Fox and other wildlife in 2002 the San Joaquin Kit Fox Planning and</p>	<p>Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p> <p>Comment noted. Refer to Response OR2-5A and OR2-6A. Per NOREAS, the proposed Project will not impact any federally or state endangered and threatened species. The only federally or threatened species that has been documented anywhere near the Project Site in over a quarter century of study is the CRLF, which was actually documented off the Project Site and in the 3,500 acre preserve</p>

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	<p>Conservation Team a partnership of kit fox experts and federal, state, and local jurisdictions identified several migration corridors in the Tracy area that are important for kit fox recovery. Both the Delta Mendota Canal and the Union Pacific Railroad are considered important migration corridors by the Team. In 2002, “The USFWS requested these two linear features be considered as occupied kit fox corridors because of their importance to the kit fox conservation strategy and that 300 feet from these features be maintained where possible.”<sup>27</sup></p>	<p>area. While small, discrete subset of land within Area C of the Project is co-located with USFWS-designated critical habitat for CRLF, that portion of the Project Site does not actually support CRLF, and the CRLF has never been documented in that area, or any area of the Project Site. (<i>See</i>, Volume III, Appendix C-2, 2015 NOREAS Report). This is the only USFWS designated critical habitat anywhere on the Project Site for any species. Accordingly, the Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p> <p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the Project Site has ever been designated by the USFWS as “critical habitat” for the SJKF.</p> <p>Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found. (<i>See</i>, Appendix C-2, 1993 Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development; 1999 Habitat Conservation Plan for Lakeside Tracy Development; 2004 Environmental Assessment for the Tracy Hills HCP; 2006 Tracy Hills San Joaquin Kit Fox Analysis; 2006 Tracy Triangle San Joaquin Kit Fox Surveys #2689-01<sup>28</sup>; 2010 Biological Resources on the Tracy 580 Business Park Property; 2011 Preserve Management Plan for the Tracy 580 Business Park Preserve; 2011, 2012, 2013 and 2014 Scat detection Dog Surveys for the Endangered San Joaquin Kit Fox at the Tracy Hills Project Site; 2015 NOREAS Report, Appendix I.) The quarter century worth of surveys conducted for the SJKF consist of an incredibly comprehensive data set that goes well beyond the amount of data available for other projects located in the City.</p>

<sup>27</sup> January 31, 2002 Staff Assessment for the Tracy Peaker Plant Page 3.2-16, 3-2-17 [www.energy.ca.gov/sitingcases/tracypeaker/documents/2002-02-01\\_STAFF\\_ASSESS\\_SUP.PDF](http://www.energy.ca.gov/sitingcases/tracypeaker/documents/2002-02-01_STAFF_ASSESS_SUP.PDF)

<sup>28</sup> Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.



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		<p>Of particular note are the Scat Detection Dog Surveys that were conducted for all three area of the Project Site (Areas A, B &amp; C) in 2010, 2012, 2013 and 2014 by the Working Dogs Foundation. No SJKF scats, or other signs of SJKF were observed during surveys. The negative findings of the four consecutive years of scat detection surveys provide strong evidence that the SJKF is not present on the Project Site. This conclusion was confirmed by NOREAS' 2015 focused SJKF surveys, which only spotted one SJKF that was actually located outside the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix I.) The 2015 NOREAS survey concluded that impacts to SJKF would be less than significant based on historical surveys, its own surveys, and the Project Site's poor quality habitat for SJKF, particularly when compared to the higher quality habitat in the 3,500 acre preserve area.</p> <p>Moreover, as referenced above, the fact that areas of the Project Site could hypothetically support SJKF is not unique to the Project Site. The SJKF has been studied in connection with the Project Site due to the Project Site's general geographic location, not because of its particular suitability to support the SJKF. Indeed, the 3,500 acres preserve located adjacent to Area C of the Project Site contains higher quality SJKF habitat than the Project Site. (Appendix C-2, 2015 NOREAS Report.)</p> <p>Accordingly, the proposed Project would not have potentially significant impacts on the SJKF or any other federally or state listed species, and instead, all impacts will be less-than-significant in this regard.</p> <p>Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project's impacts to any federally or state listed species or their habitat, specifically including the SJKF and CRLF.</p> <p>Notwithstanding the lack of any legal requirement to do so, this revised version of the Biological Resources section of the Recirculated Draft SEIR has added a number of mitigation measures specific to the SJKF and CRLF (<i>e.g.</i> pre-construction surveys and other preventative measures) to ensure that the proposed Project's impacts remain less-than-significant in this regard. (<i>See</i>, Mitigation Measures 4.4-1c, 4.4-1d, and 4.4-1g.)</p>

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		<p>As to all species, as discussed in detail throughout this revised Biological Resources Section of the Recirculated Draft SEIR, based on both a quarter century of studies and 2014 and 2015 updated surveys, specifically including the focused surveys for all relevant special status species performed by NOREAS in 2015, the proposed Project will not result in any potentially significant impacts on any special status species, and will instead result in less-than-significant impacts in this regard. Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project’s impacts to any special status species.</p> <p>With regard to the CTS, burrowing owl, northern harrier, and American badger, despite the lack of any legal requirement to do so, this revised Section imposes Mitigation Measures 4.4-1e through 4.4-1o, to ensure all impacts to these species remain less-than-significant.</p> <p>Per NOREAS, as has been concluded in twenty-five years of study and confirmed by the 2014 and 2015 updated pedestrian-based surveys, the portion of the Project Site that will be developed does not support any State or Federally-listed flora and fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As such, it is not a high value wildlife linkage corridor.</p> <p>Additionally, Interstate 580 – which runs through the middle of the Project Site, separating Areas A and B from Area C – is a significant barrier which impedes and curtails wildlife movement throughout the region, severely limiting the Project site’s utility as a wildlife movement corridor or linkage area. The Project will also implement a 100-foot setback from I-580 in the form of a conservation easement to provide for a linkage corridor through the middle of the Project Site (between Areas B and C). (<i>See</i>, Mitigation Measure 4.4-4a.)</p> <p>The California Aqueduct – which is the border between Area A and B –and Delta-Mendota Canal, which is located northeast as functions as the border of Area A/the Project Site, act as stepping stone refugia habitat for the dispersal of SJKF and other wildlife species that exist in the region outside of the Project Area. These man-made waterways provide unobstructed travel corridors for wildlife species to connect to habitats located to the north and south of the Project Site, and would not be affected by development of the Project. The proposed Project includes a</p>

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		<p>100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.</p> <p>The aforementioned 3,500-acre open space area adjacent to Area C was set aside by the Project Applicant under a series of conservation easements to protect the integrity of a provides a natural corridor to the north and the south extending along the southern coastal mountain ranges of California. This preserve contains higher quality habitat for all relevant species than the low- grade habitat on the Project Site.</p> <p>Area C of the Project Site is adjacent to the eastern foothills of the Diablo Mountain Range. The Diablo Mountain Range provides a natural wildlife corridor to the north and the south extending along the southern coastal mountain ranges of California. Development of Area C will be limited to the relatively flat grasslands south of I-580 and east of the foothills of the mountains, which is on the opposite side of the preserve area. As a result, the migration corridor west of the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project complete avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly, Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the</p>

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OR1-18	<p>As recently as 2009 the independent CEC Biology Staff stated that in its biological assessment for the Tracy Combined Cycle Project that, “Staff believes that the <i>kit fox</i> corridor along the Delta-Mendota Canal is at least as essential for <i>kit foxes</i> now as it was at the time of the TPP project, that the US Fish and Wildlife Service will be as concerned about <i>kit fox</i> protection and recovery now as it was then, and that it will not want trees to be planted along the Delta-Mendota Canal. Staff believes that the corridor along the canal should not be further compromised.”<sup>29</sup></p>	<p>development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p> <p>Comment noted. Refer to Response OR2-5A and OR2-6A. Per NOREAS, the proposed Project will not impact any federally or state endangered and threatened species. The only federally or threatened species that has been documented anywhere near the Project Site in over a quarter century of study is the CRLF, which was actually documented off the Project Site and in the 3,500 acre preserve area. While small, discrete subset of land within Area C of the Project is co-located with USFWS-designated critical habitat for CRLF, that portion of the</p>

<sup>29</sup> October 2009 CEC Staff Final Staff Assessment Page 4.2-24 [docketpublic.energy.ca.gov/PublicDocuments/Regulatory/Non%20Active%20AFC's/08-AFC-7%20GWF%20Tracy%20CCPPP/2009/October/TN%2053868%2010-30-09%20Final%20Staff%20Assessment.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/Regulatory/Non%20Active%20AFC's/08-AFC-7%20GWF%20Tracy%20CCPPP/2009/October/TN%2053868%2010-30-09%20Final%20Staff%20Assessment.pdf)

Comment Number	Comment	Response
		<p>Project Site does not actually support CRLF, and the CRLF has never been documented in that area, or any area of the Project Site. (<i>See</i>, Volume III, Appendix C-2, 2015 NOREAS Report). This is the only USFWS designated critical habitat anywhere on the Project Site for any species. Accordingly, the Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p> <p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the Project Site has ever been designated by the USFWS as “critical habitat” for the SJKF.</p> <p>Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found. (<i>See</i>, Appendix C-2, 1993 Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development; 1999 Habitat Conservation Plan for Lakeside Tracy Development; 2004 Environmental Assessment for the Tracy Hills HCP; 2006 Tracy Hills San Joaquin Kit Fox Analysis; 2006 Tracy Triangle San Joaquin Kit Fox Surveys #2689-01<sup>30</sup>; 2010 Biological Resources on the Tracy 580 Business Park Property; 2011 Preserve Management Plan for the Tracy 580 Business Park Preserve; 2011, 2012, 2013 and 2014 Scat detection Dog Surveys for the Endangered San Joaquin Kit Fox at the Tracy Hills Project Site; 2015 NOREAS Report, Appendix I.) The quarter century worth of surveys conducted for the SJKF consist of an incredibly comprehensive data set that goes well beyond the amount of data available for other projects located in the City.</p> <p>Of particular note are the Scat Detection Dog Surveys that were conducted for all three area of the Project Site (Areas A, B &amp; C) in 2010, 2012, 2013 and 2014 by the Working Dogs Foundation. No SJKF scats, or other signs of SJKF were observed during surveys. The negative findings of the four consecutive years of</p>

<sup>30</sup> Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.

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		<p>scat detection surveys provide strong evidence that the SJKF is not present on the Project Site. This conclusion was confirmed by NOREAS' 2015 focused SJKF surveys, which only spotted one SJKF that was actually located outside the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix I.) The 2015 NOREAS survey concluded that impacts to SJKF would be less than significant based on historical surveys, its own surveys, and the Project Site's poor quality habitat for SJKF, particularly when compared to the higher quality habitat in the 3,500 acre preserve area.</p> <p>Moreover, as referenced above, the fact that areas of the Project Site could hypothetically support SJKF is not unique to the Project Site. The SJKF has been studied in connection with the Project Site due to the Project Site's general geographic location, not because of its particular suitability to support the SJKF. Indeed, the 3,500 acres preserve located adjacent to Area C of the Project Site contains higher quality SJKF habitat than the Project Site. (Appendix C-2, 2015 NOREAS Report.)</p> <p>Accordingly, the proposed Project would not have potentially significant impacts on the SJKF or any other federally or state listed species, and instead, all impacts will be less-than-significant in this regard.</p> <p>Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project's impacts to any federally or state listed species or their habitat, specifically including the SJKF and CRLF.</p> <p>Notwithstanding the lack of any legal requirement to do so, this revised version of the Biological Resources section of the Recirculated Draft SEIR has added a number of mitigation measures specific to the SJKF and CRLF (<i>e.g.</i> pre-construction surveys and other preventative measures) to ensure that the proposed Project's impacts remain less-than-significant in this regard. (<i>See</i> Mitigation Measures 4.4-1c, 4.4-1d, and 4.4-1g.)</p> <p>As to all species, as discussed in detail throughout this revised Biological Resources Section of the Recirculated Draft SEIR, based on both a quarter century of studies and 2014 and 2015 updated surveys, specifically including the focused surveys for all relevant special status species performed by NOREAS in 2015, the proposed Project will not result in any potentially significant impacts on</p>

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		<p>any special status species, and will instead result in less-than-significant impacts in this regard. Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project’s impacts to any special status species.</p> <p>With regard to the CTS, burrowing owl, northern harrier, and American badger, despite the lack of any legal requirement to do so, this revised Section imposes Mitigation Measures 4.4-1e through 4.4-1o, to ensure all impacts to these species remain less-than-significant.</p> <p>Per NOREAS, as has been concluded in twenty-five years of study and confirmed by the 2014 and 2015 updated pedestrian-based surveys, the portion of the Project Site that will be developed does not support any State or Federally-listed flora and fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As such, it is not a high value wildlife linkage corridor.</p> <p>Additionally, Interstate 580 – which runs through the middle of the Project Site, separating Areas A and B from Area C – is a significant barrier which impedes and curtails wildlife movement throughout the region, severely limiting the Project site’s utility as a wildlife movement corridor or linkage area. The Project will also implement a 100-foot setback from I-580 in the form of a conservation easement to provide for a linkage corridor through the middle of the Project Site (between Areas B and C). (<i>See</i>, Mitigation Measure 4.4-4a.)</p> <p>The California Aqueduct – which is the border between Area A and B –and Delta-Mendota Canal, which is located northeast as functions as the border of Area A/the Project Site, act as stepping stone refugia habitat for the dispersal of SJKF and other wildlife species that exist in the region outside of the Project Area. These man-made waterways provide unobstructed travel corridors for wildlife species to connect to habitats located to the north and south of the Project Site, and would not be affected by development of the Project. The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.</p>

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		<p>The aforementioned 3,500-acre open space area adjacent to Area C was set aside by the Project Applicant under a series of conservation easements to protect the integrity of a provides a natural corridor to the north and the south extending along the southern coastal mountain ranges of California. This preserve contains higher quality habitat for all relevant species than the low- grade habitat on the Project Site.</p> <p>Area C of the Project Site is adjacent to the eastern foothills of the Diablo Mountain Range. The Diablo Mountain Range provides a natural wildlife corridor to the north and the south extending along the southern coastal mountain ranges of California. Development of Area C will be limited to the relatively flat grasslands south of I-580 and east of the foothills of the mountains, which is on the opposite side of the preserve area. As a result, the migration corridor west of the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project complete avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly, Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife</p>



Comment Number	Comment	Response
OR1-19	<p>According to the 2015 DEIR, “The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.” The applicant’s proposed 100 foot easement along the California Aqueduct is inadequate to provide a corridor for Kit Fox migration. A 300 foot easement is appropriate on both sides of the aqueduct to protect migration corridors of kit foxes and also to protect burrowing owl habitat.<sup>31</sup> The project provides no easement for the Delta Mendota Canal which has been identified as a critical migratory corridor for the Kit Fox and other endangered species. The FEIR must provide a 300 foot easement around the DMC to preserve a critical Kit Fox migration corridor.</p>	<p>movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p>

<sup>31</sup> Potential breeding habitat for Burrowing Owls occurs in the right-of-way areas adjacent to the canal. Ellis DEIR Page 4.4-18 [http://www.ci.tracy.ca.us/documents/?d=Modified\\_ESP\\_Draft\\_Revised\\_EIR\\_Vol\\_1.pdf](http://www.ci.tracy.ca.us/documents/?d=Modified_ESP_Draft_Revised_EIR_Vol_1.pdf)

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		<p>Project completely avoids any impacts to the CRLF and its habitat, as well as all other federally or state endangered and threatened species and their habitat.</p> <p>The Commentor makes comments about mitigation for impacts to the federally and state listed SJKF, but as discussed in detail above, the SJKF has never been observed on the Project site over twenty-five years of study outside the single 2015 night spotlighting observation that actually occurred outside the Project Site, nor has any evidence of that species ever been discovered. No portion of the Project Site has ever been designated by the USFWS as “critical habitat” for the SJKF.</p> <p>Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found. (<i>See</i>, Appendix C-2, 1993 Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development; 1999 Habitat Conservation Plan for Lakeside Tracy Development; 2004 Environmental Assessment for the Tracy Hills HCP; 2006 Tracy Hills San Joaquin Kit Fox Analysis; 2006 Tracy Triangle San Joaquin Kit Fox Surveys #2689-01<sup>32</sup>; 2010 Biological Resources on the Tracy 580 Business Park Property; 2011 Preserve Management Plan for the Tracy 580 Business Park Preserve; 2011, 2012, 2013 and 2014 Scat detection Dog Surveys for the Endangered San Joaquin Kit Fox at the Tracy Hills Project Site; 2015 NOREAS Report, Appendix I.) The quarter century worth of surveys conducted for the SJKF consist of an incredibly comprehensive data set that goes well beyond the amount of data available for other projects located in the City.</p> <p>Of particular note are the Scat Detection Dog Surveys that were conducted for all three area of the Project Site (Areas A, B &amp; C) in 2010, 2012, 2013 and 2014 by the Working Dogs Foundation. No SJKF scats, or other signs of SJKF were observed during surveys. The negative findings of the four consecutive years of scat detection surveys provide strong evidence that the SJKF is not present on the Project Site. This conclusion was confirmed by NOREAS’ 2015 focused SJKF surveys, which only spotted one SJKF that was actually located outside the Project Site. (Appendix C-2, 2015 NOREAS Report, Appendix I.) The 2015 NOREAS</p>

<sup>32</sup> Berryman Ecological and H.T. Harvey & Associates conducted a SJKF aerial survey by flying transects over the Project Site and general area. The results of the aerial survey concluded that no potential kit fox dens were observed on the Project site.

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		<p>survey concluded that impacts to SJKF would be less than significant based on historical surveys, its own surveys, and the Project Site’s poor quality habitat for SJKF, particularly when compared to the higher quality habitat in the 3,500 acre preserve area.</p> <p>Moreover, as referenced above, the fact that areas of the Project Site could hypothetically support SJKF is not unique to the Project Site. The SJKF has been studied in connection with the Project Site due to the Project Site’s general geographic location, not because of its particular suitability to support the SJKF. Indeed, the 3,500 acres preserve located adjacent to Area C of the Project Site contains higher quality SJKF habitat than the Project Site. (Appendix C-2, 2015 NOREAS Report.)</p> <p>Accordingly, the proposed Project would not have potentially significant impacts on the SJKF or any other federally or state listed species, and instead, all impacts will be less-than-significant in this regard.</p> <p>Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no mitigation is required to mitigate the proposed Project’s impacts to any federally or state listed species or their habitat, specifically including the SJKF and CRLF.</p> <p>Notwithstanding the lack of any legal requirement to do so, this revised version of the Biological Resources section of the Recirculated Draft SEIR has added a number of mitigation measures specific to the SJKF and CRLF (<i>e.g.</i>, pre-construction surveys and other preventative measures) to ensure that the proposed Project’s impacts remain less-than-significant in this regard. (<i>See</i>, Mitigation Measures 4.4-1c, 4.4-1d, and 4.4-1g.)</p> <p>As to all species, as discussed in detail throughout this revised Biological Resources Section of the Recirculated Draft SEIR, based on both a quarter century of studies and 2014 and 2015 updated surveys, specifically including the focused surveys for all relevant special status species performed by NOREAS in 2015, the proposed Project will not result in any potentially significant impacts on any special status species, and will instead result in less-than-significant impacts in this regard. Under CEQA, mitigation measures are only required to reduce potentially significant. (<i>See</i>, CEQA Guidelines § 15126.4(a).) Therefore, here, no</p>

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		<p>mitigation is required to mitigate the proposed Project’s impacts to any special status species.</p> <p>With regard to the CTS, burrowing owl, northern harrier, and American badger, despite the lack of any legal requirement to do so, this revised Section imposes Mitigation Measures 4.4-1e through 4.4-1o, to ensure all impacts to these species remain less-than-significant.</p> <p>Per NOREAS, as has been concluded in twenty-five years of study and confirmed by the 2014 and 2015 updated pedestrian-based surveys, the portion of the Project Site that will be developed does not support any State or Federally-listed flora and fauna, and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As such, it is not a high value wildlife linkage corridor.</p> <p>Additionally, Interstate 580 – which runs through the middle of the Project Site, separating Areas A and B from Area C – is a significant barrier which impedes and curtails wildlife movement throughout the region, severely limiting the Project site’s utility as a wildlife movement corridor or linkage area. The Project will also implement a 100-foot setback from I-580 in the form of a conservation easement to provide for a linkage corridor through the middle of the Project Site (between Areas B and C). (<i>See</i>, Mitigation Measure 4.4-4a.)</p> <p>The California Aqueduct – which is the border between Area A and B –and Delta-Mendota Canal, which is located northeast as functions as the border of Area A/the Project Site, act as stepping stone refugia habitat for the dispersal of SJKF and other wildlife species that exist in the region outside of the Project Area. These man-made waterways provide unobstructed travel corridors for wildlife species to connect to habitats located to the north and south of the Project Site, and would not be affected by development of the Project. The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.</p> <p>The aforementioned 3,500-acre open space area adjacent to Area C was set aside by the Project Applicant under a series of conservation easements to protect the integrity of a provides a natural corridor to the north and the south extending</p>

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		<p>along the southern coastal mountain ranges of California. This preserve contains higher quality habitat for all relevant species than the low- grade habitat on the Project Site.</p> <p>Area C of the Project Site is adjacent to the eastern foothills of the Diablo Mountain Range. The Diablo Mountain Range provides a natural wildlife corridor to the north and the south extending along the southern coastal mountain ranges of California. Development of Area C will be limited to the relatively flat grasslands south of I-580 and east of the foothills of the mountains, which is on the opposite side of the preserve area. As a result, the migration corridor west of the Project Site consisting of the Diablo Mountain Range will not be obstructed or significantly impacted. Additionally, the Project has been designed such that development of Area C will completely avoid direct impacts to the Corral Hollow Creek key linkage corridor (which is located just south of Area C) and its corresponding flood plain and alluvial sand movement areas. (Appendix C-2, NOREAS Report.) Corral Hollow Creek has higher species diversity and value for local and migratory wildlife than adjacent locales, and accordingly, the Project completely avoids development of the Corral Hollow Creek area to maintain local existing wildlife movement and dispersal linkages.</p> <p>Due to the fact that the I-580 completely separates Areas A and B from Area C, even without any development of Areas A and B, species are not able to migrate from these Areas to the Diablo Mountain Range wildlife corridor. Accordingly, Area A and B (which encompasses the portion of the Project being analyzed by this Final SEIR at the “project-level”) do not function as significant wildlife movement corridors nor do they provide linkage to significant habitats. Additionally, as stated above, the 100 setbacks from the California Aqueduct and the I-580, as well as the complete avoidance of the Corral Hollow Creek area, provides sufficient wildlife movement such that any impacts from the development of the proposed Project would be less-than-significant. (Referenced within Appendix C-2, Jones &amp; Stokes Evaluation of a proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development [states that avoiding adverse effects to California Aqueduct and Corral Hollow Creek – as explained above, the proposed Project does – would be adequate to maintain local existing wildlife movement and dispersal corridors linkages]; <i>see also</i>, NOREAS 2105 Report, pp. 4-3, 4-4 [in accord].) In sum, development of the proposed Project (Areas A and B, and adjacent areas of Area C planned for development) will not impede any</p>

Comment Number	Comment	Response
OR1-20	<p><u>4.3 AIR QUALITY</u></p> <p>The air quality analysis for the project demonstrates how the DEIR does not define, analyze or provide mitigation for any part of the project but phase 1 residential construction. As the DEIR states, “<i>It should be noted that the SCREEN3 model was utilized in lieu of the more robust AERMOD and Industrial Source Complex (ISC) model in order to account for worst-case conditions since precise on-site activity is unknown at this time.</i>”<sup>33</sup> The only activity known is the construction of residential housing in phase 1, the activities at the mixed use business park are speculative and the DEIR does not even adequately describe those activities and cannot analyze even the entire phase 1 of the proposed project which the document request approval for.</p>	<p>wildlife movement that occurs before development, nor result in any potentially significant impacts on the same.</p> <p>Finally, it also bears noting that approximately 9 miles east of the Project Site the San Joaquin River traverses the agricultural fields on the valley floor of the Central Valley. The River was once dominated by riparian forest habitats and provided a major migration corridor through the middle of the State. This corridor was primarily used by migratory avian species (Pacific Flyway) but was also utilized by mammalian species. The San Joaquin River system is one of the most highly altered water systems in the state due to the diversion of water for agricultural purposes. However, the Project Site is separated from this regional migratory corridor by extensive existing urban development in the City of Tracy and extensive agricultural operations. There are no natural interconnecting habitats between the San Joaquin River and the proposed Project Site.</p> <p>Accordingly, the proposed Project will not result in significant impacts on a wildlife movement corridor.</p> <p>The Commentor is directed to the Response to Comment GP6-11 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. Additionally, it should be noted that the comment quotes text that was in the Draft SEIR, but struck out of the Recirculated Draft SEIR. The strikethrough text in the Recirculated Draft SEIR indicates text that was in the Draft SEIR, but is no longer included in the latest document. The Recirculated Draft SEIR includes revised text that describes the latest methodology and analysis. The text quoted in the comment is deleted text from the Recirculated Draft SEIR and no longer applies. The comment does not reference language from the Recirculated Draft SEIR.</p> <p>The Tracy Hills Specific Plan contemplates a multiple phased development over a 25 year period. As such, the details of the future development phases are not known at this time. It should be noted that the Recirculated Draft SEIR includes both a project and program level analysis for the THSP. A project level analysis</p>

<sup>33</sup> 2014 THSP DEIR page 220 of 926

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		<p>was conducted for Phase 1a and a program analysis was conducted for the subsequent phases.</p> <p>Per Section 15168 of the CEQA Guidelines, a Program EIR may be prepared for a series of actions that can be characterized as one large Project and are related. Subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared.</p> <p>When individual activities within the program are proposed (e.g., development of future phases), the lead agency would be required to examine the individual activities within the program to determine whether their effects were fully analyzed in the Program EIR. If the activities would have no effects beyond those analyzed in the Program EIR, the lead agency could assert that the activities are merely part of the program, which had been approved earlier, and no further CEQA compliance would be required.</p> <p>Please also refer to the response to Comment GP6-3. The Recirculated Draft SEIR thoroughly analyzes impacts associated with all development proposed within the THSP, including the mixed use business park proposed as part of Phase I. Impacts associated with development of the mixed use business park are included in Chapters 4.1 through 4.13 of the Recirculated Draft SEIR. While the City does not currently have specific business applications pending for the proposed business park, the Recirculated Draft SEIR analysis relied on the permitted uses for the mixed use business park land use designation as well as calculating development based on a 0.20 FAR (floor area ratio). In a maximum buildout scenario, there is potential for over 1.59 million square feet of business park uses to be potentially constructed. This calculation was utilized to determine impacts associated with air quality, noise, traffic, and greenhouse gas emissions. Additionally, the business park area is designated to allow a mix of development to provide market flexibility for a broad array of commercial, institutional and business uses to serve the community and provide local employment opportunities. The primary land uses are intended to be focused on job generating land uses such as administrative and corporate offices and commercial uses of the project.</p>

Comment Number	Comment	Response
OR1-21	<p data-bbox="394 310 621 334"><u>Construction Emissions</u></p> <p data-bbox="394 358 1134 906">The 2014 Tracy Hills DEIR in Table 4.3-7: Phase 1a Construction Emissions uses a piecemeal analysis and attempts to isolate construction emissions from phase 1 of the project and thereby claim that the construction emissions of PM-10, PM 2.5, NOX and ROG are less than significant. The construction emissions of the entire project are depicted in Table 4.3-8: THSP Build out Operational Emissions. That table demonstrates that the construction emissions impact of the entire project which must be analyzed under CEQA is significant for all pollutants except SO2. This piece meal approach used throughout this DEIR leads to conclusion that Phase 1 impacts are not significant when viewed in isolation. CEQA does not allow for a piece meal analysis which analyzes portions of the project instead of the entire project to demonstrate an impact as less than significant. When analyzing the entire project build out the DSEIR correctly concludes that “emissions from these construction criteria pollutants would exceed SJVAPCD thresholds, a <i>Significant and unavoidable</i> impact would occur.” Mitigation measure 4.3-1c should be deleted in its entirety because we know that the project in total exceeds the significance levels and therefore all phases of the project are subject to the requirements of the indirect source rule even if some components of the project are not.</p>	<p data-bbox="1157 358 1923 472">The Commentor is directed to the Response to Comment GP6-12 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. The comment incorrectly states that the analysis has been piecemealed. The Recirculated Draft SEIR does not include a piecemealed analysis.</p> <p data-bbox="1157 496 1923 764">The construction emissions analysis in Section 4.3, Air Quality, quantifies emissions associated with all phases and construction years of the proposed project. Table 4.3-7 depicts the construction emissions associated with development of Phase 1a of the Tracy Hills Specific Plan. Table 4.3-6 depicts construction emissions associated with the subsequent construction phases that would be associated with buildout of the Specific Plan. As described in the Recirculated Draft SEIR, it should be noted that the emissions in Table 4.3-6 are based on conservative applicant estimates of a worst-case scenario and are subject to validation by the City when specific development would occur.</p> <p data-bbox="1157 789 1923 1179">Piecemealing involves dividing a project into smaller projects to qualify for one or more exemptions. The Recirculated Draft SEIR reports emissions associated with all phases and construction years anticipated for development of the Specific Plan (Phase 1a and subsequent phases). Therefore, the approach is not piecemealed. The SJVAPCD’s construction thresholds are based on annual emissions (tons per year). As anticipated by the Specific Plan and depicted in the Recirculated Draft SEIR, the years where Phase 1a construction would occur would not overlap with the subsequent development phases. Therefore, the annual emissions associated with Phase 1a would not change. The Recirculated Draft SEIR specifies that although Phase 1a construction emissions would not exceed SJVAPCD thresholds, construction of the subsequent phases would potentially exceed SJVAPCD thresholds. Mitigation Measure 4.3-1c is included in the Recirculated Draft SEIR per SJVAPCD requirements (refer to Response RA6-12).</p> <p data-bbox="1157 1203 1923 1385">The Recirculated Draft SEIR found that construction and operational Project emissions would exceed SJVAPCD thresholds and would result in a significant impact. As a result, the Recirculated Draft SEIR includes Mitigation Measures 4.3-1c and 4.3-2, which require the Applicant to comply with SJVAPCD Rule 9510, Indirect Source Review (ISR). Mitigation Measures 4.3-1c and 4.3-2 require compliance with Rule 9510 prior to the issuance of building permits. As noted in</p>



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OR1-22	<p>The FEIR must include all feasible mitigation measures as CEQA requires for an impact that is significant and unavoidable. The DEIR proposes Mitigation Measures 4.3-1b which requires the use of CARB certified Tier 3 off-road engines (for equipment greater than 50 horsepower) and requires all construction equipment to be outfitted with Best Available Control Technology (BACT) devices certified by CARB. The FEIR must change the base off-road engine requirement from U.S. EPA/ARB offroad diesel engine Tier 3 to Tier 4. This updated requirement could reduce the PM10 and diesel particulate matter emissions from the off-road equipment by as much as 90 percent over the build out of the THSP and reduce the NOx emissions up to 80 to 90 percent depending on the amount of full Tier 4 versus interim Tier 4 (Tier 4i) off-road engines that are used during construction and grading.</p>	<p>the comment, compliance with Rule 9510 entails submission of an Air Impact Assessment (AIA) and payment of any applicable off-site mitigation fees as determined in the AIA.</p> <p>The Commentor is directed to the Response to Comment GP6-13 in in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Response to Comment OR1-22, above. The Tier 4 standards apply to new equipment; however, other non-Tier 4 equipment are still permitted to operate. Mitigation requiring all construction equipment to be Tier 4 is not considered feasible because it means that the entire construction fleet would need to consist of new equipment. As noted previously, although Tier 4 engines are available now, construction fleets typically include a mix of older and newer equipment, which would not all be Tier 3 or 4. Non-Tier 4 engines are still in use. Mitigation Measure 4.3-1b would ensure that a newer than average equipment fleet is used for construction. The Project is also required to comply with SJVAPCD Rule 9510, which requires a 20 percent reduction of construction-exhaust NOx and a 45 percent reduction of construction-exhaust PM<sub>10</sub>. SJVAPCD Rule 9510 also includes the payment of off-site mitigation fees for both construction and operations. Compliance with Rule 9510 would ensure that construction related emissions would be reduced to the maximum extent feasible.</p>
OR1-23	<p>The 2015 DEIR claims, “Tier 4 engines are not in widespread use and may not be available and are not considered feasible.”<sup>34</sup> The 2015 DSEIR is incorrect Tier 4 engines are readily available NOW. On May 11, 2004, EPA signed the final rule introducing Tier 4 emission standards, which are phased-in over the period of 2008-2015. The Tier 4 standards require that emissions of PM and NOx be reduced by about 90%. Empire/CAT advertises that its fleet is all Tier 4 compliant and available for rental now.<sup>35</sup> John Deere also advertises that all of its new fleet 174 hp and above is Tier 4 compliant.<sup>36</sup> According to USEPA when the full inventory of older nonroad engines are replaced by Tier 4 engines, annual emission reductions are estimated at 738,000 tons of NOx and 129,000 tons of</p>	<p>The Commentor is directed to the Response to Comment GP6-13 in in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Response to Comment OR1-22, above. As noted previously, although Tier 4 engines are available now, construction fleets typically include a mix of older and newer equipment, which would not all be Tier 3 or 4. Non-Tier 4 engines are still in use. Mitigation Measure 4.3-1b would ensure that a newer than average equipment fleet is used for construction. The Project is also required to comply with SJVAPCD Rule 9510, which requires a 20 percent reduction of construction-exhaust NOx and a 45 percent reduction of construction-exhaust PM<sub>10</sub>. SJVAPCD Rule 9510 also includes the payment of off-site mitigation fees for both</p>

<sup>34</sup> 2015 DSEIR Volume II Page 11-449

<sup>35</sup> [http://r.search.yahoo.com/\\_ylt=A86.J7ta81hWyAcAsgQnnlQ;\\_ylu=X3oDMTBva2cwZmh2BGNvbG8DZ3ExBHBvcwM1BHZ0aWQDBHNIYwNzcq--/RV=2/RE=1448698842/RO=10/RU=http%3a%2f%2fwww.empire-cat.com%2fuploadedFiles%2fEmpire\\_Cat%2fPower\\_Systems%2fEmissions\\_Solutions%2fEmpire\\_Tier4Mlr.pdf/RK=0/RS=ZSCChyEvRerVrGwoc.vtyve8F\\_4-](http://r.search.yahoo.com/_ylt=A86.J7ta81hWyAcAsgQnnlQ;_ylu=X3oDMTBva2cwZmh2BGNvbG8DZ3ExBHBvcwM1BHZ0aWQDBHNIYwNzcq--/RV=2/RE=1448698842/RO=10/RU=http%3a%2f%2fwww.empire-cat.com%2fuploadedFiles%2fEmpire_Cat%2fPower_Systems%2fEmissions_Solutions%2fEmpire_Tier4Mlr.pdf/RK=0/RS=ZSCChyEvRerVrGwoc.vtyve8F_4-)

<sup>36</sup> <http://www.government-fleet.com/news/story/2013/07/John-deere-receives-epa-final-tier-4-carb-certifications-for-off-highway-engines.aspx>

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	<p>PM. By 2030, 12,000 premature deaths would be prevented annually due to the implementation of the proposed standards. As the construction emissions have been designated as significant and unavoidable in the 2015 DSEIR Tier 4 engines are a feasible mitigation measure to reduce a significant and unavoidable impact under CEQA and are required mitigation. Even the 2015 DSEIR acknowledges that, “In 2004, the EPA issued the Clean Air Non-road Diesel Rule. This rule will decrease emissions from off- road diesel engines by more than 90 percent, and will be fully phased in by 2014.”<sup>37</sup> The 2004 standard is the Tier 4 engine standard that must be required as a feasible mitigation measure to mitigate a significant impact to the environment from construction emissions.</p>	<p>construction and operations. Compliance with Rule 9510 would ensure that construction related emissions would be reduced to the maximum extent feasible.</p> <p>Recirculated Draft SEIR Section 4.3 includes all feasible mitigation measures to reduce the identified air quality impacts. It should be noted that while CARB certified Tier 3 off-road engines are considered feasible, Tier 4 engines are not in widespread use and may not be available and are not considered feasible. It should be noted that construction of the THSP would occur over approximately 15 years. Over the course of this time, more Tier 4 engines would become available and would be integrated into the construction equipment fleet. The number and type of Tier 4 engines would depend on what is available to the contractor and the construction year. It should be noted that the Project is required to comply with SJVAPCD Rule 9510, which requires a 20 percent reduction of construction-exhaust NO<sub>x</sub> and a 45 percent reduction of construction-exhaust PM<sub>10</sub>. SJVAPCD Rule 9510 also includes the payment of off-site mitigation fees for both construction and operations.</p>
OR1-24	<p><u>Operational Emissions</u></p> <p><u>Mitigation of the THSP Air Quality Emissions</u></p> <p>According to the DEIR, “the Project’s impacts on regional air quality, with respect to emissions of criteria pollutants, would remain significant and unavoidable since the Project’s emissions would contribute to region-wide emissions that cause exceedances of the federal and state O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> standards.” Pursuant to State CEQA Guidelines Sections 15002, 15021, and 15126.4, mitigation measures are required when significant impacts are identified.</p> <p>The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent.<sup>38</sup> This is a feasible alternative that can be adopted to reduce the air quality impacts of the project. Another alternative is to choose land which is actually contiguous with other parts of the City. The Tracy Hills Projects has no connection to any part of the city and in fact is over 1 mile away</p>	<p>The Commentor is directed to the Response to Comment GP6-16 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. This comment does not raise any additional issues.</p> <p>Recirculated Draft SEIR Section 4.3 requires the project to implement Mitigation Measure 4.3-2, which requires compliance with SJVAPCD Rule 9510. Rule 9510 requires a reduction of operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50 percent over 10 years.</p> <p>Furthermore, the Project is also required to implement Mitigation Measure 4.7-1, which specifies various measures to reduce operational emissions, including providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures, installing high efficiency lighting, and installing energy efficient</p>

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	<p>from any other housing in the City of Tracy. This leap frog location creates more VMT, more energy to process wastewater and supply potable water. It requires the extensive construction and operation of wastewater and storm drainage facilities to service the project which create air quality impacts. The project could eliminate substantial emissions by developing phase 2 of the project first which is over ½ mile closer to the rest of the city’s infrastructure, amenities and residences.</p>	<p>appliances. Mitigation Measure 4.7-1 also requires the implementation of feasible SAP measures and other measures to reduce emissions.</p> <p>As described in Recirculated Draft SEIR Section 7 (Alternatives), the Reduced Density Alternative (Alternative 3), is considered the environmentally superior alternative. Alternative 3 marginally reduces some impacts due to the reduced development intensity potential. However, Alternative 3 does not fully meet several project objectives, including implementation of the City’s General Plan Area of Special Consideration Number 8: Tracy Hills Specific Plan Area. Additionally, this alternative would avoid significant and unavoidable Project impacts with respect to air quality, greenhouse gas emissions, and noise.</p> <p>The Alternative Site Alternative was also considered in Section 7 of the Recirculated Draft SEIR. However, this alternative was rejected because the Project Area has already been contemplated by the General Plan for future development. Additionally, extensive planning efforts have included the adoption of the 2011 revised General Plan (which anticipated build out of the THSP) and the Project Area is currently designated “Tracy Hills Specific Plan” on the City of Tracy Zoning Map. The City’s master plans of infrastructure (which serve to implement development under the General Plan) have accommodated the development density and pace of development identified in the THSP. Also, the Project Area is largely within the control of the Project Applicant and there are no other sites of this size within the City or the City’s sphere that the Project Applicant would be able to reasonably acquire, control, or otherwise have access to that would meet the basic objectives of the Project. Pursuant to Section 15126.6(f) (1) of the CEQA Guidelines, “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).”</p>
OR1-25	<p>The Project is not Consistent with General Plan Policies Related to Air Quality General Plan polices have been adopted which address the city’s objectives and policies for reducing air quality impacts. Objective AQ-1.1 provides that the city improve air quality and reduce greenhouse gas emissions through land use planning decisions. It would be hard to imagine a worse land use plan than the</p>	<p>The Commentor is directed to the Response to Comment GP6-17 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding consistency with the General Plan.</p>

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	<p>Tracy Hills development for impacts to air quality. Thousands of acres of undeveloped land exist in the city limits between the proposed development and the city's core services, shopping and governmental services. The Tracy Hills development because of its location increases Vehicle Miles Traveled (VMT). Vehicles are the primary source of air pollution from any development. The city could develop several of the urban reserves that are actually much closer to the city's core.</p>	<p>As described in Recirculated Draft SEIR Section 4.3, the THSP is intended to meet the General Plan goals, objectives, policies, and actions related to the balanced and orderly pattern of growth, the maintenance of the small-town character, and the planned growth within the sphere of influence (SOI). The amount of new residential growth (maximum of 5,499 residential units) and commercial, office and industrial land use growth (approximately 2,731.6 gross acres with up to 5.7 million square feet of space) facilitated by the Project would be within the range of development planned for in the City's General Plan. The General Plan identifies an increase of 600 residential units in the City per year, which on average over time is the maximum increase allowed by the growth management ordinance (GMO). Of these, 5,499 units are anticipated in the THSP site as part of the THSP Area. The THSP has been identified within the City of Tracy General Plan and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Regarding the Project's proximity to the wastewater treatment plant, as the THSP was anticipated in the General Plan and the City's Infrastructure Master Plans, the Project is also included in the Citywide Wastewater Master Plan. Per the City of Tracy Citywide Water System Master Plan/Tracy Wastewater Master Plan Initial Study/Mitigated Negative Declaration (November 2012), impacts associated with accommodating future development would be less than significant. It should be noted that all of the Citywide Master Plans are incorporated into the Recirculated Draft SEIR by reference; refer to Section 2.6 (Incorporation by Reference) of the Recirculated Draft SEIR.</p> <p>As described in Response OR2-12e, the City's projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City's jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Furthermore, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p>

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OR1-26	<p>Tracy Hills location in relation to the wastewater treatment plant is the farthest point in the city limits from the plant. This requires extensive energy to pump the effluent to the wastewater treatment plant than would not be necessary if the city chose to develop an urban center closer to the plant. The energy necessary to pump the treated effluent creates substantial air quality impacts which could be avoided through better land use planning. Recycled water would also have to be pumped seven miles from the waste water treatment plant on Holly Drive to the THSP. Police patrols will be further from their central downtown headquarters requiring more miles to be travelled by the police increasing air quality impacts. The THSP does not conform to Objective AQ-1.1 of the city's general plan.</p>	<p>Also, refer to Response OR1-24, above. The Reduced Density Alternative was determined to be the environmentally superior alternative. However, this Alternative also does not fully meet several project objectives.</p> <p>The Commentor is directed to the Response to Comment GP6-17 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding the wastewater treatment plant and consistency with the General Plan.</p> <p>As described in Recirculated Draft SEIR Section 4.3, the THSP is intended to meet the General Plan goals, objectives, policies, and actions related to the balanced and orderly pattern of growth, the maintenance of the small-town character, and the planned growth within the sphere of influence (SOI). The amount of new residential growth (maximum of 5,499 residential units) and commercial, office and industrial land use growth (approximately 2,731.6 gross acres with up to 5.7 million square feet of space) facilitated by the Project would be within the range of development planned for in the City's General Plan. The General Plan identifies an increase of 600 residential units in the City per year, which on average over time is the maximum increase allowed by the growth management ordinance (GMO). Of these, 5,499 units are anticipated in the THSP site as part of the THSP Area. The THSP has been identified within the City of Tracy General Plan and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Regarding the Project's proximity to the wastewater treatment plant, as the THSP was anticipated in the General Plan and the City's Infrastructure Master Plans, the Project is also included in the Citywide Wastewater Master Plan. Per the City of Tracy Citywide Water System Master Plan/Tracy Wastewater Master Plan Initial Study/Mitigated Negative Declaration (November 2012), impacts associated with accommodating future development would be less than significant.</p> <p>As described in Response OR2-12e, the City's projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City's jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Furthermore, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational</p>

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OR1-27	<p>Air Quality Policy P14 of the City’s General plan provides that, “Developments that significantly impact air quality shall only be approved if all feasible mitigation measures to avoid, minimize or offset the impact are implemented. The Tracy Hills DEIR concludes that air quality impacts are significant and unavoidable but the DEIR does not implement all feasible mitigation measures. For example the projects Phase 1 tentative map consists of meandering streets with no central grid pattern which would reduce VMT.<sup>39</sup> The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent but the DEIR does not propose it. <sup>40</sup> The project sprawls over 2,711 acres and could be compressed with more high density residential units and reduce its air quality impact. There are many more feasible mitigation measures which could be implemented. By developing phase B instead of phase 1 (A) of the project first VMT during the development of the first phase of the project would be reduced considerably.</p>	<p>emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p> <p>Also, refer to Response OR1-24, above. The Reduced Density Alternative was determined to be the environmentally superior alternative. However, this Alternative also does not fully meet several project objectives.</p> <p>The Commentor is directed to the Response to Comment GP6-17 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR.</p> <p>As described in Recirculated Draft SEIR Section 4.3, the THSP is intended to meet the General Plan goals, objectives, policies, and actions related to the balanced and orderly pattern of growth, the maintenance of the small-town character, and the planned growth within the sphere of influence (SOI). The amount of new residential growth (maximum of 5,499 residential units) and commercial, office and industrial land use growth (approximately 2,731.6 gross acres with up to 5.7 million square feet of space) facilitated by the Project would be within the range of development planned for in the City’s General Plan. The General Plan identifies an increase of 600 residential units in the City per year, which on average over time is the maximum increase allowed by the growth management ordinance (GMO). Of these, 5,499 units are anticipated in the THSP site as part of the THSP Area. The THSP has been identified within the City of Tracy General Plan and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Regarding the Project’s proximity to the wastewater treatment plant, as the THSP was anticipated in the General Plan and the City’s Infrastructure Master Plans, the Project is also included in the Citywide Wastewater Master Plan. Per the City of Tracy Citywide Water System Master Plan/Tracy Wastewater Master Plan Initial Study/Mitigated Negative Declaration (November 2012), impacts associated with accommodating future development would be less than significant.</p>

<sup>39</sup> Tracy Hills DSEIR Figure 3.11 Phase 1A vesting tentative map  
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OR1-28	<p data-bbox="394 743 621 764"><u>Health Risk Assessment</u></p> <p data-bbox="394 792 1129 1062">California Code of Regulations, Title 14 (the CEQA Guidelines), Section 15126.2(a) recommends that significant environmental effects of a project be assessed when a project brings development and people into an affected area. A health risk assessment was performed to determine if residents near Highway 580 would be exposed to significant health risks from vehicle emissions. The analysis fails for several reasons. The HRA fails to include other major point sources like the GWF 319 MW combined cycle power plant and the Owens Illinois Glass Plant, Lawrence Livermore National Laboratory Site 300, Tracy Airport and the existing aggregate mining near the site.</p>	<p data-bbox="1157 293 1919 597">As described in Response OR2-12e, the City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Furthermore, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p> <p data-bbox="1157 618 1919 704">Also, refer to Response OR1-24, above. The Reduced Density Alternative was determined to be the environmentally superior alternative. However, this Alternative also does not fully meet several project objectives.</p> <p data-bbox="1157 792 1919 1029">The Commentor is directed to the Response to Comment GP6-18 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. Additionally, the point sources identified in the comment are outside of the screening distances for analyzing health risks. For example, Lawrence Livermore National Laboratory’s Site 300, a U.S. Department of Energy National Nuclear Security Administration experimental test site, is located approximately 1.33 miles (7,000 feet) to the west/southwest of the Specific Plan Area along Corral Hollow Road. As a result, major point sources have not been omitted from the analysis.</p> <p data-bbox="1157 1052 1919 1386">As previously identified in the Recirculated Draft SEIR, CEQA case law has held that CEQA requires the lead agency to analyze the impacts of a project on the environment, not the impacts of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455; South Orange County Wastewater Authority v. City of Dana Point (2011) 196 Cal.App.4th 1604, 1617.); also refer to Response RA6-2. However, in the interest of full disclosure, an addendum to the Health Risk Assessment (HRA) included in the DSEIR has been conducted and identifies the impact to all prospective on-site residential uses for the entire Project as a function of exposure to pollutants from I-580, Union Pacific Railroad, and from activity associated with proposed industrial facilities within the THSP. Additionally, the HRA addendum also</p>

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OR1-29	<p>The HRA analysis also failed to utilize the most recent version of newly proposed OEHHA methodology (OEHHA 2014) and the most recent toxicity values (OEHHA 2014; EPA 2014) Further the modeling assumed that only adults would be exposed and that the majority of the time those adults would remain indoors. The proper analysis would use the new risk values from OEHHA which contain risk values for children. Obviously children would not remain</p>	<p>evaluates impacts to off-site residential, workers, and schools as a function of exposure to diesel particulate matter (DPM) associated with trucking activity that would serve the industrial uses of the THSP (mixed use business park and light industrial).</p> <p>Furthermore, contrary to the statements in the comment, the latest regulatory guidance from SJVAPCD, OEHHA, and USEPA were used in the analysis. It should be noted that the HRA addendum includes a risk evaluation for children. The results of the HRA addendum indicate that the impact to off-site residents, schools, and workers associated with diesel trucks and associated DPM emissions resulting from ongoing operations of industrial land uses proposed by the Project will be less than significant and no mitigation is required. The supplemental assessment serves the SJVAPCDs request to assess potential risks based upon worst-case development assumptions.</p> <p>Regulatory guidance from SJVAPCD, OEHHA, and USEPA assumes that source-receptor locations are static, whereby exposures are assumed to be continuous based on the averaging time under consideration. It is important to note that the analysis assumes a “static” exposure scenario of constant exposure 24 hours per day, 7 days per week for a long-term duration (70 years). Notwithstanding, the time spent indoors at residences is over 90 percent of the 24 hour day. The latest version of the U.S. EPA’s Exposure Factor Handbook: 2011 Edition includes empirical data that suggests on average over 21 hours per day are spent indoors at the residence for all age groups; also refer to Response RA6-9. As such, there is substantial evidence that supports that people do in fact spend the vast majority of time inside their homes. The comment provides no evidence to refute this claim and support their generalized statement that people do not stay inside their home all the time. As noted in the Recirculated Draft SEIR, the HRA addendum, and above, impacts associated with the lifetime risk exposure would be less than significant.</p> <p>The Commentor is directed to the Response to Comment GP6-18 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR.</p> <p>As previously identified in the Recirculated Draft SEIR, CEQA case law has held that CEQA requires the lead agency to analyze the impacts of a project on the environment, not the impacts of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455; South</p>



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	<p>indoors all day and there breathing patterns are much more accelerated. Contrary to guidelines furnished by the SJVAPCD the health risk assessment also adjusted lifetime risk values for residents. These non-approved methods still showed that without mitigation the risk is 17 in a million which is above the significance level. Needless to say using incorrect modeling procedures, omitting major point sources, utilizing inappropriate risk values, and adjusting lifetime exposure risks renders the health risk assessment meaningless.</p>	<p>Orange County Wastewater Authority v. City of Dana Point (2011) 196 Cal.App.4th 1604, 1617.); also refer to Response RA6-2. However, in the interest of full disclosure, an addendum to the Health Risk Assessment (HRA) included in the DSEIR has been conducted and identifies the impact to all prospective on-site residential uses for the entire Project as a function of exposure to pollutants from I-580, Union Pacific Railroad, and from activity associated with proposed industrial facilities within the THSP. Additionally, the HRA addendum also evaluates impacts to off-site residential, workers, and schools as a function of exposure to diesel particulate matter (DPM) associated with trucking activity that would serve the industrial uses of the THSP (mixed use business park and light industrial).</p> <p>Furthermore, contrary to the statements in the comment, the latest regulatory guidance from SJVAPCD, OEHHA, and USEPA were used in the analysis. It should be noted that the HRA addendum includes a risk evaluation for children. The results of the HRA addendum indicate that the impact to off-site residents, schools, and workers associated with diesel trucks and associated DPM emissions resulting from ongoing operations of industrial land uses proposed by the Project will be less than significant and no mitigation is required. The supplemental assessment serves the SJVAPCDs request to assess potential risks based upon worst-case development assumptions.</p> <p>Regulatory guidance from SJVAPCD, OEHHA, and USEPA assumes that source-receptor locations are static, whereby exposures are assumed to be continuous based on the averaging time under consideration. It is important to note that the analysis assumes a “static” exposure scenario of constant exposure 24 hours per day, 7 days per week for a long-term duration (70 years). Notwithstanding, the time spent indoors at residences is over 90 percent of the 24 hour day. The latest version of the U.S. EPA’s Exposure Factor Handbook: 2011 Edition includes empirical data that suggests on average over 21 hours per day are spent indoors at the residence for all age groups; also refer to Response RA6-9. As such, there is substantial evidence that supports that people do in fact spend the vast majority of time inside their homes. The comment provides no evidence to refute this claim and support their generalized statement that people do not stay inside their home all the time. As noted in the Recirculated Draft SEIR, the HRA addendum, and above, impacts associated with the lifetime risk exposure would be less than significant.</p>

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OR1-30	<p><u>4.7 GREENHOUSE EMISSIONS</u></p> <p>The DSEIR concludes that the project’s GHG emissions will be a significant and unavoidable impact under CEQA. An impact occurs if the project is not in conformance with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Under CEQA, the SJVAPCD is the expert commenting agency on air quality and GHG emissions within its jurisdiction or impacting its jurisdiction. The SJVAPCD adopted the <i>Climate Change Action Plan</i> in August 2008. The <i>Climate Change Action Plan</i> was developed to assist local land use agencies and businesses in complying with state requirements.</p>	<p>The Commentor is directed to the Response to Comment GP6-19 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR.</p> <p>The Project would be consistent with the development patterns and growth projections for the area. As described in the Recirculated Draft SEIR, the THSP has been identified within the City of Tracy General Plan and infrastructure plans, and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Additionally, refer to Response OR1-6 within Volume II of the Recirculated Draft SEIR. The City is projected to experience growth in jobs by the TMP horizon year 2030 and buildout in 2050. In 2030, the TMP anticipates 40,506 houses and 64,182 jobs (a jobs:housing ratio of 1.58). By 2050 the TMP anticipates 43,557 houses and 184,003 jobs (a jobs:housing ratio of 4.22). The City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Refer to Response GP6-17, above, regarding consistency with the General Plan. Also, refer to Response OR1-7 within Volume II of the Recirculated Draft SEIR. As documented in Table 4.7-7 of the Recirculated Draft SEIR, the proposed Project would be consistent with the applicable measures in the City’s Sustainability Action Plan.</p>
OR1-31	<p>The SJVAPCD GHG Guidance establishes standards that require projects to reduce their GHG emissions by at least 29 percent from Business as Usual (BAU) levels, through the application of Best Performance Standards (BPS) or other mitigation measures, to achieve a less than cumulatively significant impact under CEQA. To have a less-than-significant individual and cumulative impact on global climate change, projects must be determined to have reduced or mitigated GHG emissions by 29 percent, consistent with the GHG emission reduction targets established in CARB’s AB 32 Scoping Plan. According to the 2014 DEIR the project even with all identified mitigation measures the project would reduce GHG emissions by only 29,566.80 MTCO<sub>2</sub>eq/yr which is only 16.41 percent of the project GHG emissions at full build out. The project does</p>	<p>The Commentor is directed to the Response to Comment GP6-19 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR. This comment summarizes the GHG analysis within the Recirculated Draft SEIR and does not challenge the analysis. As noted in the comment, the Recirculated Draft SEIR determines that implementation of all feasible mitigation measures would achieve a reduction of 16.41 percent, which would fall short of the SJVAPCD’s 29 percent threshold despite the implementation of all feasible mitigation measures. Consequently, this impact is determined to be significant.</p> <p>The comment incorrectly states that the project does not comply with CEQA because it does not achieve the SJVAPCD reduction target. The GHG analysis</p>

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	<p>not comply with the SJVAPCD guidelines requiring a 29% reduction and also does not comply with CEQA. The DEIR also assumes that even with implementation of Mitigation Measure 4.7-1 for Phase 1 only a 12.62 percent reduction in GHG emissions would occur from the “business as usual” condition. Therefore, the Project would not achieve the SJVAPCD’s 29 percent GHG significance threshold under phase 1 or full build out.</p>	<p>was conducted in accordance with the State CEQA Guidelines and the SJVAPCD Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects Under CEQA. Per the SJVAPCD guidance and the State CEQA Guidelines, all feasible mitigation measures were identified for the significant GHG impacts. Despite the implementation of all feasible mitigation measures, project-emissions would fall short of the reduction requirement and the Recirculated Draft SEIR determined that impacts would remain significant and unavoidable.</p>
OR1-32	<p>The DSEIR concludes that the impacts from GHG emissions from the project are significant and unavoidable. CEQA requires that all feasible mitigation measures must be utilized when a project produces a significant impact on the environment. The DSEIR fails to utilize all feasible mitigation measures and therefore is contrary to law. By increasing the residential density of the project the applicant can reduce significant GHG and air quality impacts. The project could provide an affordable housing component which the SJVAPCD predicts will provide for as much as a 4% reduction in GHG emissions.<sup>41</sup> By requiring commercial and mixed use portions of the proposed project to include End of Trip Facilities which provides clothes locker and showers for employees GHG emissions could be reduced by as much as .625% according to the staff at the SJVAPCD.<sup>42</sup> Requiring commercial and mixed use development utilize an Employee and/or customer paid parking system is expected to reduce GHG emissions by 5%.<sup>43</sup> Providing that Office/Mixed-Use Projects provide safe and convenient pedestrian and bicycle access to all transit stops within 1/4 mile can reduce GHG emissions from a project by up to 1.5%.<sup>44</sup> Requiring the Tracy Hills developers to develop the land between the DMC and the aqueduct first rather</p>	<p>Recirculated Draft SEIR Section 4.7 requires the project to implement Mitigation Measure 4.7-1, which specifies various measures to reduce operational emissions, including providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures, installing high efficiency lighting, and installing energy efficient appliances. Mitigation Measure 4.7-1 also requires the implementation of feasible City of Tracy SAP measures and other measures to reduce emissions. The Commentors suggestions of increasing density or providing affordable housing are project modifications and not mitigation measures.</p> <p>As noted in the Response to Comment GP6-23 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR, requiring affordable housing may not be feasible and would provide a less than one percent reduction in VMT.</p> <p>Additionally, a reduced density alternative was analyzed in the Recirculated Draft SEIR. As described in Recirculated Draft SEIR Section 7 (Alternatives), the Reduced Density Alternative (Alternative 3), is considered the environmentally superior alternative. Alternative 3 marginally reduces some impacts due to the</p>

<sup>41</sup> SJVAPCD Final Staff Report Addressing Greenhouse Gas Emissions Impacts Under The California Environmental Quality Act Page 141 of 300 [http://r.search.yahoo.com/\\_ylt=A86.J7.h.WFw4iUAjAsnllQ; ylu=X3oDMTByb2lvXVvBGNvbG8DZ3ExBHBvcwMxBHZAaWQDBHNIYwNzcq--/RV=2/RE=1449290273/RO=10/RU=http%3a%2f%2fwww.valleyair.org%2fPrograms%2fCCAP%2f12-17-09%2f1%2520CCAP%2520-%2520FINAL%2520CEQA%2520GHG%2520Staff%2520Report%2520-%2520Dec%252017%25202009.pdf/RK=0/RS=FR\\_ebdDO6.FvUWt8RV7chcZt\\_sE-](http://r.search.yahoo.com/_ylt=A86.J7.h.WFw4iUAjAsnllQ; ylu=X3oDMTByb2lvXVvBGNvbG8DZ3ExBHBvcwMxBHZAaWQDBHNIYwNzcq--/RV=2/RE=1449290273/RO=10/RU=http%3a%2f%2fwww.valleyair.org%2fPrograms%2fCCAP%2f12-17-09%2f1%2520CCAP%2520-%2520FINAL%2520CEQA%2520GHG%2520Staff%2520Report%2520-%2520Dec%252017%25202009.pdf/RK=0/RS=FR_ebdDO6.FvUWt8RV7chcZt_sE-)

<sup>42</sup> SJVAPCD Final Staff Report Addressing Greenhouse Gas Emissions Impacts Under The California Environmental Quality Act Page 125 of 300

<sup>43</sup> SJVAPCD Final Staff Report Addressing Greenhouse Gas Emissions Impacts Under The California Environmental Quality Act Page 130 of 300

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	<p>than develop land between the aqueduct and I-580 first will reduce VMT by ½ mile for every trip into the city which will lower GHG emissions significantly. EPA has estimated that the average GHG emission per mile is 307 grams or .68 pounds. Just requiring the land between the DMC and the Aqueduct first would eliminate an average of .34 pounds of GHG emission per trip into Tracy. Requiring Tracy Hills to develop its own wastewater treatment plant as envisioned in the 1997 DEIR. This would reduce the pumping of wastewater 7 miles to the existing wastewater treatment plant. It would minimize GHG emissions from the energy that will be necessary to pump recycled water from the Holly Drive treatment plant to the Tracy Hills Project. The city’s wastewater master plan states that, “<i>the one-plant option will require additional piping and pumping to transfer recycled water from the Holly Drive plant location to the Tracy Hills community.</i>”<sup>45</sup></p>	<p>reduced development intensity potential. However, Alternative 3 does not fully meet several project objectives, including implementation of the City’s General Plan Area of Special Consideration Number 8: Tracy Hills Specific Plan Area.</p> <p>Mitigation Measure 4.7-1 also requires employers to provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) and a parking cash out program, which are similar to the end of trip facilities and paid parking system suggested in the comment.</p> <p>Furthermore, as described in the Response to Comment GP6-17 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and above, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p> <p>Refer to Response to Comment GP6-17 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding the wastewater treatment plant.</p>
OR1-33	<p>The Reduced Density Alternative is considered the environmentally superior alternative. The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent.<sup>46</sup> This would enable the project to achieve the SJVAPCD’s 29 % GHG emission reduction guideline and the project would then comply with CEQA.</p>	<p>The Commentor is directed to the Response to Comment GP6-16 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding the reduced density alternative.</p> <p>Recirculated Draft SEIR Section 4.3 requires the project to implement Mitigation Measure 4.3-2, which requires compliance with SJVAPCD Rule 9510. Rule 9510 requires a reduction of operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50 percent over 10 years.</p> <p>Furthermore, the Project is also required to implement Mitigation Measure 4.7-1, which specifies various measures to reduce operational emissions, including providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures, installing high efficiency lighting, and installing energy efficient</p>

<sup>45</sup> City of Tracy Waste Water Master Plant Page 4-9

<sup>46</sup> 2014 DEIR Page 23 of 926

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OR1-34	<p><u>Leap Frog Development and GHG emissions.</u></p> <p>Land use planning decisions, such as discouraging leap-frog development, and creating favorable jobs to housing ratios can significantly reduce VMT and the</p>	<p>appliances. Mitigation Measure 4.7-1 also requires the implementation of feasible SAP measures and other measures to reduce emissions.</p> <p>As described in Recirculated Draft SEIR Section 7 (Alternatives), the Reduced Density Alternative (Alternative 3), is considered the environmentally superior alternative. Alternative 3 marginally reduces some impacts due to the reduced development intensity potential. However, Alternative 3 does not fully meet several project objectives, including implementation of the City’s General Plan Area of Special Consideration Number 8: Tracy Hills Specific Plan Area. Additionally, this alternative would avoid significant and unavoidable Project impacts with respect to air quality, greenhouse gas emissions, and noise.</p> <p>The Alternative Site Alternative was also considered in Section 7 of the Recirculated Draft SEIR. However, this alternative was rejected because the Project Area has already been contemplated by the General Plan for future development. Additionally, extensive planning efforts have included the adoption of the 2011 revised General Plan (which anticipated build out of the THSP) and the Project Area is currently designated “Tracy Hills Specific Plan” on the City of Tracy Zoning Map. The City’s master plans of infrastructure (which serve to implement development under the General Plan) have accommodated the development density and pace of development identified in the THSP. Also, the Project Area is largely within the control of the Project Applicant and there are no other sites of this size within the City or the City’s sphere that the Project Applicant would be able to reasonably acquire, control, or otherwise have access to that would meet the basic objectives of the Project. Pursuant to Section 15126.6(f) (1) of the CEQA Guidelines, “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).”</p> <p>The Commentor is directed to the Response to Comment GP6-20 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding leap frog development and GHG emissions.</p>

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	<p>associated GHG emissions.<sup>47</sup> These are the number 1 priorities in the Tracy General plan <i>Objective AQ-1.1 Improve air quality and reduce greenhouse gas emissions through land use planning decisions.</i></p> <p>The Tracy Hills Project is the poster child for leap frog development. The Tracy Hills development even leap-frogs itself by constructing phase 1 between the DMC and the aqueduct while leaving project land closer to the city’s core undeveloped until some undisclosed later time. The Tracy Hills project is not contiguous to any development in Tracy therefore its location drastically increases the Vehicle Miles Traveled (VMT) by future residents leading to increased GHG emission. The Tracy Hills Project Phase 1 is over 1 mile from the closest residential development in Tracy Edgewood.</p>	<p>The Project would be consistent with the development patterns and growth projections for the area. As described in the Recirculated Draft SEIR, the THSP has been identified within the City of Tracy General Plan and infrastructure plans, and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Additionally, refer to Response OR1-6 within Volume II of the Recirculated Draft SEIR. The City is projected to experience growth in jobs by the TMP horizon year 2030 and buildout in 2050. In 2030, the TMP anticipates 40,506 houses and 64,182 jobs (a jobs:housing ratio of 1.58). By 2050 the TMP anticipates 43,557 houses and 184,003 jobs (a jobs:housing ratio of 4.22). The City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Refer to Response GP6-17, above, regarding consistency with the General Plan. Also, refer to Response OR1-7. As documented in Table 4.7-7 of the Recirculated Draft SEIR, the proposed Project would be consistent with the applicable measures in the City’s Sustainability Action Plan.</p>
OR1-35	<p>Choosing another one of the urban reserves located contiguous to other developments in Tracy will drastically lower VMT and perhaps even achieve the 29% reduction in GHG emissions required by the SQVAPCD. The THSP is not consistent with General plan objective Q 1.1 Policy P1 which prescribes that The City shall promote land use patterns that reduce the number and length of motor vehicle trips.</p>	<p>The Commentor is directed to the Response to Comment GP6-16 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding locating the project at an alternative site. Additionally, refer to Response to Comment GP6-17 regarding consistency with the General Plan, as well as Response to Comment GP6-17 and GP6-20 regarding VMT.</p> <p>Recirculated Draft SEIR Section 4.3 requires the project to implement Mitigation Measure 4.3-2, which requires compliance with SJVAPCD Rule 9510. Rule 9510 requires a reduction of operational NO<sub>x</sub> emissions by 33 percent and operational PM10 emissions by 50 percent over 10 years.</p> <p>Furthermore, the Project is also required to implement Mitigation Measure 4.7-1, which specifies various measures to reduce operational emissions, including providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic</p>

<sup>47</sup> Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA Page 7

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		<p>calming measures, installing high efficiency lighting, and installing energy efficient appliances. Mitigation Measure 4.7-1 also requires the implementation of feasible SAP measures and other measures to reduce emissions.</p> <p>As described in Recirculated Draft SEIR Section 7 (Alternatives), the Reduced Density Alternative (Alternative 3), is considered the environmentally superior alternative. Alternative 3 marginally reduces some impacts due to the reduced development intensity potential. However, Alternative 3 does not fully meet several project objectives, including implementation of the City’s General Plan Area of Special Consideration Number 8: Tracy Hills Specific Plan Area. Additionally, this alternative would avoid significant and unavoidable Project impacts with respect to air quality, greenhouse gas emissions, and noise.</p> <p>The Alternative Site Alternative was also considered in Section 7 of the Recirculated Draft SEIR. However, this alternative was rejected because the Project Area has already been contemplated by the General Plan for future development. Additionally, extensive planning efforts have included the adoption of the 2011 revised General Plan (which anticipated build out of the THSP) and the Project Area is currently designated “Tracy Hills Specific Plan” on the City of Tracy Zoning Map. The City’s master plans of infrastructure (which serve to implement development under the General Plan) have accommodated the development density and pace of development identified in the THSP. Also, the Project Area is largely within the control of the Project Applicant and there are no other sites of this size within the City or the City’s sphere that the Project Applicant would be able to reasonably acquire, control, or otherwise have access to that would meet the basic objectives of the Project. Pursuant to Section 15126.6(f) (1) of the CEQA Guidelines, “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).”</p> <p>As described in Recirculated Draft SEIR Section 4.3, the THSP is intended to meet the General Plan goals, objectives, policies, and actions related to the balanced and orderly pattern of growth, the maintenance of the small-town character, and the planned growth within the sphere of influence (SOI). The amount of new residential growth (maximum of 5,499 residential units) and</p>

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		<p>commercial, office and industrial land use growth (approximately 2,731.6 gross acres with up to 5.7 million square feet of space) facilitated by the Project would be within the range of development planned for in the City’s General Plan. The General Plan identifies an increase of 600 residential units in the City per year, which on average over time is the maximum increase allowed by the growth management ordinance (GMO). Of these, 5,499 units are anticipated in the THSP site as part of the THSP Area. The THSP has been identified within the City of Tracy General Plan and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Regarding the Project’s proximity to the wastewater treatment plant, as the THSP was anticipated in the General Plan and the City’s Infrastructure Master Plans, the Project is also included in the Citywide Wastewater Master Plan. Per the City of Tracy Citywide Water System Master Plan/Tracy Wastewater Master Plan Initial Study/Mitigated Negative Declaration (November 2012), impacts associated with accommodating future development would be less than significant.</p> <p>As described in Response OR2-12e, the City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Furthermore, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p> <p>Also, refer to Response OR1-24, above. The Reduced Density Alternative was determined to be the environmentally superior alternative. However, this Alternative also does not fully meet several project objectives.</p> <p>The Project would be consistent with the development patterns and growth projections for the area. As described in the Recirculated Draft SEIR, the THSP has been identified within the City of Tracy General Plan and infrastructure plans, and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p>



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OR1-36	<p>The other factor is the City of Tracy's jobs to housing imbalance. The city of Tracy has the sixth longest commute in the United States according to Forbes magazine of 41 minutes flat.<sup>48</sup> While the City of Tracy has experienced strong employment growth over the last several years, the city's population has grown at a faster pace than its employment. Much of this residential growth is attributable to households with workers employed in the Bay Area, especially Alameda County. Concomitantly, Tracy's housing prices are so high that many of the predominantly low-wage workers of jobs based in Tracy must commute in from elsewhere in San Joaquin County. Only 20 percent of Tracy's resident workforce is employed within the city. This is due to the failure of city officials and planners who keeps approving high priced housing while supplying only low wage warehouse and service jobs. As stated above 20 percent of Tracy's resident workforce is employed within the city, significantly less than the 73 percent that would be predicted if Tracy's jobs-housing ratio were the only factor determining where residents work. One mechanism for reducing in- and out-commuting in the future is to foster a strong match between the skills of Tracy's residents and the training and educational requirements of Tracy's jobs. Highly trained or educated residents are unlikely to hold jobs for which they are overqualified, while residents with low levels of education are unlikely to be offered jobs with</p>	<p>Additionally, refer to Response OR1-6 within Volume II of the Recirculated Draft SEIR. The City is projected to experience growth in jobs by the TMP horizon year 2030 and buildout in 2050. In 2030, the TMP anticipates 40,506 houses and 64,182 jobs (a jobs:housing ratio of 1.58). By 2050 the TMP anticipates 43,557 houses and 184,003 jobs (a jobs:housing ratio of 4.22). The City's projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City's jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Refer to Response GP6-17, above, regarding consistency with the General Plan. Also, refer to Response OR1-7. As documented in Table 4.7-7 of the Recirculated Draft SEIR, the proposed Project would be consistent with the applicable measures in the City's Sustainability Action Plan.</p>
		<p>The Commentor is directed to the Response to Comment GP6-21 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding the jobs to housing balance. Additionally, the jobs and housing growth forecasts, as clearly depicted in the City of Tracy, County of San Joaquin, and SJCOG planning processes are unambiguously accurately reflected in the distribution of Project traffic within and onto the regional road network for Phase 1 and buildout conditions. The Tracy Hills distribution of traffic is consistent with the General Plan and the SJCOG model. A single job at a local business results in at least two trips not distributing onto the regional network, irrespective the income. Also, note that trip assignment and distribution on the model takes income into consideration. The comment is also ignoring the fact that second and third persons living in a household could have a local job, which is part of the Project trip generation. Furthermore, improving the City's housing supply would drive down housing costs and improve affordability.</p>
		<p>Refer to Responses OR1-6 and GP6-20 within the Recirculated Draft SEIR and referenced above in Response OR1-35 above. The anticipated job growth in the City would outpace available housing. Implementation of the THSP would improve the City's projected jobs/housing balance.</p>

<sup>48</sup> <http://xfinity.comcast.net/slideshow/news-americasworstcommutes/6/>

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	<p>high training requirements. Consequently, the distribution of educational attainment of residents should closely resemble the occupational requirements of key industrial sectors for there to be a good skills-jobs match. In general, the occupations in Tracy’s key sectors do not have high training or educational requirements, with a majority requiring no post-secondary education. In comparison, in 2008, 55 percent of Tracy’s resident workforce had some post-secondary education, including 20 percent that held bachelor’s degrees or higher. This suggests that a potential source of mismatch between Tracy’s jobs and residents is that the resident workforce may be “overqualified” for employment in the largest and most rapidly-growing sectors of the local economy.<sup>49</sup></p>	
OR1-37	<p>According to the DSEIR impacts to pedestrian and bicycle facilities outside of the THSP would be a significant and unavoidable impact.<sup>50</sup> According to the DSEIR this occurs because the City of Tracy cannot control the timing of these improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation). The pedestrian and bicycle facilities are relied upon in the DSEIR to reduce air quality and GHG impacts. Since these measures cannot be provided then the GHG emissions and air quality impacts are correspondingly understated. This is another significant impact of leap frog development which places THSP housing over 1 mile from any current City facilities or housing.</p>	<p>The comment cites the conservative conclusion of the impact analysis, but does not include the context of the rest of the discussion. As noted in the Recirculated Draft SEIR, the Project would comply with the goals, objectives, and policies of the General Plan, including the specific intent of the goals, objectives, and policies. The project includes a Class I bike path and pedestrian facilities. When fully developed, the Project would include pedestrian and bicycle facilities internal to the Project site and that connect to the existing pedestrian system via street frontage improvements that include sidewalks and bicycle paths. The analysis conservatively determines that impacts would be significant and unavoidable because the timing for implementation of the bicycle and pedestrian facilities would be subject to approvals from other agencies. However, these facilities would be implemented and the air quality and GHG reductions from reduced vehicle trips would be achieved.</p>
OR1-38	<p><u>The 2015 DSEIR understates VMT which causes the DSEIR to understate GHG emissions.</u></p> <p>The 2015 draft EIR underestimates the total vehicle miles traveled from the development and the corresponding GHG emissions. The DSEIR defends its VMT estimates based on an alleged increase in the jobs housing ratio. The 2015 DSEIR states, “<i>Economic development data collected by the City of Tracy indicates that between 2000 and 2008, the jobs-to-housing ratio remained consistent at approximately 1.19.</i>”</p>	<p>The Commentor is directed to the Response to Comments OR1-6, GP6-17, and GP6-20 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Response OR1-36, above, regarding the VMT calculations. Additionally, refer to the Response to Comment GP6-21 in Volume II of Tracy Hills Specific Plan</p>

<sup>49</sup> City of Tracy Sustainable action plan Page 36 of 133  
<sup>50</sup> 2015 DSEIR Volume 1 Page 768 of 880

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	<p><i>Between 2008 and 2014, the jobs-to-housing ratio showed an increase of 22.7 percent in local jobs at a ratio of 1.46. This increase already results in more trips staying local to Tracy.”<sup>51</sup> But according to the City of Tracy’s 2015-2023 Draft Housing element, “ between 2008 and 2013, nearly 55 percent of Tracy’s workforce traveled to another county for employment. This rate is more than double that of San Joaquin County (26 percent) and the highest among surrounding counties (Table 10). While the proportion of long distance commuters in Tracy remains high, this number has decreased by three percent since 2000. However, this decrease may have been a result of the recession.”<sup>52</sup></i></p>	<p>Recirculated Draft SEIR and Response OR1-36, above, regarding the jobs to housing balance.</p> <p>Many comments have been submitted regarding the reduction of Project trips to the San Francisco Bay Area. In the near term, there are fewer jobs assumed to be available in the City of Tracy and San Joaquin County as a whole. As a result of this assumption, the Project traffic distributes onto I-580. As the City and the County develop and local employment opportunities increase, the road network in Tracy would also expand, additional interchanges would be constructed, and less traffic would distribute to I-580 along Corral Hollow Road. Spine Road would have been extended to the future Lammers Road as the THSP builds out, and the travel demand would decrease on the southbound approach of Spine Road to Corral Hollow Road.</p> <p>As a result of both buildout of the General Plan and implementation of the THSP, the jobs-to-housing balance within the City of Tracy would shift over time, resulting in changed travel patterns and more trips with origins and destinations within Tracy and also within the THSP. The change in THSP traffic volumes starting with Phase 1A (near-term conditions) through 2035 (General Plan buildout) and Project buildout substantiates the shift in the jobs-to-housing ratio. The analysis accurately reflects this anticipated change in development and rerouting of traffic and accurately reflects future conditions, as adopted in the City of Tracy Citywide Roadway and Transportation Master Plan. The shift in the jobs-to-housing ratio to accommodate more jobs in Tracy would result in more trips having origins and destinations within Tracy and instead traveling onto Lammers Road and Corral Hollow Road and leaving the City. In addition, the construction of Lammers Road and the Lammers Road interchange with I-580 would reroute Project Phase 1A traffic traveling north on Spine Road to Lammers Road, compared to these trips traveling to Corral Hollow Road in the near term. Note that Spine Road is not connected to Lammers Road for Phase 1A conditions. Within the THSP, as more employment related land uses develop, internal trips would increase and less trips would leave the site, which results in less regional trips.</p>

<sup>51</sup> 2015 DSEIR volume II page 11-136

<sup>52</sup> 2015 City of Tracy 2015-2023 Draft Housing element page 18

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		<p>The City just approved the Cordes Ranch Specific Plan which includes approximately 1,462 net acres of commercial, office, manufacturing, warehouse, and distribution uses. This increase in employment is forecasted to decrease traffic on the regional road system. FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, , Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard’s Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City’s 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City.</p> <p>The City of Tracy Transportation Master Plan forecasts 64,182 employed persons in year 2035, which is an increase of 40,078 (or 166.3percent) from 24,104 employed persons in 2006. Dwelling units are forecast to increase by 51.4 percent from 26,789 in 2006 to 40,506 residences in 2035. The Tracy Travel Demand Model indicates that the growth in Tracy (from existing conditions to year 2035) would result in the internal trip distribution increasing from the existing 48 percent to 49 percent in the AM peak hour and decrease from 64 percent to 49 percent in the PM peak hour as a percentage of total Tracy trips. Westbound trips on I-580 towards Alameda County and beyond, would decrease from 7 percent to 1 percent in the AM peak hour and remain at about 1 percent in the PM peak hour. Trips from Alameda County and beyond to Tracy would remain at about 1 percent during the AM peak hour and decrease from 3.5 percent to 1.3 percent in the PM peak hour.</p> <p>Economic development data collected by the City of Tracy indicates that between 2000 and 2008, the jobs-to-housing ratio remained consistent at approximately 1.19. Between 2008 and 2014, the jobs-to-housing ratio showed an increase of 22.7 percent in local jobs at a ratio of 1.46. This increase already results in more trips staying local to Tracy.</p> <p>As described in Recirculated Draft SEIR Section 4.7, the Project would be consistent with the City’s Sustainability Action Plan with implementation of Mitigation Measure 4.7-1. Mitigation Measure 4.7-1 would require the THSP Project to increase transit usage and opportunities, improve pedestrian</p>

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		<p>accessibility, provide mixed-use, improve destination accessibility, provide traffic calming measures, install high efficiency lighting, and install energy efficient appliances. Mitigation Measure 4.7-1 also requires the implementation of feasible Sustainable Action Plan measures and other measures aimed at reducing GHG emissions.</p> <p>Table 4.7-7 of the Recirculated Draft SEIR provides a consistency analysis between applicable Sustainable Action Plan measures and the THSP Project and demonstrates how the THSP Project would be consistent with the Sustainable Action Plan and would not hinder its implementation or effectiveness.</p> <p>Additionally, as described in the Recirculated Draft SEIR, the THSP project is identified in the City of Tracy General Plan and the TMP.</p> <p>As noted by the Commentor, the Recirculated Draft SEIR finds that the Project would not meet SJVAPCD reduction requirements. This statement is made in regards to the SJVAPCD’s 29 percent reduction from the “business as usual” threshold. However, the statement regarding the employment opportunities generated by the Project was made in order to describe the Project’s consistency with a specific Sustainability Action Plan measure (Measure T-13a). The two statements in the Recirculated Draft SEIR occur under two different impact statement analyses and are not linked together as purported by the Commentor.</p> <p>The reduction in commute trip lengths are quantified in the Recirculated Draft SEIR. This reduction is identified in Tables 4.7-3 and 4.7-6 which show the reduced GHG emissions after implementation of the Project Design Features and Mitigation Measures. These reductions were quantified in the California Emissions Estimator Model (CalEEMod) as recommended by the SJVAPCD. The reductions used by CalEEMod are based on research and data within the California Air Pollution Control Officers Association report Quantifying Greenhouse Gas Mitigation Measures.</p> <p>As discussed in the City’s Transportation Master Plan (TMP), which assumes the THSP Project, the City is forecasted to experience growth in jobs by the TMP horizon year of 2035 and buildout in City buildout. For example in 2035, the TMP forecasts 40,506 houses and 64,182 jobs (a jobs-to-housing ratio of 1.58). By City Buildout, the TMP forecasts 43,557 houses and 184,003 jobs (a jobs-to-housing ratio of 4.22). The City’s projected job growth is anticipated to outpace available</p>

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		<p>housing, and additional housing units would be needed. As evidenced by the data in the TMP (which is based on and supported by the data in the City’s General Plan), a jobs-to-housing program that would slow or stop housing approvals (as suggested in the Commentor) is not necessary or appropriate. This increase in employment is forecasted to decrease traffic on the regional road system. FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, , Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard’s Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City’s 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City.</p> <p>As described in Recirculated Draft SEIR Section 4.3, the THSP is intended to meet the General Plan goals, objectives, policies, and actions related to the balanced and orderly pattern of growth, the maintenance of the small-town character, and the planned growth within the sphere of influence (SOI). The amount of new residential growth (maximum of 5,499 residential units) and commercial, office and industrial land use growth (approximately 2,731.6 gross acres with up to 5.7 million square feet of space) facilitated by the Project would be within the range of development planned for in the City’s General Plan. The General Plan identifies an increase of 600 residential units in the City per year, which on average over time is the maximum increase allowed by the growth management ordinance (GMO). Of these, 5,499 units are anticipated in the THSP site as part of the THSP Area. The THSP has been identified within the City of Tracy General Plan and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Regarding the Project’s proximity to the wastewater treatment plant, as the THSP was anticipated in the General Plan and the City’s Infrastructure Master Plans, the Project is also included in the Citywide Wastewater Master Plan. Per the City of Tracy Citywide Water System Master Plan/Tracy Wastewater Master Plan Initial Study/Mitigated Negative Declaration (November 2012), impacts associated with accommodating future development would be less than significant.</p>

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		<p>As described in Response OR2-12e, the City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Furthermore, the Project is also required to implement Mitigation Measure 4.7-1 to reduce vehicle trips and VMT. Mitigation Measure 4.7-1 includes various measures to reduce operational emissions, such as providing transit usage and opportunities, improving pedestrian accessibility, providing mixed-use, improving destination accessibility, providing traffic calming measures.</p> <p>Also, refer to Response OR1-24, above. The Reduced Density Alternative was determined to be the environmentally superior alternative. However, this Alternative also does not fully meet several project objectives.</p> <p>The Project would be consistent with the development patterns and growth projections for the area. As described in the Recirculated Draft SEIR, the THSP has been identified within the City of Tracy General Plan and infrastructure plans, and it is anticipated that the THSP would be consistent with the anticipated growth within the City.</p> <p>Additionally, refer to Response OR1-6 within Volume II of the Recirculated Draft SEIR. The City is projected to experience growth in jobs by the TMP horizon year 2030 and buildout in 2050. In 2030, the TMP anticipates 40,506 houses and 64,182 jobs (a jobs:housing ratio of 1.58). By 2050 the TMP anticipates 43,557 houses and 184,003 jobs (a jobs:housing ratio of 4.22). The City’s projected job growth is anticipated to outpace available housing, and additional housing units would be needed. The addition of housing in proximity to the planned employment growth in the City would improve the City’s jobs/housing balance and reduce commute distances and times (i.e., reducing vehicle miles traveled [VMT]). Refer to Response GP6-17, above, regarding consistency with the General Plan. Also, refer to Response OR1-7. As documented in Table 4.7-7 of the Recirculated Draft SEIR, the proposed Project would be consistent with the applicable measures in the City’s Sustainability Action Plan.</p>

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OR1-39	The 22.7 percent increase in the local jobs to housing ratio cited by the 2015 DSEIR has not impacted the Tracy commute at all. That is because the jobs created in Tracy are mostly service and transportation jobs and are not high paying enough for Tracy workers to afford the high housing costs in Tracy.	The Commentor is directed to the Response to Comment GP6-21 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Response OR1-36, above, regarding the jobs to housing balance.  Refer to Responses OR1-6 and GP6-20 within the Recirculated Draft SEIR and referenced above in Response OR1-35 above. The anticipated job growth in the City would outpace available housing. Implementation of the THSP would improve the City's projected jobs/housing balance.
OR1-40	The 2015 DSEIR demonstrates that jobs being created in Tracy NOW continue this jobs housing imbalance. The 2015 DSEIR in an attempt to show that the job housing imbalance is improving lists the following job opportunities being created in Tracy. According to the DSEIR <i>"FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard's Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City's 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City."</i> <sup>53</sup> A quick review of these job opportunities demonstrates that the existing imbalance in Tracy's low paying jobs and high price housing imbalance will continue. The McDonalds, Red Robin, El Pollo Loco, Dunkin Donuts are fast food jobs or restaurant jobs where minimum wage is prevalent. The City of Tracy 2015 Draft Housing element indicates that the average yearly wage in the food preparation and service occupations is \$22,239 a year. <sup>54</sup> You can't afford a \$500,000 house on those wages. The SuperLube, Prime Car Wash, FasTrak car wash, Arco gas station and Tracy Collision Center, are low paying service jobs which have an average annual salary of \$24,053 per year according to the 2015 Draft housing element. The WinCo, BevMo and Shops at Northgate Village are retail sales jobs with an average annual salary of \$24, 053 a year. The Fed-Ex building may supply a few executive jobs but the majority	Refer to Response SA2-2.

<sup>53</sup> 2015 DSEIR Volume II Page 11-28

<sup>54</sup> City of Tracy 2015 Draft Housing element Page 18



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	<p>of jobs will be Transportation and material moving jobs with an estimated average salary of \$34,888 according to the city's 2015 draft housing element. Essentially the jobs recently created are continuation of the traditional low paying Tracy job opportunities and certainly will exacerbate the commuting and associated VMT and GHG emissions. There was an opportunity with the Tracy Hills I-680 business park but of course that is no longer being considered.</p>	
OR1-41	<p>The 2015 Tracy Hills DEIR provides no specific job opportunities to help correct this imbalance. The THSP violates General Plan Q1.1 Policy P2: which provides, <i>“To the extent feasible, the City shall maintain a balance and match between jobs and housing”</i>. Residents of Tracy have heard for years about high paying jobs at the Gateway Business Park and other highly touted job creation centers only to be provided with more low paying warehouse and service jobs. There is no evidence in the DEIR that Tracy Hills will provide any jobs that will allow Tracy residents to afford the high housing prices in Tracy with the current median housing price being \$385,000 much less the new expensive homes at Tracy Hills.</p>	<p>The Commentor is directed to the Response to Comment GP6-21 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Responses OR1-36 and OR1-40, above, regarding the jobs to housing balance. As described previously, the City's projected job growth is anticipated to outpace available housing, and additional housing units would be needed.</p>
OR1-42	<p><u>Converting agricultural Land to urban uses has a GHG impact.</u></p> <p>Converting agricultural land to residential housing also has a GHG impact. Agriculture acts as a GHG sink as plants utilize the CO2. Removing the agricultural lands has a double effect of reducing the carbon sink from agriculture and increasing the GHG emissions from the inefficient land use pattern that is the leap frog development called Tracy Hills. The project proposes to convert all available agricultural land in the city limits.</p>	<p>Refer to Response to Comment GP6-22 in Volume II Chapter 11 of the Recirculated Draft SEIR. It should be noted that agricultural land is not necessarily a GHG/CO2 sink. According to the U.S. EPA, various management practices for agricultural soils can lead to production and emission of GHGs such as nitrous oxide (N2O) including fertilizer application to methods of irrigation and tillage. Livestock, especially cattle, produce methane (CH4) as part of their digestion. This process is called enteric fermentation, and it represents almost one third of the emissions from the agriculture sector. Furthermore, the way in which manure from livestock is managed also contributes to CH4 and N2O emissions. Therefore, removing agricultural lands would reduce the Project's overall increase in GHG emissions over existing conditions.</p> <p>The Commentor is also directed to the Response to Comment GP6-21 in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR and Responses OR1-36 and OR1-40, above, regarding the jobs to housing balance. As described previously, the City's projected job growth is anticipated to outpace available housing, and additional housing units would be needed.</p>

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OR1-43	<p data-bbox="394 451 611 472"><u>Governmental Services</u></p> <p data-bbox="394 500 478 521"><u>Libraries</u></p> <p data-bbox="394 548 1129 781">The DEIR states that it is not anticipated that the Project would affect library services, therefore, no or minimal discussion is included in this section. Does the DEIR assume that Tracy Hills residents don't read? It has been known for many years that the library is in need of expansion to serve the residents of Tracy. With no property tax revenue to the City of Tracy, Tracy Hills residents will use the Tracy Library without contributing to the portion of the library's budget which will cause degradation in the ability of the library to provide library services to Tracy residents.</p>	<p data-bbox="1157 293 1923 412">Additionally, refer to Responses OR1-6 and GP6-20 within the Recirculated Draft SEIR and referenced above in Response OR1-35 above. The anticipated job growth in the City would outpace available housing. Implementation of the THSP would improve the City's projected jobs/housing balance.</p> <p data-bbox="1157 548 1923 1029">Refer to Response to Comment GP6-24 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor disputes that the THSP would not affect library services and erroneously states the THSP is exempt from property taxes payable to the City to support public services such as the public library. The THSP area was previously annexed in 1998 and is located within the Tracy City limit as noted in the Land Use and Planning Section 4.10-8. The City operates under property tax sharing agreements with the County of San Joaquin. There are many of these agreements in place covering various geographical areas of the City, which contain different provisions negotiated at different times under different circumstances. When the Project site was annexed in 1998, it was under a property tax sharing agreement that provided that for a portion of Tracy Hills area the tax split was 100% to the County of San Joaquin and 0% to the City and the remaining portion of the Project area was different with a higher than 0% going to the City. The Project Applicant is proposing to help fund their share of services through a Community Facilities District, given the property tax sharing agreement in place with the City for the proposed Project.</p>
OR1-44	<p data-bbox="394 1073 533 1094"><u>Police Services</u></p> <p data-bbox="394 1122 1129 1328">The DSEIR states that the THSP would be required to pay the applicable impact fees, which ensure payment of a proportionate share toward the planned facilities. What the DEIR fails to discuss is the funding of operations of the city's police department. Despite the citizens approving Measure E in 2010 to increase sales taxes ½ percent to support public safety the Tracy Police department has experienced a decline in personnel from a 154.9 employees in 2009 to 129.51 employees in 2014 a decrease of 17% of its allocated personnel</p>	<p data-bbox="1157 1122 1923 1390">Refer to Response to Comment GP6-25 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states the THSP would impact police protection as a result of THSP property owners being exempt from paying property taxes, with property taxes being a primary funding source for police services This is an inaccurate statement and is addressed in Response GP6-24, which states that when the Project site was annexed in 1998, it was under a property tax sharing agreement that provided that for a portion of Tracy Hills area the tax split was 100% to the County of San Joaquin and 0% to the City and the remaining portion of the Project area was different with a higher than 0% going</p>

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	<p>with only 59.1 sworn officers.<sup>55</sup> TPD's primary funding source is the City's General Fund, which is derived from property taxes, sales tax revenue, and user fees.<sup>56</sup> Property taxes make up approximately 50-60% of general fund revenues pre Measure E.<sup>57</sup> The Tracy Police Department had a budget of \$21,582,841 in 2014. <sup>58</sup> Tracy Hill pays no property taxes so it will not support the operations of the Tracy Police Department. The 2015 DSEIR provides NO analysis of the service needs for the THSP and how they will be funded. The 1997 DEIR predicts that the THSP will create a need for an additional 19 sworn officers which is 32 % more sworn officers than the PD currently employs. One could expect that the additional officers will increase the PD budget requirements by 32% or \$6,905,509. Tracy Hills provides no property tax to the city so the number of officers will decline without adequate funding which would be a significant impact to police services.</p>	<p>to the City. Additionally, the City requires that all new development pay Public Facilities Impact Fees in order to offset impacts associated with increasing the City's demand for public services. In accordance with this requirement, the Applicant is required to pay the applicable impact fees associated with police protection as outlined in Mitigation Measure 4.12-2b on page 4.12-44 of the Recirculated Draft EIR.</p> <p>The Commentor states the development agreement was not presented for the public to analyze the THSP impacts on police services. The development agreement is still being drafted and is not yet complete, however the major term points are included in the Recirculated Draft EIR. Additionally, the terms of the development agreement between the City of Tracy and the applicant do not implicate environmental impacts. As a result, no further analysis is required of the DA. If the major term points are at any time revised, the revised terms will be reviewed against the content, parameters and thresholds of this EIR to determine whether subsequent environmental analysis is required.</p> <p>The Commentor questions the reliance of the THSP Recirculated Draft SEIR on the City of Tracy General Plan EIR as the General Plan EIR does not anticipate each individual development, and in particular a development that does not contribute to local taxes to support services. Reliance on the General Plan and General Plan EIR for supplemental information and analysis for the proposed THSP is not only appropriate, it also reduces redundancy in environmental analysis. Additionally, as discussed earlier in this response, the THSP area is subject to local taxes, as described above in GP6-24. Refer to Chapters 4.1 through 4.13 of the Recirculated Draft SEIR. As discussed on page 4.10-14 of the Recirculated Draft SEIR, the 2011 update of the General Plan identified the potential development and development intensity allowed within the THSP. The changes proposed by the comprehensive update to the 1998 THSP are not substantive in nature, (i.e., do not expand the development footprint, or overall density or intensity of development) and thus, are no greater in magnitude than</p>

<sup>55</sup> 2013/2014 City of Tracy Budget page

<sup>56</sup> 2014 DEIR Page 4.12-2

<sup>57</sup> [www.ci.tracy.ca.us/documents/Comprehensive\\_Annual\\_Financial\\_Report\\_Year\\_Ended\\_June\\_30\\_2014.pdf](http://www.ci.tracy.ca.us/documents/Comprehensive_Annual_Financial_Report_Year_Ended_June_30_2014.pdf) Page 192 of 214

<sup>58</sup> [www.ci.tracy.ca.us/documents/Comprehensive\\_Annual\\_Financial\\_Report\\_Year\\_Ended\\_June\\_30\\_2014.pdf](http://www.ci.tracy.ca.us/documents/Comprehensive_Annual_Financial_Report_Year_Ended_June_30_2014.pdf) Page 190 of 214

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		the impacts anticipated and evaluated in the 2011 General Plan for the THSP Area.
OR1-45	The DSEIR relies on the General Plan EIR analysis which concludes that the long-term development of the City of Tracy would have no significant impacts to police protection. The general plan EIR does not analyze service levels but only infrastructure so the general plan provides little guidance. The 2015 DSEIR analysis does not include a specific impact for the development much less a cumulative impact that will occur.	Refer to Response to OR1-44 above.
OR1-46	<p><u>Fire Services</u></p> <p>Fire services are to be provided by the South County Fire Authority. The SCFA has had its staffing reduced from 84 firefighters in 2009 to 75 firefighter in 2014 an 11% decrease in personnel despite a ½ percent tax increase which was supposed to prevent a reduction in fire and police services. The DEIR does not provide a baseline or an impact assessment to fire services from the proposed project. It is clear that the SCFA is in financial distress. The SCFA has recently lost the fire service contract for Mountain House and the budgetary implications have not been analyzed. The DEIR analysis is not THSP specific but merely states that, “<i>The General Plan EIR analyzed the long-term development of the City of Tracy and found that no significant impacts to fire protection and emergency medical service facilities would occur with implementation of the General Plan.</i>” This lack of analysis is fatal to the EIR. While the city of Tracy has expanded its population to 84,000 people it has only 4 operable fire stations. In contrast in 1997 the city had three fire stations for a population of 30,000 people. It is clear Tracy Fire has not kept up with growth. The Tracy Rural Fire Department the other component of the SCFA had 4 fire stations in 1997 and now has three with one station now inside the city limits despite being purchased and funded by Tracy Rural. The DEIR needs to discuss the existing lack of personnel and stations.</p>	Refer to Response to Comment GP6-26 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states the THSP would impact fire protection through lack of funding. Funding for public services is addressed in Responses GP6-24 and GP6-25. The City of Tracy has planned for any costs associated with Tracy Hills as discussed in the Final Citywide Public Safety Master Plan (page 2), which identifies a new fire station within the Tracy Hills development. Additionally, the City requires that all new development pay Public Facilities Impact Fees in order to offset impacts associated with increasing the City’s demand for public services. In accordance with this requirement, the Applicant is required to pay the applicable impact fees associated with fire protection as outlined in Mitigation Measure 4.12-1 on page 4.12-44 of the Recirculated Draft SEIR.
OR1-47	The DEIR proposes a mitigation measure which requires a fire house to be constructed and all necessary apparatus to be supplied but it does not state who is responsible to pay for the new fire house and equipment and who will pay to staff it. The 2007 Kirchoff report recommended that two fire stations but the 2015 DSEIR does not provide an analysis of service needs as required by CEQA.	Refer to Response to OR1-46 above.

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OR1-48	<p><u>Parks</u></p> <p>Park maintenance is performed by the public works department and funded by the general fund. Park maintenance for the fiscal year 2013/2014 was \$1,897,990. The DEIR states, “<i>After dedication to the City, most park and recreation facilities will be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City for the enjoyment of the residents of Tracy.</i>”<sup>59</sup> Just like police services park maintenance is funded through the general fund. As stated before Tracy Hills will pay no property taxes to the city so the maintenance of Tracy Hills parks will not be financed by property taxes leading to degradation of the city’s parks due to lack of funding. Once again without the development agreement presented the public is unable to evaluate who will pay for park maintenance and how the maintenance will be accomplished. The 2015 DSEIR states that, “As stated in the Draft SEIR on page 3-21, most of the park and recreation facilities in the THSP shall be dedicated to the City and will then be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City utilizing funds through the CFD. The CFD is part of the development agreement that is not presented with the 2015 DSEIR so the public has no idea how much money from the CFD will be allocated to park maintenance. Without adequate funding the parks could deteriorate. As stated before the DEIR is inadequate without the presentation of the development agreement and a formula to provide funding from the Tracy Hills residents for park maintenance form the CFD.</p>	<p>Refer to Response to Comment GP6-28 in Volume II Chapter 11 of the Recirculated Draft SEIR. This comment is regarding maintenance of the public parks within the THSP and how those maintenance activities are funded. As stated in the Recirculated Draft SEIR on page 3-21, most of the park and recreation facilities in the THSP shall be dedicated to the City and will then be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City utilizing funds through the CFD. The Commentor states the maintenance of the parks would not be supported by the residents of the THSP as the THSP would not pay property taxes. This is an inaccurate statement and is addressed in Response GP6-24, which states that when the Project site was annexed in 1998, it was under a property tax sharing agreement that provided that for a portion of Tracy Hills area the tax split was 100% to the County of San Joaquin and 0% to the City and the remaining portion of the Project area was different with a higher than 0% going to the City. Refer to Appendix C, Tax Rate Area Map, which provides an illustration of the developable acres within THSP subject to payment of City taxes. As shown in this exhibit, approximately 1859.2 acres (~68% of the total developable acres) will be required to pay City taxes under the prior 1998 property tax sharing agreement.</p> <p>The Commentor states the development agreement was not presented for the public to analyze the THSP impacts on park funding and maintenance. The development agreement is still being drafted and is not yet complete, however the major term points are included in the Recirculated Draft SEIR. Additionally, the terms of the development agreement between the City of Tracy and the applicant do not implicate environmental impacts. As a result, no further analysis is required of the DA. If the major term points are at any time revised, the revised terms will</p>

<sup>59</sup> DEIR Page 3-21o

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OR1-49	<p><u>Water Treatment Facilities</u></p> <p>According to the DEIR the Water facility needs for the ultimate build out of the Project include an expansion and upgrade of the City of Tracy storage and pumping facilities, transmission, and distribution facilities.<sup>60</sup> The DSEIR provides that the applicant is required to pay the appropriate development fee as contemplated by the WSMP. The DEIR does not provide an analysis which demonstrates that these facilities which will be constructed exclusively for the benefit of Tracy Hills residents will be adequately financed by the WSMP development fee. The DEIR should estimate the cost of the needed upgrades and the potential development fees revenues assessed on Tracy Hills residents to demonstrate that the revenue is adequate to construct these facilities.</p>	<p>be reviewed against the content, parameters and thresholds of this EIR to determine whether subsequent environmental analysis is required.</p> <hr/> <p>Refer to Response to Comment GP6-29 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states the DEIR does not provide an analysis that demonstrates water facility infrastructure would be adequately financed by the WSMP development fee. The Commentor also states the DEIR should estimate the cost of water infrastructure upgrades. Page 8-2 of the WSMP states “costs for infrastructure to serve the Tracy Hills development will not be included in this Citywide Water System Master Plan. Instead, costs for Tracy Hills infrastructure will be evaluated in conjunction with the revised Tracy Hills Master Plan and subsequent evaluations to be prepared for the Tracy Hills development”. The Recirculated Draft SEIR does state on page 4.12-39 regarding water infrastructure “To avoid additional impacts and ensure construction, the Project shall be required to pay appropriate development impact fees. Payment of these development impact fees would reduce this potentially significant impact to a less than significant level. The City of Tracy will determine what development fees are appropriate to ensure the construction of the needed water infrastructure. The Project Applicant would be required to either construct the necessary facilities or pay fees to the City for construction. Additionally, section 15131(a) of the CEQA Guidelines states that economic or social effects of a project shall not be treated as significant effects on the environment and that the focus of the analysis shall be on the physical changes taking place.</p>
OR1-50	<p><u>Wastewater Facilities</u></p> <p>The 2015 DSEIR on page 1-47 concludes that the Tracy Hills Project would generate a demand for wastewater treatment capacity that is currently not available and thus is a potentially significant impact. The DSEIR states on page 4.12-39 regarding water infrastructure, “To avoid additional impacts and ensure construction, the Project shall be required to pay appropriate development impact fees. Payment of these development impact fees would reduce this potentially significant impact to a less than</p>	<p>Refer to Response to Comment GP6-30 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states MM4.12-7a, regarding wastewater treatment facilities, does not require the Project to contribute its fair share to the cost of the Tracy Wastewater Treatment Plant Phase 1B expansion project. State CEQA Guideline 15064(e) states: Economic or social changes resulting from a project shall not be treated as significant effects on the</p>

<sup>60</sup> DEIR Page 3-40

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	<p><i>significant level. The City of Tracy will determine what development fees are appropriate to ensure the construction of the needed water infrastructure.”</i></p>	<p>environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.</p> <p>This comment refers solely on economic effects and does not address environmental or physical concerns, nor does it demonstrate an adverse effect on people. Furthermore, the THSP area was previously annexed in 1998 and is located within the Tracy City limit as noted in the Land Use and Planning Section 4.10-8. As such, property owners within the THSP are subject to property and other taxes in support of public services, including wastewater treatment.</p> <p>Additionally, the project was included in the Citywide Wastewater Master Plan. Per the city of Tracy Citywide Water System Master Plan/Tracy Master Plan Initial Study/Mitigated Negative Declaration, (November 2012), impacts associated with accommodating future development would be less than significant.</p>
OR1-51	<p>The DSEIR improperly defers analysis of the impact and mitigation to a later date. There is no specific performance standard associated with the deferred mitigation and it is not a programmatic effort of an approved master plan. As the DSEIR states on page 11-456, “Page 8-2 of the WSMP <i>costs for infrastructure to serve the Tracy Hills development will not be included in this Citywide Water System Master Plan. Instead, costs for Tracy Hills infrastructure will be evaluated in conjunction with the revised Tracy Hills Master Plan and subsequent evaluations to be prepared for the Tracy Hills development.</i>” The analysis and mitigation for this significant impact relies on a future action by the City of Tracy to properly analysis the impact and impose the proper development fee. The DSEIR improperly defers quantification and mitigation for the significant impact until after the EIR has been approved. The public has no way to comment on the adequacy of the analysis and the mitigation until after the approval of the EIR, The DSEIR is the place where infrastructure costs and mitigation should be determine not after the project is approved.</p>	<p>Refer to Response to Comment GP6-30 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states MM4.12-7a, regarding wastewater treatment facilities, does not require the Project to contribute its fair share to the cost of the Tracy Wastewater Treatment Plant Phase 1B expansion project. State CEQA Guideline 15064(e) states: Economic or social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.</p> <p>This comment refers solely on economic effects and does not address environmental or physical concerns, nor does it demonstrate an adverse effect on people. Furthermore, the THSP area was previously annexed in 1998 and is located within the Tracy City limit as noted in the Land Use and Planning Section 4.10-8. As such, property owners within the THSP are subject to property and other taxes in support of public services, including wastewater treatment.</p>

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OR1-52	<p>Mitigation measure 4.12-7a provides that: If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However the existing residents have already financed the current expansion of the wastewater treatment plant. Mitigation measure 4.12-7a allows Tracy Hills resident to not contribute their fair share to the cost of the Tracy Wastewater Treatment Plant Phase 1B expansion project which was completed in 2008 at a cost of 80 million dollars. This represents a cost shift to existing residents to provide wastewater facilities for the Tracy Hills Development. Tracy Hills should provide their own wastewater treatment plant as envisioned in the 1998 approvals or in the alternative Tracy Hills can pay the fair share of the 2008 wastewater treatment plant expansion. Currently the upgrade costs each Tracy resident approximately \$1000 a person not including financing charges on the bond issue. At build out with a population of 19,000 Tracy Hills should pay its fair share of the Wastewater Treatment Plant1 b expansion of approximately 19 million dollars.</p>	<p>Refer to Response to Comment GP6-30 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor states MM4.12-7a, regarding wastewater treatment facilities, does not require the Project to contribute its fair share to the cost of the Tracy Wastewater Treatment Plant Phase 1B expansion project. State CEQA Guideline 15064(e) states: Economic or social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.</p> <p>This comment refers solely on economic effects and does not address environmental or physical concerns, nor does it demonstrate an adverse effect on people. Furthermore, the THSP area was previously annexed in 1998 and is located within the Tracy City limit as noted in the Land Use and Planning Section 4.10-8. As such, property owners within the THSP are subject to property and other taxes in support of public services, including wastewater treatment.</p>
OR1-53	<p><u>Storm Drainage</u></p> <p>The DSEIR states that the Storm Drainage System will be owned, operated, and maintained by the City of Tracy. Since Tracy Hills provides no property tax money to the city and approximately 60% of the city's pre Measure E general fund revenues are derived from property taxes where will the funds to maintain and operate the Tracy Hills storm drainage system come from. The DSEIR does not include details of operational costs or any details of how the Storm Drainage system for Tracy Hills will be operationally maintained.</p>	<p>Refer to Response to Comment GP6-31 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Commentor is correct in stating that the storm drainage system would be owned, operated, and maintained by the City of Tracy, however the Commentor is incorrect regarding the payment of property tax by THSP residents. As stated in Response GP6-29, and reiterated in Response GP6-30, the Recirculated Draft SEIR is required to assess the economic or social effects as significant impacts insofar as those effects have an adverse effect on the environment or on people. This comment refers solely on economic effects and does not address environmental or physical concerns, and does not demonstrate an adverse effect on people. Furthermore, the THSP area was previously annexed in 1998 and is located within the Tracy City limit as noted in the Land Use and Planning Section 4.10-8. As such, property owners within the THSP are subject to property and other taxes in support of public services, including the storm drainage system.</p>



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OR1-54	<p data-bbox="394 540 888 565"><u>4.8 HAZARDS AND HAZARDOUS MATERIALS</u></p> <p data-bbox="394 589 814 613"><u>Air Transportation of Explosives to Site 300</u></p> <p data-bbox="394 638 1134 1185">Up to 1000-kg shipments of high explosives are transported by air to the Tracy Municipal Airport and then trucked to LLNL Site 300 approximately once a month. The Livermore airport would not allow such shipments due to the possible danger posed by an accident involving an aircraft transporting up to 1,000 kg of high explosives. There is the potential for an aviation incident involving Tracy Hills residents. LLNL assessed the potential for an accident involving explosives transported to the Tracy Airport. The aircraft in the scenario was assumed to be carrying at least 300 lb of fuel in its tanks. The high explosive on board was assumed to be 1000 kg (2200 lb) of LX-10 with a TNT equivalent of 1.32, which is equal to 1320 kg (2910 lb) of TNT. The scenario assumed that an aircraft carrying a shipment of LX-10 explosive for LLNL Site <b>300 crashes enroute near final approach to the Tracy Municipal Airport.</b> The onboard fuel ignites and the combustion causes the LX-10 on board to explode from the heat. The explosive force of the LX-10 alone would create a blast force of 1 psi or more out to a radius of 490 ft. Such a force would damage a standard house enough to render it uninhabitable. A blast force of 10 psi or more would extend out to a radius of about 120 ft; 10-psi peak positive overpressure would be sufficient to raze a house to the ground.</p>	<p data-bbox="1157 293 1919 505">Additionally, State CEQA Guideline 15064(e) states: Economic or social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.</p> <p data-bbox="1157 638 1919 878">Refer to Response to Comment GP6-32 in Volume II Chapter 11 of the Recirculated Draft SEIR. As identified in Section 4.8, Hazards and Hazardous Materials, the DSEIR acknowledges the proximity of Site 300 to the THSP Project Area. Site 300 occupies 10.9 square miles and its boundary is over one mile west of the THSP Project Area, approximately 1.5 miles from the portion of the site proposed for development. LLNL conducts continuous environmental monitoring of its activities and operations, including monitoring for soil and groundwater contamination.</p> <p data-bbox="1157 902 1919 1203">The transport of hazardous materials to Site 300 by way of the Tracy Municipal Airport, as with the transportation of all hazardous materials, is regulated by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations), the California Highway Patrol (Title 13 of the California Code of Regulations), and the California State Fire Marshall (Title 19 of the California Code of Regulations). In addition, in order to operate in the State of California, all hazardous materials transporters must be registered with the California Department of Toxic Substances Control (DTSC). These regulations minimize the potential for aviation and traffic incidents involving hazardous materials. Future Tracy Hills residents would be protected by current regulations in place.</p> <p data-bbox="1157 1227 1919 1372">The regulations require registration of hazardous materials transporters, manifesting procedures for hazardous materials transport, operational procedures for transport, and requirements for the condition of vehicles and containers used to transport hazardous materials. Compliance with existing regulations regarding the transport of hazardous materials and adherence to existing truck routing</p>

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OR1-55	<p><u>Transportation of Explosive Materials by Truck to Site 300.</u></p> <p>Another possible risk of upset includes the transportation of high explosives on Highway 580 or on Corral Hollow in route to Site 300. Trucks regularly transport high explosives down 580 to Site 300 and that risk has also been analyzed by LLNL. Although an airplane crash of fuel and explosives would cause a larger radius of destruction, an accidental explosion of a smaller amount of explosives could cause more loss of life if the accident occurred in a congested corridor such as Interstate 580 east of the LLNL Livermore site. The FEIR needs to discuss these potential upset conditions and discuss mitigation since Highway 580 and corral Hollow Road will become more congested as Tracy Hills builds out. This is a significant impact under CEQA.</p>	<p>patterns would prevent potential significant adverse impacts associated with accidents and spills.</p> <p>LLNL prepares annual environmental reports to record LLNL’s compliance with environmental standards and requirements, describe LLNL’s environmental protection and remediation programs and present the results of environmental monitoring. The 2012 Environmental Report is the most recent, comprehensive and publicly available report provided to the City from LLNL. Additionally, LLNL’s environmental reporting includes compliance monitoring regarding the transport of explosive materials to and from Site 300.</p> <p>Furthermore, the Proposed Project’s establishment of residential units in the THSP Project Area which may result in the exposure of persons to potential risks associated with situations as identified by this comment is a part of the larger consideration for the City decision makers to approve proposed uses in the THSP Project Area.</p> <p>Refer to Response to OR1-54 above.</p>

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OR1-56	<p><u>Development of the Tracy Hills Project would expose residents to pesticides.</u></p> <p>The 2014 DEIR fails to provide any crop history for the agricultural land the project is proposing to utilize. Many past pesticide applications may contaminate the soil. The grading of the land could cause airborne particles containing past applications of DDT and other dangerous pesticides. The DEIR fails to address this potentially significant issue with crop histories and adequate environmental assessment of potential pesticide residues in the farmland.</p>	<p>Refer to Response to Comment GP6-34 in Volume II Chapter 11 of the Recirculated Draft SEIR. Thirteen Phase I Environmental Site Assessments (ESA) have been prepared for the majority of the THSP Project Area. The objective of the Phase I ESAs were to identify any recognized environmental conditions (RECs) associated with the Project, which would include former pesticide use on areas of the THSP Project Area. Among the many environmental issues that are evaluated during the Phase I process is historical and/or current agricultural use. The Phase I reports identified that a majority of the site has historically been used for grazing uses and not crop production. Therefore, there would be no historical use of pesticides on the former grazing areas. Moreover, any portion of the THSP Project Area that will be developed must comply with the United State Environmental Protection Agency (USEPA) Region IX, January 2015 Regional Screening Levels (RSLs), which are used by the California Department of Toxic Substances Control to determine whether or not soil contamination must be remediated before developed. Therefore, contrary to the comment, the potential for former pesticide use has been adequately considered in the Draft Recirculated SEIR. The Commentor's concerns will be further addressed through the standard environmental assessment and cleanup process if potential contaminants, including pesticides, are identified.</p>
OR1-57	<p><u>Explosives Testing</u></p> <p>The 2014 DEIR discusses impacts from blasting activities at Site 300. The 2014 DEIR concludes that due to the distance from Site 300 to the nearest THSP Project Area boundary (approximately 1.33 miles, or 7,000 feet), and the fact that Site 300 predominantly conducts noise-generating explosive tests indoors, noise impacts to future residents of the THSP Project Area and Phase 1a would be <i>Less-than-significant</i>.</p> <p>While the DEIR admits that explosive testing occurs outside it also dismisses that noise impact. What the DEIR fails to acknowledged is that the contained firing facility can only handle explosive charges up 60 kilograms (kg) of cased</p>	<p>Refer to Response to Comment GP6-35 in Volume II Chapter 11 of the Recirculated Draft SEIR. As noted in the Draft Recirculated SEIR, explosives testing at Site 300 generates significantly audible noise. Section 4.11, Noise, of the Draft Recirculated SEIR acknowledges that noise from explosive testing at Site 300 would be being potentially audible from locations in the THSP Project Area. To minimize noise impacts to adjacent neighbors, Site 300 constructed the Contained Firing Facility in 2000, as identified on page 4.11-23 of the Draft Recirculated SEIR. This concrete-reinforced, 28,000-square-foot facility allows the LLNL to conduct explosives tests indoors. The Draft Recirculated SEIR notes that Site 300 does conduct intermittent outdoor tests; Site 300 staff monitors the atmosphere to determine when conditions are best for minimal sound travel. Due to these ongoing procedures and the distance from Site 300 to the THSP Project</p>

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	<p>explosive charges.<sup>61</sup> Larger tests must be conducted outdoors. LLNL has previously applied for permits to test up to 1,000 pound of high explosives including 450 pounds of depleted uranium and small amounts of tritium. It is surprising that the city who supported the increased testing limits<sup>62</sup> and the Tracy Hills developers who opposed it would turn a blind eye to that fact. In fact Tracy Hills attempted to prevent LLNL from getting a permit for bombs up to 1,000 pounds in a permit appeal at the SJVAPCD. Tracy Hills dropped out of the proceeding why no one knows. Fortunately a local resident was able to prevail and prevent the testing of explosive charges up to 1,000 pounds. There is nothing to prevent LLNL from conducting outdoor tests and the testing has a long history of breaking windows<sup>63</sup> and startling residents as far as 5 miles away.</p>	<p>Area, the Draft Recirculated SEIR finds that noise impacts to future residents of the THSP Project Area would be less than significant.</p>
OR1-58	<p>Another source of blasting operations that the DEIR completely ignores occurs at SRI International which is located very close to the Tracy Hills development. SRI's tests include examining missile components, simulating natural gas pipeline ruptures, and calibrating explosives for safety-classification purposes, among others. In August of 2012 SRI executed a blast which shook residents in Tracy up to 5 miles away. One woman living near Valpico Road said she and friends <b>living 3 to 5 miles from the testing grounds heard a loud explosion. Two others who reported hearing the boom said their houses shook.</b><sup>64</sup> Charges as small as 16 pounds at SRI's facility have been proven to create blast overpressure that will shatter windows and damage homes. The DEIR statement that the Tracy Hills residents will be over 7,000 feet away from Site 300 does not apply to SRI. Residents 5 miles away from the facility experienced large noises and shaking of their homes.</p>	<p>Refer to Response to Comment GP6-36 in Volume II Chapter 11 of the Recirculated Draft SEIR It is acknowledged that the Draft Recirculated SEIR does not specifically identify potential noise generation emanating from the SRI International testing facilities located within the vicinity of the THSP Project Area. However, as with potential noise impacts from Site 300 (<i>See</i>, response to GP 6-35), potential noise impacts from SRI International would be less than significant due to distance from the THSP Project Area. As addressed in Section 4.11. Noise, of the Draft Recirculated SEIR, existing San Joaquin County noise regulations and standards will continue to apply to the SRI International testing facilities and potential noise violations from this site, or any other within the County limits.</p>
OR1-59	<p><u>Site 300 controlled burns</u></p> <p>Another issue the 2014 THSP DEIR fails to discuss is the annual controlled burns at Site 300. These controlled burns can be a nuisance to future Tracy Hills</p>	<p>Refer to Response to Comment GP6-37 in Volume II Chapter 11 of the Recirculated Draft SEIR. It is acknowledged that the Draft Recirculated SEIR</p>

<sup>61</sup> <https://str.llnl.gov/str/Baker.html>

<sup>62</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/council-gives-support-to-explosion-increases/article\\_8165bcdf-03a2-5390-9450-9edcf1088650.html](http://www.goldenstatenewspapers.com/tracy_press/council-gives-support-to-explosion-increases/article_8165bcdf-03a2-5390-9450-9edcf1088650.html)

<sup>63</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/council-gives-support-to-explosion-increases/article\\_8165bcdf-03a2-5390-9450-9edcf1088650.html](http://www.goldenstatenewspapers.com/tracy_press/council-gives-support-to-explosion-increases/article_8165bcdf-03a2-5390-9450-9edcf1088650.html)

<sup>64</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/archives/explosion-shakes-some-in-city/article\\_dc762589-6df3-50ea-adc2-e575f7194e1d.html](http://www.goldenstatenewspapers.com/tracy_press/archives/explosion-shakes-some-in-city/article_dc762589-6df3-50ea-adc2-e575f7194e1d.html)

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	<p>residents. Also the controlled burns present a hazard as they can vaporize depleted uranium and tritium deposits that have accumulated over 60 years of testing. Residents of Tracy Hills may be exposed to these radio nuclides and no testing has been performed to assess the health risk from such activities.</p>	<p>does not specifically discuss potential impacts resulting from prescribed burns conducted at Site 300 on future occupants of the THSP Project Area. However, according to the LLNL Environmental Report 2012, LLNL air emissions are regulated by the U.S. Department of Energy (Title 40 of the Code of Federal Regulations 61, Subpart H – the NESHAPs section of the Clean Air Act; applicable portions of the DOE Order 458.1 and ANSI standards). LLNL continuously samples its air emissions to evaluate its compliance with local, state and federal laws and regulations. According to the LLNL Environmental Report 2012, LLNL operations involving radioactive materials had minimal impact on ambient air during 2012. The 2012 report states, “the measured radionuclide particulate and tritium concentrations in ambient air at LLNL and Site 300 were all less than one percent of the DOE primary radiation protection standard for the public (DCS).”</p> <p>In addition Section 4.8, Hazards and Hazardous Materials, the Draft Recirculated SEIR concluded that the potential impacts from hazardous materials remain less than significant based on Site 300’s location of over one mile west of the THSP Project Area, approximately 1.5 miles from the portion of the site proposed for development, and existing environmental monitoring requirements for Site 300.</p>
OR1-60	<p><u>Risk of Trespass onto Dangerous Facilities.</u></p> <p>The location of the project adjacent to the aqueduct, Site 300, SRI International and the railroad presents a significant opportunity for trespass and potential harm to residents particularly children in the Tracy Hills development. Fencing is the only real solution but may not be feasible for all the hazards due to biological issues. Keep out signs are a relatively ineffective deterrent. Impacts’ resulting from the exposure of people or property to a potential risk associated with trespass onto the adjacent explosive testing facilities is a significant and unavoidable impact which the FEIR must consider.</p>	<p>Refer to Response to Comment GP6-38 in Volume II Chapter 11 of the Recirculated Draft SEIR. While it is acknowledged that potential safety issues can arise when people trespass or place themselves in a harmful situation or location. However, it is beyond the scope and speculative for an EIR to predict future safety events and potential risks associated with trespassing situations. The proposed Project’s establishment of residential units in the THSP Project Area which may result in the exposure of persons to potential risks associated with trespassing situations is a part of the larger consideration for the City decision makers to approve proposed uses in the THSP Project Area.</p>
OR1-61	<p><u>Train Blast Zone</u></p> <p>According to the California Energy Commission, oil shipments by railroad into California hit an all-time record this year, with nearly 285 million gallons arriving by train in the past 12 months – up from just two million only four years ago.</p>	<p>Refer to Response to Comment GP6-39 in Volume II Chapter 11 of the Recirculated Draft SEIR. As is acknowledged by the Commentor, trains pass through communities every day, and some of these trains do transport oil. As</p>

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	<p>Much of the oil shipped is either extremely toxic and heavy Canadian tar sands oil or the Bakken crude responsible for major explosions and fires in derailments across the continent. These oil laden trains do pass through Tracy and the project site. The entire project is within the blast zone for crude oil rail shipments.<sup>65</sup></p>	<p>addressed in the response to comments GP 6-32 and -33, the transport of hazardous materials is regulated by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations and the California State Fire Marshall (Title 19 of the California Code of Regulations). In addition, in order to operate in the State of California, all hazardous materials transporters must be registered with the California Department of Toxic Substances Control (DTSC). The regulatory framework for transporting hazardous materials is regulated by the above agencies not the nonprofit organization, ForestEthics who authored the website (<a href="http://explosive-crude-by-rail.org/">http://explosive-crude-by-rail.org/</a>) cited by the Commentor.</p> <p>The regulations require registration of hazardous materials transporters, manifesting procedures for hazardous materials transport, operational procedures for transport, and requirements for the condition of vehicles and containers used to transport hazardous materials. Compliance with existing regulations on the transport of hazardous materials would minimize significant adverse impacts associated with accidents and spills, and possible explosions. Furthermore, due to these current regulations, future Tracy Hills residents would be at no greater risk to train derailments than any other residential development located in the proximity of rail anywhere else in the country.</p>
OR1-62	<p><u>Oil Pipeline Hazard Assessment</u></p> <p>The pipeline hazard assessment is an incomplete analysis that marginalizes 6 significant pipeline incidents on the petroleum lines that run through the THSP that have occurred in recent years. The risk assessment reports the significant leaks but because there was no fire or explosions dismisses them as insignificant. What the analysis fails to consider all six of these pipeline leaks occurred in uninhabited areas where no source of ignition exists. The THSP proposes to locate as 5,466 homes in close proximity to these oil pipelines providing an ignition source. Some uses will only have a 5 foot setback form the oil pipelines. Additionally the Placeworks risk assessment only provides the probability of a fatality and does not include risk assessments for property damage, environmental contamination and injury which have a much larger probability of occurring.</p>	<p>Refer to Response to Comment GP6-41 in Volume II Chapter 11 of the Recirculated Draft SEIR. The Project’s Pipeline Safety Hazard Assessment (PSHA) was prepared by a qualified, licensed civil engineer with over 20 years of experience in this field who has conducted over 300 similar pipeline assessments. The report describes six pipeline incidents that have occurred in the Tracy area, based on data provided by the Pipeline and Hazardous Materials Safety Administration (PHMSA). Releases that have been reported were associated with the Chevron crude oil and Shell crude oil pipelines. There were no reported incidents for the Phillips 66 crude oil pipeline. The Phillips 66 crude oil pipeline would bisect the THSP Project Area.</p> <p>The Commentor states that the reason there was no ignition from pipeline releases in the Tracy area is because all of the six pipeline leaks occurred in uninhabited</p>

<sup>65</sup> <http://explosive-crude-by-rail.org/>

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OR1-63	<p>The pipeline assessment done by Placeworks does admit that, “There have been a few incidents of releases from the crude oil pipelines in the vicinity of the Plan area in the PHMSA database.” According to their assessment, “On December 4, 2003, the Chevron crude oil pipeline was accidentally struck by a tractor working on farmland on the property just north of the proposed Cordes Ranch development. Approximately 750 barrels (31,500 gallons) of crude oil were</p>	<p>areas where no source of ignition exists. Although there are not as many potential ignition sources in rural areas, of the six incidents, three involved third party damage with tractors and construction equipment, which could provide ignition sources in the event of a release. Additionally, vehicles traveling along I-580 would be potential sources of ignition for a spill from the Shell crude oil pipeline. Therefore, the statement that there were no potential ignition sources in the vicinity of all six release events is invalid.</p> <p>The point of highlighting within the PSHA the lack of ignition from the six release events was to illustrate the difference between crude oil pipelines and natural gas pipelines, which are more likely to ignite in release events. From the PHMSA database of all reported incidents from 2010 to present, there were 124 incidents involving crude oil pipelines in right-of-ways. Only one incident involved ignition, which equates to a less than 1% probability of ignition, and none of the incidents resulted in fatalities or injuries. Many of these incidents occurred in urbanized areas, thus, it is not a lack of ignition sources that resulted in this outcome, but the fact that crude oil is less likely to ignite than natural gas.</p> <p>It is acknowledged that the PSHA only addresses the probability of fatality associated with release events as current risk assessment methodology for pipeline hazard assessments does not include assessments of property damage or environmental contamination, because these potential impacts vary greatly depending on the location of the spill, volume of oil spilled, proximity to rivers and streams, weather conditions, biodegradation, and other factors which result in potential impacts being unquantifiable. Therefore, pipeline risk assessments, including the PSHA prepared for the Project, focus on potential impacts as well as the potential for ignition, resulting in an ignition situation which could affect adjacent residential structures. The results of the Project’s PSHA indicate that the pipeline setbacks provided in the PSHA would be sufficient to protect occupants in the THSP Project Area.</p>
		<p>Refer to Response to Comment GP6-42 in Volume II Chapter 11 of the Recirculated Draft SEIR. The comment is acknowledged. The incidents listed did occur in the THSP Project Area as identified in the PSHA.</p>

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	<p>released. The oil soaked into 16,667 cubic yards of soil.” “Another incident occurred on July 8, 2003 between Corral Hollow Road and Tracy Boulevard, which is southeast of the Plan area. The cause of the release was also third party damage; a total of 35 barrels of crude oil was released with the recovery of 30 barrels.” There was a report of a release from this pipeline on December 4, 2007 due to external corrosion approximately 0.3 mile south of Bird Road in Tracy. It involved the release and recovery of 4 barrels (168 gallons) of crude oil; the pipeline was subsequently repaired.”</p>	
OR1-64	<p>The Placeworks assessment also describes three more incidents that occurred on the Shell Oil Pipeline, “There have been three incidents involving the Shell crude oil pipeline in the vicinity of the Plan area. The first incident occurred on December 21, 1994, at the time that Texaco was listed as the pipeline owner/operator. The incident involved third party damage of the pipeline at the Corral Hollow Landfill and resulted in a loss of 550 barrels of crude oil, with 535 barrels recovered. The second incident occurred near the intersection of S. Bird Road and Interstate I- 580 on April 17, 2007 resulting from a longitudinal break in the pipeline due to corrosion. Approximately 428 barrels were released and flowed down an embankment onto the shoulder of I-580 and onto the roadway, resulting in a traffic snarl during afternoon commute hours. About 9,500 cubic yards of impacted soil were subsequently remediated and removed. Finally, an equipment malfunction at a location north of the Plan area resulted in a minor release of 2 barrels of crude oil on October 5, 2008. Placeworks notes that no ignition, explosion, fire, or evacuation occurred as a result of any of these releases.<sup>66</sup> What Placeworks doesn’t note and the most important factor is there was no source of ignition near these leaks. That will change when Tracy Hill is constructed. Despite having six leaks in the span of only a few years the DEIR proposes setbacks from the Phillips 66 pipeline of only 10 feet. The setback from the Shell crude oil pipeline is proposed to be only 16 feet and the setback for the Chevron oil line is proposed to be 25 feet. With six leaks occurring in just over a few years the pipeline setbacks should be expanded to a minimum of 50 feet just to protect the pipeline from damage.</p>	<p>Refer to Response to Comment GP6-43 in Volume II Chapter 11 of the Recirculated Draft SEIR. The comment is acknowledged. The incidents listed did occur in the THSP Project Area as identified in the PSHA.</p>

<sup>66</sup> Appendix E-3 Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan. Prepared By Placeworks. Dated October 2014 Page 10



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OR1-65	<p><u>Line 002 24 inch natural gas pipeline</u></p> <p>Line 002 is a 26 inch diameter natural gas pipeline that was installed in 1971. The coating on L-002 is a double tape wrapped coating which no longer meets Federal standards because it is prone to corrosion. The pipeline thickness is .322 inches. The maximum allowable operating pressure for the line is 890 PSIG. Recent pipe-to-soil data have indicated corrosion on Line 002 within the Tracy area. A smart pig examination was performed in 2001 which indicated that the line had wall loss of up to 78%. Subsequent examination by PG&amp;E revealed that actual wall loss was 61%. PG&amp;E realized that the area found was unacceptable and lowered the operating pressure to 530 psig and performed repairs on the pipeline. While Placeworks reports that Line 002 has experienced no leaks Placeworks is wrong. The pipeline has experienced two leaks in the Tracy Hills Project Area one in 1997 and one in 1999.</p>	<p>Refer to Response to Comment GP6-45 in Volume II Chapter 11 of the Recirculated Draft SEIR. Information is provided by the Commentor on the configuration and operation of a natural gas pipeline in the THSP Project Area (Line 002); however, no specific comments on the PSHA or the Recirculated Draft SEIR are provided. The Commentor states that the pipeline risk assessment erroneously indicated that the natural gas pipeline had experienced no leaks by stating two leaks had occurred in 1997 and 1999. These incidents were not included in the Project's pipeline risk assessment as they were not recorded in the California natural gas pipeline database or the Pipeline and Hazardous Materials Safety Administration database, both of which were accessed for preparation of the Project's PSHA. However, further investigation, provided in the ruling on motion to subpoena PG&amp;E for the Mariposa Energy Project (2011), indicated that the two leaks were caused by gunshots, and not corrosion. Therefore, the occurrence of these two leaks should not be associated with the potential for corrosion-related pipeline leaks. Furthermore, in this ruling a pipeline safety engineer and a mechanical engineer with the California Energy Commission both testified that the pipeline in question was constructed and operated in accordance with CPUC General Order 112 standard and the CFR Parts 190-192 standards. Additionally, as the pipeline was constructed in the 1970s, it complies with modern construction codes. The pipeline has been pressure tested and repairs to it were made in 2001. The Commentor includes a comment on the integrity management guidelines of PG&amp;E; however, this is not a specific comment on the PSHA or the Recirculated Draft SEIR and is not further addressed.</p> <p>Also of note, the pipeline in question is located within a corridor with another natural gas pipeline and a crude oil pipeline. Although this group of pipelines poses potential risk to future occupants of the THSP Project Area, this specific area is zoned for light industrial uses, which has fewer hours of occupancy than residential land use and, therefore, lower risk to people. The pipelines easement cuts through the very northeast corner of the THSP Project Area, where there are additional restrictions on development based on proximity to the Tracy Municipal Airport. Additionally, the recommendation to provide a setback distance of 25 feet from the centerline of any pipeline within the easement will provide a further reduction in potential risk.</p>

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OR1-66	The pipeline under integrity management guidelines is supposed to be inspected by a smart pig every seven years. But like most integrity management guidelines PG&E has ignored the pipe was last inspected in 2006 nine years ago. At the time in 2006 when the pipeline was inspected wall loss of up to 62% s was discovered but no repairs were performed.	Refer to Response to OR1-65 above.
OR1-67	<p data-bbox="394 496 520 521"><u>Water Supply</u></p> <p data-bbox="394 542 1129 967">The 2015 DSEIR includes Appendix F-2 which provides an assessment of the water supply and demand for the project and allegedly demonstrates that the city has adequate water for the project under all scenarios. Table 21 from Appendix F-2 presented below demonstrates the faulty assumptions that the DSEIR uses to conclude that the city has adequate water supplies in multiple dry years. As seen below Table 21 assumes that in multiple dry years the city will receive 40% of its M&amp;I historical allotment and 10 % of its agricultural allotment. This year DWR announced on February 27, 2015 that the initial water supply allocation for agricultural would be 0 and the initial allocation for M&amp;I would be 25%.<sup>67</sup> Table 21 also assumes than in 2015 Tracy will have the ability to deliver 12,400 AFY of recycled water. At the present time which is December 2015 the city has no recycled water infrastructure to deliver any treated wastewater. The city currently serves no projects with recycled water (See Comment Letter OR1 within Appendix A for referenced graphic).</p>	<p data-bbox="1157 542 1906 938">The Water Supply Assessment (WSA) provided in Appendix F-2 utilizes the assumptions adopted in the City’s 2010 Urban Water Management Plan (UWMP) for normal years, single dry years and multiple dry years based on historical water supply conditions. The WSA also states that actual hydrologic conditions and supply deliveries vary from year to year. Section 5.3 of the WSA (starting on page 25) states that additional water conservation may be needed in response to multiple dry years or other water supply shortages or emergencies (which may result in more severe shortages than those assumed under the single dry year and multiple dry year conditions described in the 2010 UWMP). Water conservation by the City’s water customers in 2014 and 2015 has exceeded the assumptions in the City’s 2010 UWMP. Also, as described in the WSA, the City has a Water Shortage Contingency Plan which it can implement were there to be water supply shortage due to extreme dry conditions or other water supply emergencies.</p> <p data-bbox="1157 959 1906 1138">Table 21 of the WSA acknowledges that although recycled water supplies are currently available from the City’s WWTP, required recycled water pipelines and pump stations to convey and deliver the recycled water to the recycled water use areas have not yet been constructed. The City is planning for recycled water use as described in the WSA (Section 6.4.1 starting on page 52). The City has taken the following actions related to recycled water:</p> <ul data-bbox="1209 1166 1906 1252" style="list-style-type: none"> <li>◆ The City included projected future recycled water demands and recommended capital improvement projects in both the 2012 Citywide Water System Master Plan and the 2012 Tracy Wastewater Master Plan;</li> </ul>

<sup>67</sup> <http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=48986>

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OR1-68	<p>Table 21 also assumes that BBID will have surface water to deliver with 90% reliability. As we saw this year BBID was unable to provide Mountain House with its contracted water allotment.<sup>68</sup> Just considering the fact that Tracy has no ability to furnish recycled water and ignoring the overstated supplies from CVP and BBID the City still has only 16,920 AFY even pumping groundwater at 9,000 AFY. Tracy has not done any analysis on groundwater pumping since 2001 and the WSA provides no information on current groundwater levels in the city's wells.</p>	<ul style="list-style-type: none"> <li>◆ In March 2013, the City adopted an updated Recycled and Non-Potable Water Ordinance in March 2013 (codified in the Tracy Municipal Code Chapter 11.30);</li> <li>◆ The City has spent approximately \$85 million at the City's Wastewater Treatment Plant (WWTP) to produce water suitable for recycled use;</li> <li>◆ In December 2013, the City adopted Development Impact Fees to fund recycled water infrastructure and has collected \$1.3 million as of March 2015;</li> </ul> <p>In April 2015, the City applied for and has been awarded a grant from the Department of Water Resources (DWR) Delta, San Joaquin River, and Sacramento River Water Quality Grant Program to help fund the construction of planned recycled water infrastructure. The City is currently in the process of selecting program management and design teams for the recycled water system design.</p> <p>The WSA utilizes the assumptions adopted in the City's 2010 Urban Water Management Plan (UWMP) for normal years, single dry years and multiple dry years based on historical water supply conditions. The WSA also states that actual hydrologic conditions and supply deliveries vary from year to year. Section 5.3 of the WSA (starting on page 25) states that additional water conservation may be needed in response to multiple dry years or other water supply shortages or emergencies (which may result in more severe shortages than those assumed under the single dry year and multiple dry year conditions described in the 2010 UWMP). Water conservation by the City's water customers in 2014 and 2015 exceeded the assumptions in the City's 2010 UWMP. Also, as described in the WSA, the City has a Water Shortage Contingency Plan which it can implement were there to be water supply shortage due to extreme dry conditions (such as was experienced in 2015) or other water supply emergencies.</p> <p>See response to comment OR1-67 above for information on the City's recycled water program.</p>

<sup>68</sup> <http://www.recordnet.com/article/20150615/NEWS/150619752>

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OR1-69	<p>When you reduce the water supply by the speculative 40% M&amp;I allotment from USBR and the 10% allotment for USBR agricultural water it reduces the total water supply by 2,750 AFY and lowers available water supply to 14,177 acre feet which does not meet the expected demand of 17,900 AFY for 2015 and 23,000 AFY of expected demand as shown in Table 22 of Appendix F-2.</p>	<p>As described in the WSA included in Appendix F-2, GEI performed an evaluation of current groundwater conditions in 2015, which includes available information on groundwater levels through mid-2015 (<i>See</i>, Section 2.6 and Figure 8 of GEI's August 2015 evaluation included in Appendix C of the WSA).</p>
OR1-70	<p>Appendix F-2 is also erroneous when it concludes that, "in the event of a water supply emergency where surface water supplies may be limited or unavailable, this WSA shows that based upon current groundwater basin conditions, the City would be able to meet its water demands using only groundwater supplies in any single year without causing any long-term impacts to the groundwater basin (see Section 6.1.3.9 for further discussion)." This assumes that, in response to the water supply emergency the city will pump 16,000 to 22,000 acre feet of groundwater with no negative effects on the aquifer. The city has only analyzed ground water pumping of 9,000 AFY and the city has not performed an analysis of the impacts of pumping 16,000 to 22,000 AFY. Appendix F-2 contains an alleged analysis of current groundwater conditions in the aquifer that would support pumping of 16,000 to 22,000 AFY of groundwater in 1 year. Conspicuously absent from the analysis is any information on groundwater levels below Tracy after 2011 when the current drought began. The analysis is essentially useless as it contains no current information on the city's current groundwater levels beyond 2011.</p>	<p>The groundwater evaluation performed by GEI in August 2015 evaluates the ability to pump 16,000 to 22,000 AF in a single year where the City's surface water supplies are assumed to not be available due to an extreme water shortage or emergency. The GEI evaluation indicates that pumpage of 16,000 to 22,000 AF in a single year would not have a cumulative impact on the groundwater basin.</p> <p>As described in the WSA, GEI performed an evaluation of current groundwater conditions in 2015, which includes available information on groundwater levels through mid-2015 (<i>See</i>, Section 2.6 and Figure 8 of GEI's August 2015 evaluation) (included in Appendix C of the WSA).</p>

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OR1-71	<p>Pumping of 16,000 to 22,000 afy of groundwater is also likely to cause subsidence. As Appendix F-2 states, “Traditionally, the City’s Production Wells 1 through 4, wells near the SWP and DMC canals, have drawn down groundwater levels below the bottom of the Clay and may have created subsidence. Projections of pumping 16,000 to 22,000 AFY results in as little as 1 foot to as much as 46 feet of additional drawdown in the area, pulling the groundwater levels further below the bottom of the Clay. This increases the potential for subsidence in this area.” As the Appendix F-2 states the city’s wells have already caused subsidence near the canals with normal groundwater pumping.<sup>69</sup></p>	<p>The groundwater evaluation performed by GEI and included in Appendix C of the WSA addresses the potential for subsidence. As stated in the GEI report, projections of pumping 16,000 to 22,000 AFY results in as little as 1 foot to as much as 46 feet of additional drawdown in the area, pulling the groundwater levels further below the bottom of the Clay. This increases the potential for subsidence in this area. Within the central to northern portions of the City the increased drawdown does not lower the groundwater levels below the bottom of the Clay and therefore the potential for subsidence is low in these areas. By reducing the pumping duration at Production Wells 1 through 4 and increasing pumping from those in the central to northern portions of the City, the City could mitigate the pumping effects and the potential for subsidence to less than significant.</p>
OR1-72	<p>The DSEIR also assumes that in a severe emergency the City’s water demands will be reduced by 50 percent in accordance with Stage V of the City’s Water Shortage Contingency Plan.<sup>70</sup> As Appendix F-2 states, “<i>Stage V identifies mechanisms by which the City can reduce potable water demand by more than 25% (With up to a 50% cutback for purposes of this UWMP) To achieve a reduction in potable water demand exceeding 25% the city would prohibit all water use except as required for public health and safety (50 gallon of water per capita per day) Reduction in Stage 5 would include a 100% reduction recreation in irrigation water use.</i>”<sup>71</sup> As the City has recognized a 50% reduction in water use would result in severe economic consequences. But the reality is a 50% reduction in water use is highly unlikely.</p>	<p>The City’s current 2015 water conservation efforts and results are an example of the City’s ability to implement its Water Shortage Contingency Plan and reduce water demands in the event of an emergency water supply shortage.</p> <p>The City’s cumulative water savings from May 2015 to October 2015, as compared to the same period for 2013, was 29.6 percent, as compared to the City’s conservation standard of 28 percent, as established by the Governor’s April 2015 Executive Order B-29-15 (Source: SWRCB June 2015-October 2015 Cumulative Savings and Urban Water Supplier Conservation Compliance Dataset (dated December 1, 2015). This demonstrates the ability of the City’s water customers to reduce water use when requested.</p> <p>As noted in the WSA, and as cited in the comment, additional water restrictions would need to be implemented to achieve a 50 percent reduction if required in response to a water supply emergency. These would include prohibiting all water use except as required for public health and safety and a 100 percent reduction in irrigation uses, which would be significantly more restrictive than the restrictions implemented by the City in 2015.</p>

<sup>69</sup> APPENDIX F-2 REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 81 of 867

<sup>70</sup> APPENDIX F-2 REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 14 of 867

<sup>71</sup> City of Tracy 2010 Urban water management Plan Page 49

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OR1-73	<p>The city’s urban water management plan also underestimates the amount of water that will be needed for the Tracy Hills Project. As Appendix F-2 states, “the potable water demand for the Proposed Project is 503 af/yr higher than what was included in the City’s 2010 UWMP, and the recycled water demand for the Proposed Project is 69 af/yr higher than what was included in the City’s 2010 UWMP.”<sup>72</sup> The actual difference in Potable water demand for Tracy Hills between the WSA and the UWMP is 745 AFY as potable water demand is 2,985 per UWMP table 7.<sup>73</sup> The recycled water demand for Tracy Hills is 1,785 AFY per UWMP Table 16 which is 185 AFY more than the WSA not 69.<sup>74</sup></p>	<p>Section 3.4 of the WSA (starting on page 18) describes the projected water demand for the Tracy Hills Project as it was included in the City’s 2010 UWMP (adopted by the City in May 2011). The WSA acknowledges that the water demand included in the City’s 2010 UWMP is lower than the currently projected water demand for the Tracy Hills Project (<i>See</i>, Table 5 of the WSA on page 19). The footnotes for WSA Table 5 indicate how the differences in the potable water demand and recycled water demand were calculated for the WSA. It should be noted that the demands shown in Table 7 of the City’s 2010 UWMP do not include unaccounted for water for the individual projects listed, so the unaccounted for water needs to be added to the Table 7 values before they can be compared to the projected demands for the Proposed Project (as was done in WSA Table 5).</p> <p>The City’s UWMP is updated every five years in accordance with California Water Code requirements. The next update of the City’s UWMP (the 2015 UWMP) is due to the California Department of Water Resources by July 1, 2016.</p>
OR1-74	<p><u>Cumulative Impacts from Groundwater Water Use</u></p> <p>The 2015 DSEIR fails to include a cumulative assessment of the use of groundwater by the THSP in conjunction with current pumping rates by other users on the Tracy aquifer. The DSEIR does not examine what other water users are currently withdrawing.<sup>75</sup> Two orchards have recently installed wells on Corral Hollow Road but the DSEIR fails to examine the level of groundwater they are extracting. Other existing agricultural wells have increased pumping because of limited availability of surface water. The DSEIR makes no attempt to quantify the current baseline levels of water in the aquifer and analyze how many acre feet other water users are extracting from the Tracy Aquifer. The City of Tracy is not the only entity utilizing the aquifer. It may well be that the city may be unable to withdraw 9,000 afy without overdrawing the aquifer since no assessment has been conducted since 2001.</p>	<p>In 2001, the City performed a technical analysis and environmental review that shows that up to 9,000 afa can be pumped from the groundwater basin without any cumulative impacts to the underlying groundwater basin or groundwater resources. The proposed use of groundwater to meet demands within the THSP will not require the City’s groundwater pumpage to exceed 9,000 afa under normal years, single dry years, and multiple dry years.</p> <p>The groundwater evaluation performed by GEI in August 2015 evaluates the ability to pump 16,000 to 22,000 AF in a single year where the City’s surface water supplies are assumed to not be available due to an extreme water shortage or emergency. The GEI evaluation indicates that pumpage of 16,000 to 22,000 AF in a single year would not have a cumulative impact on the groundwater basin.</p>

<sup>72</sup> APPENDIX F-2 REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 28 of 867

<sup>73</sup> City of Tracy 2010 Urban water management Plan Table 7 Page 91 of 130

<sup>74</sup> City of Tracy 2010 Urban water management Plan Table 16 Page 105 of 130

<sup>75</sup> The only point of reference for ground water pumping by other users from the aquifer included in the DSEIR is the 2001 Estimated Groundwater Yield Study, which established the City’s estimated groundwater yield of 9,000 af/yr, considered the cumulative groundwater usage in the study area by the City and other users in the Tracy area. No current information is available of how the groundwater has been utilized during the historic drought in the last few years.

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OR1-75	<p data-bbox="394 898 646 919"><u>Traffic and Transportation</u></p> <p data-bbox="394 946 1129 1403">The 2015 DSEIR completely understates VMT by assuming that the alleged improvement in the jobs housing balance will reduce the number of commuters leaving Tracy for employment outside the county. As volume I of the DSEIR states, “The City of Tracy Transportation Master Plan forecasts 64,182 employed persons for year 2035, an increase of 40,078 (or 166.3 %) from 24,104 employed persons in 2006. Dwelling units are forecast to increase from 26,789 (51.4%) in 2006 to 40,506 residences in 2035. The Tracy Travel Demand Model indicates that the growth in Tracy (from existing conditions to year 2035) would result in the internal trip distribution increasing from the existing 48 percent to 49 percent in the AM peak hour and decrease from 64 percent to 49 percent in the PM peak hour as a percentage of total Tracy trips. Westbound trips on I-580 towards Alameda County and beyond, would decrease from 7 percent to 1 percent in the AM peak hour and stay at about 1 percent in the PM peak hour. Trips from Alameda County and beyond to Tracy would remain at about 1 percent during the AM peak hour and decrease from 3.5 percent to 1.3 percent in the PM peak</p>	<p data-bbox="1157 293 1919 686">The 2001 Estimated Groundwater Yield Study and associated City of Tracy Groundwater Management Policy Mitigated Negative Declaration dated April 2001 is included in Appendix C of the WSA. The WSA further describes the City’s 1996 adoption of the Northern Delta-Mendota Canal Groundwater Management Plan, the City’s May 2012 adoption of the revised Northern Delta-Mendota Canal Groundwater Management Plan, and the City’s participation in the Tracy Sub-basin Groundwater Management Plan (copies of which are included in Appendix C of the WSA). The City’s historical groundwater pumpage is shown on Figure 6 of the WSA and shows that groundwater pumping in 2001 was 7,321 af, 2002 was 7,802 af, 2003 was 6,847 af, and 2004 was 7,176 af. This pumping occurred with no negative environmental impacts. The groundwater levels are currently high compared to past years due in part to decreased pumping by the City in recent years.</p> <p data-bbox="1157 708 1919 821">As described in the WSA, GEI performed an evaluation of current groundwater conditions in 2015, which includes available information on groundwater levels through mid-2015 (<i>See</i>, Section 2.6 and Figure 8 of GEI’s August 2015 evaluation included in Appendix C of the WSA).</p> <p data-bbox="1157 946 1919 1122">The City firmly disagrees with this comment. The analysis is consistent with the City General Plan, the SJCOG development forecasts and the County General Plan growth forecasts. The Commentor has failed to understand the extensive planning forecasts that have been undertaken and analyzed through the General Plan preparation process for the City and the region, as well as the jobs housing balance that was forecast as part of that process.</p>

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	<p>hour. Economic development data received from the City of Tracy indicates that between 2000 and 2008, the jobs to- housing ratio remained consistent at approximately 1.19. Between 2008 and 2014, the jobs-to-housing ratio showed a gradual improvement, increasing to 1.46, an increase of 22.7 percent. This increase already results in more trips staying local to Tracy.”</p>	
OR1-76	<p>The optimistic presentation in the DSEIR is contradicted by more recent documentation by the city that thoroughly dispels the myth that somehow Tracy will create jobs that pay enough to reduce commuting outside the county. According to the City of Tracy’s 2015-2023 Draft Housing element, <b>“between 2008 and 2013, nearly 55 percent of Tracy’s workforce traveled to another county for employment. This rate is more than double that of San Joaquin County (26 percent) and the highest among surrounding counties (Table 10). While the proportion of long distance commuters in Tracy remains high, this number has decreased by three percent since 2000. However, this decrease may have been a result of the recession.”</b><sup>76</sup></p>	<p>Refer to Response SA2-2 and OR1-75. The Housing Element quote refers to only five years of travel patterns within a recognized recessionary period. The commentor is inferring that these travel patterns (as extracted from the Housing Element) may continue during post recessionary periods. The General Plan jobs housing balance, as indicated in the Recirculated DSEIR, forecasts growth over a much longer time period (to year 2035). As illustrated in the DSEIR, there is already data showing that the citywide jobs-to-housing ratio has gradually improved between 2008 and 2014 from 1.19 to 1.46, an increase of 22.7%. This increase has already resulted in more trips staying local to Tracy.</p> <p>As indicated on pages 4.13-65 through 4.13-66 of the Recirculated DSEIR, as a result of both buildout of the General Plan and implementation of the THSP, the jobs-to-housing balance within the City of Tracy would shift over time, resulting in changed travel patterns and more trips having origins and destinations within Tracy and within the THSP. The THSP is expected to be implemented over many years; consistent with the lifespan of the General Plan. The change in THSP traffic distribution starting with Phase 1a through 2035 (General Plan buildout) and Project buildout substantiates this finding. Within the THSP, as more employment-related land uses develop, internal Project trips would increase and less trips would leave the area, resulting in less regional trips onto the freeway system. Finally, as illustrated in Response to SA2-2, at THSP buildout, implementation of the project is estimated to result in the construction of 5,499 homes and would generate approximately 7,820 jobs resulting in a positive THSP jobs-housing balance ratio of 1.42.</p>

<sup>76</sup> 2015 City of Tracy 2015-2023 Draft Housing element page 18



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OR1-77	<p>Despite an increase in the jobs housing ratio from 1.19 to 1.46, an increase of 22.7 percent commuting out of the county for employment decreased by only 3% and as the 2015 draft housing element states that may be due solely to the recession. Despite an increase in the jobs housing ratio of 23% only a 3% decrease in commuting out of the county was observed. But this is not a new trend as the City of Tracy has unsuccessfully courted high paying jobs for over 30 years with no appreciable results likely due to the weak economic development strategy employed by the City.</p>	Refer to Response OR1-76.
OR1-78	<p>The 22.7 percent increase in the local jobs to housing ratio cited by the 2015 DSEIR has not impacted the Tracy commute at all. As discussed earlier under the GHG comments the jobs created in Tracy are mostly service and transportation jobs and are not high paying enough for Tracy workers to afford the high housing costs in Tracy. As the city of Tracy's Sustainable Action Plan states, <i>"20 percent of Tracy's resident workforce is employed within the city, significantly less than the 73 percent that would be predicted if Tracy's jobs-housing ratio were the only factor determining where residents work. One mechanism for reducing in- and out-commuting in the future is to foster a strong match between the skills of Tracy's residents and the training and educational requirements of Tracy's jobs. Highly trained or educated residents are unlikely to hold jobs for which they are overqualified, while residents with low levels of education are unlikely to be offered jobs with high training requirements. Consequently, the distribution of educational attainment of residents should closely resemble the occupational requirements of key industrial sectors for there to be a good skills-jobs match. In general, the occupations in Tracy's key sectors do not have high training or educational requirements, with a majority requiring no post-secondary education. In comparison, in 2008, 55 percent of Tracy's resident workforce had some post-secondary education, including 20 percent that held bachelor's degrees or higher. This suggests that a potential source of mismatch between Tracy's jobs and residents is that the resident workforce may be "overqualified" for employment in the largest and most rapidly-growing sectors of the local economy."</i><sup>77</sup></p>	The Commentor has no data to support this statement.

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OR1-79	<p>The 2015 DEIR demonstrates this imbalance when it lists the recently and soon to be created employment opportunities in Tracy. The 2015 DEIR list the following future job opportunities in Tracy. “FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard’s Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City’s 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City.”<sup>78</sup> The job opportunities cited by the 2015 DSEIR that are supposed to reduce out of county commuting in fact increase the existing imbalance in Tracy’s low paying jobs and high price housing. Of all the jobs listed above not one job is provided where an employee could afford the median house price in Tracy much less the newly built and expensive Tracy Hills homes. The McDonalds, Red Robin, El Pollo Loco, Dunkin Donuts are fast food jobs or restaurant job where minimum wage is prevalent. The City of Tracy 2015 Draft Housing element indicates that the average yearly wage in the food preparation and service occupations is \$22,239 a year.<sup>79</sup> That’s not enough money to rent a house much less buy one. The SuperLube, Prime Car Wash, FasTrak car wash, Arco gas station and Tracy Collision Center, are low paying service jobs which have an average annual salary of \$24,053 per year according to the 2015 Draft housing element. The WinCo, BevMo and Shops at Northgate Village are retail sales jobs with an average annual salary of \$24, 053 a year. The Fed-Ex building may supply a few executive jobs but the majority of jobs will be Transportation and material moving jobs with an estimated average salary of \$34,888 according to the city’s 2015 draft housing element. Essentially the jobs recently created are continuation of the traditional low paying Tracy job opportunities and certainly will exacerbate the commuting and associated VMT and GHG emissions.</p>	Refer to Response SA2-2 and OR1-77.

<sup>78</sup> 2015 DSEIR Volume II Page 11-28  
<sup>79</sup> City of Tracy 2015 Draft Housing element Page 18

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OR1-80	<p><u>The DSEIR neglect to include other reasonably foreseeable developments Ace Train Ridership.</u></p> <p>According to the 2015 DSEIR, “The City of Tracy travel demand model does not have a transit assignment to the ACE station on Tracy Boulevard. To derive the number of transit-purpose trips from the Project, the ratio between the number of passengers boarding and the total number of housing units is used instead. Six months of 2014 ACE data indicates average daily boardings of 573 passengers in Tracy. Per the U.S. Census Bureau (2014), there are 27,908 housing units in the urbanized area of Tracy. Thus, approximately 2.05% of Tracy residents board the ACE each weekday. Implementation of the THSP would result in ultimate development of 5,499 residential units and using the same ratio, it is estimated that 114 passengers from the THSP area would board the ACE each day. There are currently 130 vacant parking spaces at the Tracy ACE station. The additional parking demand of approximately 114 vehicles generated by implementation of the proposed Project would be accommodated on the Project site.”</p>	<p>The Commentor has not identified “other” foreseeable ACE Train developments. The DEIR indicates that ACE does not have any foreseeable plans or ridership forecasts available. The analysis adequately addresses Project ridership.</p>
OR1-81	<p>This parking analysis like much of the analyses in the DSEIR ignores cumulative impacts. Impacts to the ACE parking lot will occur from other residential projects. The DSEIR estimates that dwelling units are forecast to increase from 26,789 (51.4%) in 2006 to 40,506 residences in 2035. Those additional 13,717 units minus the 5,499 units would generate the need for an additional 168 parking spaces in addition to the 114 parking spaces estimated for the THSP. This leaves a deficit of over 100 parking spaces at the Ace Train Parking lot with the THSP responsible for approximately 40 of those needed spaces.</p>	<p>See response to OR1-80. Further, the BART station parking EIR’s address cumulative conditions. This analysis tiers off that EIR analysis (as referenced extensively in the Recirculated Draft SEIR, page 4.13-171 and 4.13-172). The Commentor fails to identify any other data to support the claim. The EIR adequately addresses the project impact on parking at the BART stations.</p>
OR1-82	<p><u>Construction Traffic and Hazards</u></p> <p>The DSEIR states in Impact 4.13-3a: that implementation of the THSP Project would result in less-than-significant construction-related traffic impacts. The DSEIR bases that conclusion on the fact that, “The number of trips generated by Project construction activities is estimated to be less than the trips generated by the THSP Project. The potential impacts and mitigations identified for the Project peak-hour traffic would thus suffice for potential construction traffic impacts.” The impact of the peak hour traffic impacts relies on roadway</p>	<p>Construction impacts are adequately addressed and analyzed in the Recirculated Draft SEIR (refer to Section 4.13-3a). As stated on page 4.13-174, the number of construction trips estimated will be less than the project trips which includes a passenger car equivalent factor utilized for heavy vehicles. In addition, construction impacts will also be managed through the submittal of traffic management plans, which the applicant will submit during the tentative map process as a standard condition of approval.</p>

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	improvements that will not exist when construction occurs. Additionally construction vehicles will have larger impacts to traffic than passenger cars which would be expected to be the majority of the impacts from peak traffic conditions. The construction traffic and hazards will be a significant impact particularly since many of the road improvements will not occur due to the fact that the City of Tracy does not have control over many of the needed improvements.	
OR1-83	<u>Leap Frog development creates the following impacts which are considered significant and unavoidable by the DSEIR.</u>  All of the following impacts to Tracy intersections and roadway segments are considered significant and unavoidable by the DSEIR.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-84	Impact 4.13-2: Implementation of the THSP Project would result in potentially significant impacts to bicycle and pedestrian modes.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-85	Impact 4.13-5a: Development within the THSP Project would add traffic on the existing roadway network and would potentially impact the following existing intersections.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-86	Impact 4.13-5b: Development within the THSP Project would add traffic on the existing roadway network and potentially impact the roadway segments.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-87	Impact 4.13-6a: Buildout of the THSP Project would add traffic on the existing roadway, potentially impacting the existing Caltrans intersections.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-88	Impact 4.13-6b: Buildout of the THSP would add traffic onto the existing roadway and potentially impact the roadway segments.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-89	Impact 4.13-7a: Development within the THSP would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to intersections under the Cumulative Plus Project 2035 scenario.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-90	Impact 4.13-7b: Development within the THSP would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to the roadway segments under the Cumulative Plus Project 2035 scenario.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.

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OR1-91	Impact 4.13-8b: Buildout of the THSP Project would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to the 2035 roadway segments.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-92	Impact 4.13-14a: Development within the THSP Project would add traffic on the existing roadway network and potentially impact the existing intersections.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-93	Impact 4.13-15g: Phase 1a of THSP does not indicate a bicycle and pedestrian connection from Spine Road along Corral Hollow Road.	Comment noted, there is not a question in this comment that requires a response. It is simply a reiteration of the Recirculated Draft SEIR's impact statement.
OR1-94	These impacts are considered significant and unavoidable because according the DSEIR, "Despite the improvements identified in Mitigation Measures the City of Tracy cannot control the timing of the improvements as they fall partially under the jurisdiction of either Caltrans, San Joaquin County, UPRR/CA PUC, or the Department of Reclamation. For this reason, the impact remains significant and unavoidable." Because the city has not proceeded with development in a logical and orderly manner there are county islands that have been created by the leap frog development patterns which are not under the jurisdiction of the City of Tracy and therefore mitigation measures cannot be implemented. Further the THSP is the most far flung urban reserve in the city's growth plans. Development in any other urban reserve in the city would not require widening Corral Hollow Road over the Aqueduct and the DMC therefore would not require the cooperation of other agencies to complete the mitigation measures. These impacts are created by the leap frog development called the Tracy Hills Project.	The City can only start the roadway planning process once funding is available or applications are received and the need for roadway improvements are identified.
OR1-95	<p data-bbox="394 1115 720 1141"><u>5.3 ENERGY CONSERVATION</u></p> <p data-bbox="394 1157 1129 1399">According the 2015 DSEIR, "an energy impact is considered significant if the Project would develop land uses and patterns that cause wasteful, inefficient, and unnecessary consumption of energy." The City of Tracy could not develop a more wasteful land use pattern than the Tracy Hills development. As it is located 1 mile from any current development in the city each and every vehicle trip into the City of Tracy will add an additional 2 miles roundtrip to any destination into the city as opposed to other urban reserves in the City limits that could be developed.</p>	<p data-bbox="1157 1157 1906 1242">The Commentor is directed to the Responses to Comments OR2-10A through OR2-10D in Volume II of Tracy Hills Specific Plan Recirculated Draft SEIR regarding energy conservation.</p> <p data-bbox="1157 1258 1906 1399">The energy conservation analysis in the Recirculated Draft SEIR was prepared in accordance with Public Resources Code Section 21100(b)(3) and Appendix F of the CEQA Guidelines, which requires a description (where relevant) of any "wasteful, inefficient, and unnecessary consumption of energy caused by a project." The Specific Plan design guidelines and other Project Design Features</p>

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		<p>encourage sustainable design solutions that reduce energy consumption (refer to Tracy Hills Specific Plan Section 3, Design Guidelines, EIR Section 5.3 [Energy Conservation], and EIR Section 4.7, [Greenhouse Emissions]).</p> <p>In the California Clean Energy Committee v. City of Woodland case, the EIR’s energy analysis relied solely on required compliance with Title 24 guidelines and regulations for energy efficiency to find the project would have no significant impacts on energy consumption requiring mitigation. The court found that this was an insufficient analysis of energy use. As described above, the energy impacts for the proposed project are analyzed in both Recirculated Draft SEIR Section 5.3 (Energy Conservation) and Recirculated Draft SEIR Section 4.7 (Greenhouse Gas Emissions). It should be noted that Section 5.3 references the analysis, discussion, and mitigation in Section 4.7. As discussed in Section 4.7 Mitigation Measure 4.7-1 requires the project to implement numerous energy efficiency measures including compliance with Measure E-1 of the City’s Sustainability Action Plan to meet or exceed Title 24 requirements. Mitigation Measure 4.7-1 also requires the use of energy efficient lighting and heating/cooling systems, energy efficient appliances, programmable thermostats, designing buildings to reduce energy through proper solar orientation and sun screens, as well as the use of cool roofs, cool pavements, and shade trees. The incorporation of these efficiency measures would reduce the Project’s energy consumption by approximately 5 percent. Implementation of Mitigation Measure 4.7-1 would ensure that the project does not cause wasteful, inefficient, and unnecessary consumption of energy. Additional mitigation measures are also included to reduce emissions associated with transportation, water consumption, and solid waste generation. Unlike the California Clean Energy Committee v. City of Woodland case, the proposed project includes feasible mitigation measures to reduce the energy consumption.</p> <p>Mitigation Measure 4.7-1 of the Recirculated Draft SEIR also includes various measures to increase transit usage and opportunities, improve pedestrian accessibility, provide mixed-use, improve destination accessibility, and provide traffic calming measures; refer to Response OR1-3, above. The implementation of Mitigation Measure 4.7-1 would also reduce the Project’s transportation energy consumption.</p> <p>Refer to response OR2-10A from the Recirculated Draft SEIR and also noted above. The DSEIR included an energy conservation analysis in accordance with Public Resources Code Section 21100(b) (3) and Appendix F of the CEQA</p>

Comment Number	Comment	Response
		<p>Guidelines. It should be noted that the development proposed by the THSP is anticipated within the City's General Plan. Therefore, the energy consumption from the proposed Project, after implementation of Mitigation Measure 4.7-1, would be more efficient than typical development anticipated within the General Plan. Transportation energy impacts, construction impacts, and operational energy impacts are addressed in the Energy Conservation analysis (Section 5.3), which also references the analysis, discussion, and mitigation in Section 4.7. As described above, the incorporation of the efficiency measures within Mitigation Measure 4.7-1 would reduce the Project's energy consumption by approximately 5 percent. Furthermore, Mitigation Measure 4.7-1 and the Project's design features would reduce transportation energy consumption. A key aspect of the THSP is to reduce vehicle miles traveled (which reduces transportation fuel consumption) through the development of a mix of residential and commercial land uses in a pedestrian friendly environment. Such uses would allow residents, employees, and customers to use transit, bicycles, and walk rather than travel by single-occupant vehicles.</p> <p>Refer to Response OR2-10A from the Recirculated Draft SEIR and also noted above. As described above, the Energy Conservation analysis (Section 5.3) references the analysis, discussion, and mitigation in Section 4.7. Mitigation Measure 4.7-1 includes numerous measures to reduce energy consumption.</p> <p>Refer to Response OR2-10A from the Recirculated Draft SEIR and also noted above. As described above, the Energy Conservation analysis (Section 5.3) references the analysis, discussion, and mitigation in Section 4.7 and describes transportation energy consumption, building energy demand, and construction energy consumption. Each of these sources of energy demand use fossil fuels such as coal, natural gas, and oil. The implementation of mitigation measures in Section 4.7 would reduce the project's consumption of such energy resources.</p> <p>An analysis of growth inducing impacts are provided in Section 5.2 of the Recirculated Draft SEIR. As described in Section 5.2, implementation of the Project would be expected to directly induce growth. As described in the 2011 General Plan EIR, residential growth under the General Plan is limited by the City's Growth Management Ordinance (GMO). Growth within the THSP Project Area was anticipated and planned for in the City's 2011 General Plan EIR.</p>

Comment Number	Comment	Response
		<p>Hence, the potential household growth induced by implementation of the Project would not exceed the City’s planned level.</p> <p>Refer to Response OR2-10A from the Recirculated Draft SEIR and also noted above. As described above, the Energy Conservation analysis (Section 5.3) references the analysis, discussion, and mitigation in Section 4.7. Mitigation Measure 4.7-1 includes several measures that would reduce vehicle trips and vehicle miles traveled, thereby reducing transportation energy consumption. For example, Mitigation Measure 4.7-1 requires the commercial uses to implement a trip reduction program and a ride sharing program for future employees. Additionally, Mitigation Measure 4.7-1 would be required to provide pedestrian connections and amenities to facilitate alternative transportation options. The parking cash out program required by Mitigation Measure 4.7-1 would provide a financial incentive for employees not to drive to work. As documented in Table 4.7-7 of the DSEIR, the proposed Project would be consistent with the applicable measures in the City’s Sustainability Action Plan.</p>
OR1-96	<p>The project has significant impacts to many road segments and intersections which cannot be mitigated because “the City of Tracy cannot control the timing of these road improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation).” The projects location requires that Corral Hollow Road be improved to two lanes over the aqueduct and the Delta Mendota Canal which prevents timely improvements to Corral Hollow Road. As the traffic study indicates the project creates significant and unavoidable impacts to traffic flow leading to additional fuel wasted idling at lights and traffic congestion in between crowded road segments.<sup>80</sup></p>	<p>The Commentor’s statement is correct.</p>
OR1-97	<p>The projects location prevents it from being connected to the rest of the city for bicycle and pedestrian transportation. The DSEIR states that, “When developed, the THSP Project would include pedestrian and bicycle facilities internal to the site and that connect to the existing pedestrian system via street frontage</p>	<p>Until such time as Corral Hollow Road is widened to include the bicycle connection, the Commentor’s statement is correct.</p>

<sup>80</sup> Impact 4.13-5a, Impact 4.13-5b, Impact 4.13-6a, Impact 4.13-6b, Impact 4.13-7a, Impact 4.13-7b, Impact 4.13-8b, Impact 4.13-14a,



Comment Number	Comment	Response
	<p>improvements that include sidewalks and bicycle lanes.”<sup>81</sup> But the 2015 DSEIR states under Impact 4.13-2 that, “Despite the Projects compliance with Policy P4 and P6 under goal CIR-3 of the General Plan, the City of Tracy cannot control the timing of these improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation). Thus, until the improvements for bicycle and pedestrians are implemented, the impact will be considered significant and unavoidable.”<sup>82</sup></p>	
OR1-98	<p><u>7.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE</u></p> <p>The DSEIR discussion of alternatives recognizes that CEQA Guidelines Section 15126(e)(2) requires that the environmentally superior alternative be identified. The DSEIR identifies Alternative 3, Reduced Density Alternative, as the environmentally superior alternative. In the DSEIR Alternative 3 is the is defined as, “highest number of trips that can be generated by development of the Project site before the construction of Lammers Road and the I-580 interchange is triggered.”<sup>83</sup> There is no indication what Alternative 3 consists of, how may homes , how many offices how many businesses it is simply defined as , “the highest number of trips that can be generated by development of the Project site before the construction of Lammers Road and the I-580 interchange is triggered.”<sup>84</sup> This description of alternative 3 does not foster informed decision making and public participation as required by CEQA. Section 15126.6(d) of the CEQA Guidelines. CEQA requires the EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Like much of this DSEIR the project is poorly defined and based on speculation on what actually will be built. Even phase 1 does not describe the uses in the mixed use business park so it is impossible for the public to make an informed decision on what is being proposed.</p>	<p>As stated on page 7-11 of the Recirculated Draft Subsequent SEIR, it is anticipated that a mix of uses would be developed under Alternative 3 similar in nature to the mix of land uses identified in the proposed Project. However, under Alternative 3, no more than 2,588 residential equivalent trips could be generated by any combination of these uses. This accounts for an approximately 40 percent reduction in overall trips generated from the Project site. Thus, Alternative 3 would include the development of reduced land uses overall within the same development footprint identified in the Project description. The description of Alternative 3 is considered sufficient per CEQA Guidelines Section 15126.6.</p>

<sup>81</sup> 2015 DSEIR page

<sup>82</sup> 2015 DSEIR Page 768 of 880

<sup>83</sup> 2015 DSEIR Page 853 of 880

<sup>84</sup> 2015 DSEIR Page 853 of 880

Tracy Hills Specific Plan  
Final Subsequent EIR

Comment Number	Comment	Response
OR1-99	<p><u>7.4 ALTERNATIVES CONSIDERED BUT REJECTED</u></p> <p><u>SITE ALTERNATIVES</u></p> <p>The 2015 DSEIR never identifies any alternative sites it merely states reasons for rejecting alternative sites without ever identifying their location, size, or their impacts. Obviously without identifying the alternative sites the DSEIR does not provide information on the alternative sites site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. The alternative site analysis in the DSEIR does not foster informed decision making and public participation.</p>	<p>The Alternative Site Alternative was also considered in Section 7 of the Draft Recirculated SEIR. However, this alternative was rejected from further consideration because the Project Area has already been contemplated by the General Plan for future development. Additionally, extensive planning efforts have included the adoption of the 2011 revised General Plan (which anticipated build out of the THSP) and the Project Area is currently designated “Tracy Hills Specific Plan” on the City of Tracy Zoning Map. The City’s master plans of infrastructure (which serve to implement development under the General Plan) have accommodated the development density and pace of development identified in the THSP. Also, the Project Area is largely within the control of the Project Applicant and there are no other sites of this size within the City or the City’s sphere that the Project Applicant would be able to reasonably acquire, control, or otherwise have access to that would meet the basic objectives of the Project. Pursuant to Section 15126.6(f) (1) of the CEQA Guidelines, “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).”</p>
General Public		
<b>Prologis</b>		
GP1-1	<p>Prologis will be objecting to Tracy Hills prospective exemption from participating in the improvements to the I-580 ramps. As specified in the Tracy Hills EIR, Tracy Hills will be benefiting from these improvements and impacting the capacity enhancements that the signalization project will provide.</p> <ul style="list-style-type: none"> <li>◆ Intersection #13 (Mountain House Parkway / I-580 EB Ramps) – Signalize the intersection. The City has approved the Medline, FedEx, and Building 1 and 2 projects which have been conditioned to</li> </ul>	<p>These two intersections are included in the City’s Traffic Impact Fee (TIF) Program. The THSP will pay the City TIF as a standard condition of approval.</p>

Comment Number	Comment	Response
	<p>implement this improvement to mitigate their respective impacts. With anticipated installation of the signal, the Project will have no additional impact at this intersection. This intersection falls under Caltrans jurisdiction.</p> <p>Intersection #14 (Mountain House Parkway / I-580 WB Ramps) – Signalize the intersection. The City has approved the Medline, FedEx, and Building 1 and 2 projects which have been conditioned to implement this improvement to mitigate their respective impacts. With anticipated installation of the signal, the Project will have no additional impact at this intersection and thus the Applicant is not responsible for this mitigation. This intersection falls under Caltrans jurisdiction.</p>	
<b>Prologis</b>		
GP2-1	<p>Following up on my November 3rd email regarding the Tracy Hills Draft SEIR and specifically concerns regarding the I-580 ramp. I understand that Tracy Hills will contribute a fair share to the TMP I-580/Mountain House Parkway interchange program improvements through participation in the TMP fee program, so Prologis has no further concerns related to that intersection. As such, Prologis will proceed with the interim signalization project as planned.</p>	Comment noted.
<p>Planning Commission Meeting January 28, 2015</p>		
<b>Commissioner Ransom</b>		
PC1-1	Wanted to know why we are treating this EIR differently?	This EIR has been treated no differently than other EIRs processed through the City.
PC1-2	Unable to locate the notice of the meeting on the City’s web site. Asked for better, more notice of future Tracy Hills meetings.	City Staff responded during the course of the Planning Commission hearing that the meeting, though not formally required was properly noticed and posted on the City’s website, as well as mailed to the approximate 170 individuals who responded to the Notice of Availability.
PC1-3	Primary concern seemed to relate to water supply details. The Commissioner asked about reference in the Draft EIR to water supply available “until 2035”?	The WSA has been prepared in accordance with the California Water Code requirements. Specifically, Water Code section 10910(c) (4) requires that a WSA

Tracy Hills Specific Plan  
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	<p>“...water may not be available” beyond that? Purple pipes? BBID and Plain View reliability? Will water system connect to BBID? Is this normal practice? What is BBID role and stake in the process?</p>	<p>include a discussion with regard to “whether total projected water supplies, determined to be available by the city or county for the project during normal, single dry and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.” Accordingly, the WSA provides an assessment through the year 2035.</p> <p>A description of the BBID supplies to be utilized by the Proposed Project is provided in Section 6.1.4 of the WSA starting on page 45. Additional information on the water supply agreements is provided in Appendix A of the WSA.</p>
PC1-4	<p>There are two Alternative number two’s. See page 1-5 and 1-6.</p>	<p>The typo in the Executive Summary, pages 1-5 and 1-6 have been corrected. See Chapter 2 of this Final SEIR.</p>
PC1-5	<p>The superior alternative is a little confusing.</p>	<p>The analysis concluded that Alternative 3, the Reduced Density Alternative, is considered the environmentally superior alternative as it reduces (although marginally) impacts due to the reduced development intensity. Trips generate by Alternative 3 would be approximately 40 percent less than when compared to the proposed Project. This accounts for an overall reduction in air quality, GHG, noise, and traffic impacts.</p>
PC1-6	<p>Asked for clarification regarding Area C that is not covered by this EIR.</p>	<p>Area C as defined in Section 4.4 of the Recirculated Draft SEIR is located in the southern portion of the THSP and is analyzed at a “programmatic” level in this SEIR.</p>
PC1-7	<p>A portion of the EIR covers non-Integral Property owners with a separate set of guidelines but does not provide the guidelines.</p>	<p>City Staff responded during the Planning Commission Hearing that non-Integral property refers to property that is within the Specific Plan but outside of the ownership of Integral Properties. The Design Guidelines in the Specific Plan address all property within the Specific Plan boundaries unless expressly stated otherwise.</p>
PC1-8	<p>Looking for more information regarding the pipelines.</p>	<p>The three crude oil and natural gas line within or near the THSP are discussed and analyzed in Section 4.8 (<i>See</i>, pages 4.8-20 through 4.8-31).</p>
PC1-9	<p>Some mitigation measures are not specific.</p>	<p>Feasible mitigation measures are identified to address impacts identified as significant or potentially significant. The specificity of the mitigation measures is</p>

Comment Number	Comment	Response
		<p>consistent with the broad program-level nature of the Specific Plan future phases, and consistent with the project –level nature of the project for Phase 1a. Mitigation measures identified in this SEIR would be applied as appropriate to specific future actions implemented under the Specific Plan. Implementation, monitoring and reporting of the SEIR mitigation measures would be carried out by the Applicant except as expressly stated in the Mitigation Monitoring and Reporting Program.</p>
PC1-10	<p>How realistic are mitigation measures, such as greenhouse gas emissions and how are they controlled?</p>	<p>The State CEQA Guidelines require mitigation measures to be identified that would reduce significant impacts. The greenhouse gas mitigation measures are based on measures identified by the SJVAPCD as reasonable and feasible. The SJVAPCD has also determined the maximum allowable reduction associated with each measure.</p> <p>The mitigation measures in the RDSEIR were also prepared in accordance with the requirements in State CEQA Guidelines Section 15126.4. Specifically, Section 15126.4(a) (2) requires mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instruments. The Project mitigation measures will be incorporated into the Mitigation Monitoring and Reporting Plan, which provides specific timing and enforcement mechanisms for each measure. For example, the greenhouse gas emissions reduction measures in Mitigation Measure 4.7-1 are required to be implemented and verified by the City prior to the issuance of building or occupancy permits.</p>
PC1-11	<p>Concerns about the use of ground water, its reliability, and whether this was a practice that will be for all city projects.</p>	<p>The WSA provides a description of the groundwater resources and groundwater supplies available to the City and to the Tracy Hills Project (<i>See</i>, Section 6.1.3 of the WSA starting on page 35). Additional information on the groundwater supply is provided in Appendix C of the WSA.</p>
<b>Commissioner Tanner</b>		
PC1-12	<p>Why was San Joaquin County not included as part of JPA, when will the JPA kick in?</p>	<p>To resolve the litigation resulting from the City’s 1998 action on the previously approved Tracy Hills Specific Plan, a Settlement Agreement was reached between the City, the original applicant (Lakeside Tracy Associates), the City of Livermore, Alameda County, and the Sierra Club in December 1998. Pursuant to the Settlement Agreement, a Joint Powers Authority was formed by the three public</p>

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PC1-13	Regarding Figure 4.4-6: Item TP is not in the Legend.	agencies (cities of Tracy and Livermore, and Alameda County) that were involved in the lawsuit. The Settlement Agreement established a fair and equitable arrangement by which to mitigate significant regional traffic impacts as a result of urban development in the East Alameda County Planning Area (which for purposes of the Settlement Agreement included the City of Livermore and its sphere of influence), Tracy, and Western San Joaquin County (which for purposes of the Agreement includes the undeveloped lands west of I-5). The JPA has already been initiated and projects that could be funded by the JPA have been identified and partially implemented as described on page 4.13-21 of the Recirculated Draft SEIR.
PC1-13	Regarding Figure 4.4-6: Item TP is not in the Legend.	Figure 4.4-6 in the 2014 Draft SEIR was extracted from the RBF Report Exhibit 9 ( <i>See</i> , Appendix C-1). TP on both these figures was intended to be BP, which stands for Big Tarplant. Subsequent to the 2014 Draft SEIR, an updated biological report was prepared for the Project Site by NOREAS in 2015. The Recirculated Draft SEIR included a revised Biological Resources Section based on the NOREAS Report; therefore, the RBF report was not updated to correct the error.
PC1-14	Referred to Figure 4.14-11, new roads, stating South Tracy Hills Road and North Tracy Hills connect, however, North Tracy Hills Road does not seem to connect with Linne Road.	This Figure was modified and included in the Recirculated Draft SEIR as Figure 4.13-11.
<b>Commissioner Sangha</b>		
PC1-15	Asked if the \$1,500 per unit Tracy Hills is required to pay goes to the City or the County?	As noted in the Recirculated Draft SEIR, the \$1500 per dwelling unit fee has three separate \$500 components in 1998 dollars. In 2014 dollars, the fee per dwelling unit would be \$1932 per dwelling unit, with three separate \$644 components as follows: \$644 for regional transportation projects in San Joaquin County to improve I-205 or I-580; \$644 for regional transportation projects within San Joaquin County for reducing the number of trips on I-205 or I-580 bound for Alameda County on I-580 or diverting or reducing trips on Corral Hollow/Tesla Road, Patterson Pass Road and/or Grant Line and Old Altamont Pass Roads; and, \$644 for transportation improvement projects or trip reduction projects within Alameda County.

Comment Number	Comment	Response
<b>Commissioner Orcutt</b>		
PC1-16	When will Final EIR be completed?	The Final SEIR has been completed and has been provided to the Planning Commission for review and consideration.
PC1-17	Will the City be expected to extend bus service to the Area?	Yes. Bus Service would be extended to serve the Project Area. As noted on page 4.13-117 of the Recirculated Draft SEIR, bus routes and bus stop locations would be defined per the local transit agency and City standards with the submission of each Vested Tentative Map application.
Planning Commission Meeting January 28, 2015		
<b>Commissioner Orcutt</b>		
PC2-1	Section 4.10-21 and 22 ALUC proposed school sites within 2 miles of the airport. Is that difficult to obtain approvals for (given the proximity of the school site to the airport)? And what is the timeframe?	Please see the attached Caltrans letter approving the Tracy Hills PH1a school site (Appendix B of this Final SEIR).
PC2-2	Is industrial zoning appropriate for the portion of the Specific Plan area in the airport overlay area?	As noted on page 4.10-17 of the Recirculated Draft SEIR, the portion of the Project Area within Zones 2, 3 and 4 runway approach zones designated for Light Industrial use are in conformance with the Outer Approach/Departure Zone 4, and the Traffic Pattern Zone 7 of the 2009 ALUCP. However, given the conflict of allowable land uses within the M-1 Industrial designation, the Inner Approach/Departure Zone 2 and the Inner Turning Zone 3, potentially significant impacts could occur. As a result, and as identified in Mitigation Measure 4.10-1, additional land use restrictions as specified by the 2009 ALUCP would be applied to these areas.
<b>Commissioner Ransom</b>		
PC2-3	Previous commission comments? Where are they addressed?	See Responses to the January 28, 2015 Planning Commission comments on the Recirculated Draft SEIR beginning on page 4-112 of this document.

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Comment Number	Comment	Response
<hr/> <b>Commissioner Tanner</b>		
PC2-4	BBID had a fine against them about water supply – “... for using too much water”. Where is the make up for the water? Is that guarantee from the City? “Where is the water going to come from for this project?”	<p>A description of the BBID supplies to be utilized by the Proposed Project is provided in Section 6.1.4 of the WSA starting on page 45. Additional information on the water supply agreements is provided in Appendix A of the WSA.</p> <p>In June 2015, the SWRCB sent BBID a "notice" ordering BBID to "immediately stop diverting" pursuant to its pre-1914 water rights and requiring that BBID complete an on-line "Curtailment Certification Form" certifying that BBID has ceased all diversions under its pre-1914 water right. Several other districts filed suit challenging similar so-called 'curtailment orders' (Districts' Litigation). Later in June, BBID filed suit in Sacramento Superior Court challenging the curtailment order directed to it on multiple grounds including asserted jurisdictional, due process, and water right violations. In early July 2015, the Court issued a temporary restraining order in the Districts' Litigation concluding that the curtailment orders did not comply with due process requirements. In mid-July, the SWRCB rescinded in part the curtailment orders, including the order directed to BBID. In mid-July, the SWRCB initiated administrative proceedings against BBID to levy fines. BBID contested the administrative proceedings, asserting that there was sufficient water to divert under its senior water rights. The matter is pending in litigation.</p>

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**TRACY HILLS SPECIFIC PLAN  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
VOLUME IV  
JANUARY 2016**

**APPENDIX A**

COMMENT LETTERS AND VERBAL COMMUNICATION RECEIVED  
ON THE RECIRCULATED DRAFT SEIR



**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791

RECEIVED  
NOV 19 2015  
CITY OF TRACY



November 16, 2015

Bill Dean, Assistant Director of Development and Engineering Services  
Development Services Department  
City of Tracy  
333 Civic Center Drive  
Tracy, CA 95376

Notice of Preparation of Subsequent Environmental Impact Report for the Tracy Hills Specific Plan Amendment Project, City of Tracy, San Joaquin County, near Milepost 15.47 to 17.10, California Aqueduct, Delta Field Division, SCH2013102053

Dear Mr. Dean:

Thank you for the opportunity to review and comment on the Notice of Preparation of Subsequent Environmental Impact Report for the Tracy Hills Specific Plan Amendment Project in San Joaquin County. This Project includes development of a 2,732-acre master planned community with mixed land uses such as residential, offices, commercial, industrial, institutional and recreation uses.

Attached are previous DWR comments from November 22, 2013, in addition to these new updated comments:

The proposed development is in close proximity to the Department of Water Resources (DWR) right-of-way (ROW) on both sides of the California Aqueduct (Mile Post 15.47 – 17.10).

Due to the close proximity of the residential development and schools in relation to the California Aqueduct, DWR suggests that the City of Tracy require ongoing outreach to draw the public's attention to inherent dangers such as the danger of swift moving water within the California Aqueduct. Particularly, this outreach should be conducted at schools in close proximity to the adjacent to the California Aqueduct.

Any proposed modifications that would have impacts to DWR facilities, such as access across DWR facilities or storm water runoff, shall be reviewed and approved by DWR prior to construction.

SA1-1

SA1-2

Mr. Bill Dean  
November 16, 2015  
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Since the proposed development for the Tracy Hills Specific Plan has the potential to impact DWR's California Aqueduct ROW, certain elements of the City's specific plan may require an Encroachment Permit from DWR prior to start of any construction.

SA1-3

Information regarding regulations governing encroachments on State Water Project right-of-way and forms for submitting an application for an encroachment permit to DWR can be found at:

[http://www.water.ca.gov/engineering/Services/Real Estate/Encroach Rel/](http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/)

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this proposed project shall be sent to:

Leroy Ellinghouse, Chief  
SWP Encroachments Section  
Division of Operations and Maintenance  
Department of Water Resources  
1416 Ninth Street, Room 641-2  
Sacramento, California 95814

If you have any questions, please contact Leroy Ellinghouse, Chief of the SWP Encroachments Section, at (916) 659-7168 or Angelo Garcia, Jr. at (916) 653-7911.

Sincerely,



David M. Samson, Chief  
State Water Project Operations Support Office  
Division of Operations and Maintenance

cc: State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

Mr. Bill Dean  
November 16, 2015  
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STATE OF CALIFORNIA - CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



November 22, 2013

Alan Bell  
Senior Planner  
Development Services Department  
City of Tracy  
333 Civic Center Drive  
Tracy, California 95376

Notice of Preparation of Subsequent Environmental Impact Report for the Tracy Hills Specific Plan Amendment Project, City of Tracy, San Joaquin County near Milepost 17.10, California Aqueduct, Delta Field Division, SCH2013102053

Dear Mr. Bell:

Thank you for the opportunity to review and comment on the Notice of Preparation of Subsequent Environmental Impact Report (NOP) for the Tracy Hills Specific Plan Amendment Project (Project) in the County of San Joaquin. The NOP describes the proposal by the City of Tracy to amend the previously adopted Tracy Hills Specific Plan which establishes land use and development standards for the area located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580. Development in the Project area will be implemented in phases.

The first phase of the Project includes development of residential lots, a business park, and an elementary school in an area that lies between Interstate 580 and the California Aqueduct and between Corral Hollow Road and the proposed Lammers Road. Any improvements within Department of Water Resources (DWR) right of way or changes to existing drainage plan that impacts DWR facilities will require an encroachment permit from DWR. Information on obtaining an encroachment permit from DWR can be viewed at:

[http://www.water.ca.gov/engineering/Services/Real\\_Estate/Encroach\\_Rel/](http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/)

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to the above-mentioned concern of DWR should be sent to:

California Department of Water Resources  
Division of Operations and Maintenance  
State Water Project Encroachments Section  
Attn: Leroy Ellinghouse, Jr.  
1416 Ninth Street, Room 641-1  
Sacramento, California 95814

Mr. Bill Dean  
November 16, 2015  
Page 4

Alan Bell  
November 22, 2013  
Page 2

If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project  
Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,



David M. Samson, Chief  
State Water Project Operations Support Office  
Division of Operations and Maintenance

cc: Office of Planning and Research  
California State Clearinghouse  
1400 10<sup>th</sup> Street  
Sacramento, CA 95812-3044



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 10 DIRECTOR

P.O. BOX 2048

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STOCKTON, CA 95201

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*Serious Drought.  
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November 30, 2015

**10-SJ-580-PM 8.149**  
**Tracy Hills Specific Plan**  
**SCH 2013102053**

Bill Dean  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Dear Mr. Dean:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the Tracy Hills Specific Plan (THSP) Draft Environmental Impact Report (DEIR). The proposed project is to develop approx. 2,732 acres with up to 5,499 residential dwellings, 1,589,156 sf of Business Park, 758,292 sf of Highway Commercial, 3,349,927 sf of Light Industrial. The project is located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on I-580. The Department has the following comments:

1. The Department does not agree with response SA3-1 from Letter SA3, Chapter 11 Response to Comments on Draft SEIR, Tracy Hills SP Recirculated DEIR V.2. The response SA3 states, "The Tracy Travel Demand Model trip generation rates are overall higher when compared to ITE trip generation. Phase 1 would generate approximately 1,542 trips in the AM peak hour and 2,299 trips in the PM peak hour based on the Tracy Travel Demand Model trip generation rates. Using ITE trip generation rates, Phase 1 would generate 1,088 trips in the AM peak hour and 1,524 trips in the PM peak hour. Using ITE trip generation rates, project buildout would generate 6,942 trips in the AM peak hour and 10,042 trips in the PM peak hour. Using the City Model rates, project buildout would generate 7,831 trips during the AM peak hour and 14,064 trips during the PM peak hours at buildout conditions. The project trip generations in the attached Table 1 & 2 are developed using ITE rates for Phase 1a and Buildout conditions. The results show using ITE trip generation rates, Phase 1a and project buildout would generate 1,957 trips and 9,802 trips respectively during the AM peak hour. While using the City Model rates Phase 1a and project buildout would generate 1,542 trips and 7,831 trips respectively during AM Peak hour as shown in the response SA3-1 and Table 4.13-18a (Project Buildout Trip Generation) & Table 4.13-58 (Phase 1a Trip Generation), THSP Recirculated DEIR. Underestimate project AM trip generation will provide underestimate project's generated traffic on the adjacent freeway facilities during the AM peak hour.

THSP Recirculated DEIR's traffic study should revise the AM trip generation using ITE for its proposed project zoning district/land use for all of its study scenarios. The trip generation needs to be detailed and specific in land uses and codes from ITE.

SA2-1

SA2-2

2. According to Letter SA3, Chapter 11 Response to Comments on Draft SEIR, THSP Recirculated DEIR V.2, the responses SA3-2A, 2B, 2C indicate the proposed trip distribution for Project 2035 & Project Buildout conditions reflect the traffic forecast accurately due to the more balanced jobs-to-housing ratio would result in more trips having origins and destinations within Tracy. These responses also state, "Within the THSP, as more employment-related land uses develop, internal distribution within the THSP and the City would increase, thus resulting in less regional trips traveling outside of the City boundaries. The City just approved the Cordes Ranch Specific Plan which includes approximately 1,462 net acres of commercial, office, manufacturing, warehouse, and distribution uses. This increase in employment is forecasted to decrease traffic on the regional road system. FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard's Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City's 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City." The Department agrees with these above statements that THSP's non-residential developments and above mentioned city developments will attract local city employees, thus resulting in less regional trips traveling onto the freeway system. Therefore, the Department has no concerns with the proposed trip distribution of THSP non-residential developments.

However, the Department does not agree with the above "jobs-to-housing ratio balance" statement assuming more than 80% of the proposed THSP residential project development's generated trips within the City of Tracy boundary under Project 2035 and Buildout. A further look into the "balance" between the created jobs and THSP residential development, indicates it there may not be a "balance" when comparing the THSP new home prices and the salaries of created/increased jobs within THSP retail, office & warehouse as well as the above mentioned local development projects. In order to purchase the new properties, the future residents of THSP must have incomes that would provide them the ability to live in the immediate area. Therefore, it is assumed that the majority of the THSP's resident development would potentially attract people who purchase THSP properties and commute to work.

The THSP Recirculated DEIR's traffic study has still assumed a large percentage of more than 80% of the proposed residential project development's generated trips within the City of Tracy boundary under Project 2035 and Buildout. By doing so it avoids assigning a significant portion of the residential project's generated traffic on the adjacent freeways and interchanges under traffic analysis scenarios. Inaccurate assumption of trip distributions will provide inaccurate traffic analysis results, traffic impacts, and traffic mitigations.

3. According to Mitigation Measure 4.13-14a, THSP's Recirculated DEIR page 4.13-217, the project proposes to install an AWSC (all-way stop controlled) intersection as an interim improvement once development is approved to generate 196 PM peak hour trips to mitigate interim impact at Corral Hollow Rd/I-580 EB Ramps under Existing + Phase 1A. Also,

SA2-3



according to Table 4.13-61 Existing + Phase 1A Intersection Delay & LOS Trigger Analysis, it shows the mitigation with AWSC will improve the delay and LOS at this intersection. However, there is no Synchro analysis that supports this proposed AWSC mitigation. According to Letter SA3, Chapter 11 Response to Comments on Draft SEIR, THSP Recirculated DEIR V.2, the response SA3-8 stated the updated Synchro files with proposed AWSC mitigation would be provided for review. However, the provided electronic Synchro file does not include this updated information.

**SA2-3  
Cont.**

4. According to Mitigation Measures 4.13-5a & 4.13-6a, THSP Recirculated DEIR, the proposed mitigations at the intersection of I-580 EB ramps and Corral Hollow Rd under Existing + Project 2035 Mitigation TMP Only & Existing + BO Mitigation TMP Only include only the reconstruction of the northbound approach to include a northbound through lane and a shared northbound through/right-turn lane. However, a review of the Synchro analysis at this intersection under Existing + Project 2035 Mitigation TMP Only, Existing + BO Mitigation TMP Only and Table 4.13-20 Existing + Project 2035 Intersection Delay & LOS Mitigation indicate the northbound approach including two northbound through lanes and a northbound right-turn lane. There are inconsistencies between Synchro analysis and proposed mitigations in THSP Recirculated DEIR.

**SA2-4**

5. A review of the Synchro analysis at I-580 EB ramps and Corral Hollow Rd intersection under Existing + Project 2035 Mitigation Beyond TMP indicates several errors in lane configuration inputs. For instance, in the AM peak, there are two SBT lanes on Corral Hollow Rd; however, there is a single receiving lane on SB Corral Hollow Rd, just south of the intersection. Additionally, the EB right-turn movement should be coded as yield control rather than a free right-turn which conflicts with the SBT movement. The inaccurate coding also occurs at WB right-turn at WB ramps intersection. Similarly, WB right-turn movement at WB ramps intersection under Existing + BO Mitigation Beyond TMP has been coded as a free right-turn which conflicts with the NBT movement.

**SA2-5**

6. According to Table 4.13-20 Existing + Project 2035 Intersection Delay & LOS Mitigation, the project proposes to convert Corral Hollow overpass to 4 through lanes with a WB loop on-ramp under Existing + Project 2035 Beyond TMP at WB ramps intersection. However, the electronic Synchro analysis show a total of 6 lanes including two SB thru-lanes, two NB thru-lanes, and two dedicated right-turn lanes (continuous across the bridge from EB ramps intersection to WB ramps intersection) for WB loop on-ramp on Corral Hollow overpass under beyond TMP improvement. Therefore, the above mentioned mitigation in Table 4.13-20 should be revised to show that the overpass will be widened to 6 lanes including 4 through lanes and 2 continuous right-turn lanes as WB loop on-ramp.

**SA2-6**

7. In summary, the Tracy Hills Specific Plan Recirculated DEIR and its incorporated traffic study underestimates the AM trip generation rate and the assumption of trip distribution in order to avoid assigning a significant portion of the project's generated traffic on the adjacent freeways and interchanges. As a result of these issues, it is the Departments' stance that the THSP Recirculated DEIR's traffic study does not accurately disclose and address the project's potential significant impacts to traffic. The affected areas and the severity of the impacts to transportation facilities would be greater than stated in this traffic study. The THSP

**SA2-7**

Mr. Dean  
November 30, 2015  
Page 4

Recirculated DEIR's traffic study should be revised and submitted to the Department for further review and comment.

**SA2-7  
Cont.**

If you have any questions, please contact Joshua Swearingen at (209) 948-7142 (email: joshua\_swearingen@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



TOM DUMAS, Chief  
Office of Metropolitan Planning



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



SA3

Ken Alex  
Director

RECEIVED

December 1, 2015

DEC 04 2015

Bill Dean  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

CITY OF TRACY  
DEVELOPMENT SERVICES

Subject: Tracy Hills Specific Plan Amendment Project  
SCH#: 2013102053

Dear Bill Dean:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 30, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

  
Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

SA3-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2013102053  
**Project Title** Tracy Hills Specific Plan Amendment Project  
**Lead Agency** Tracy, City of

**Type** SIR Supplemental EIR  
**Description** The Project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan ("THSP"). The 1998 THSP established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on I-580. The current THSP Project Area consists of the incorporated portion of the 1998 THSP, which is the approximately 2,732 acres described here (hereinafter referred to as the "THSP Project Area" or the "Project").

**Lead Agency Contact**

**Name** Bill Dean  
**Agency** City of Tracy  
**Phone** 209 831 6400 **Fax**  
**email**  
**Address** 333 Civic Center Plaza  
**City** Tracy **State** CA **Zip** 95376

**Project Location**

**County** San Joaquin  
**City** Tracy  
**Region**  
**Lat / Long** 37° 40' 53.59" N / 121° 28' 40.28" W  
**Cross Streets** Corral Hollow Road, Lammers Road, and I-580  
**Parcel No.** Multiple  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I-580  
**Airports** Tracy Municipal Airport  
**Railways** Union Pacific  
**Waterways** Delta Mendota Canal, Corral Hollow Creek  
**Schools** Anthony Traina ES  
**Land Use** GPD: Residential Low, Residential Medium, Residential High, Commercial; and Village Center Open Space; Primarily utilized for agricultural and grazing purposes; Aggregate Z: Tracy Hills Specific Plan

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; Delta Stewardship Council

**Date Received** 10/14/2015 **Start of Review** 10/14/2015 **End of Review** 11/30/2015





December 3, 2015

Mr. Bill Dean  
City of Tracy  
Development Services Department  
333 Civic Center Plaza  
Tracy, CA 95376

Dear Mr. Dean:

Subject: Tracy Hills Specific Plan, Draft Supplemental Environmental Impact Report, SCH #2013102053, City of Tracy, San Joaquin County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents submitted by the City of Tracy for the Draft Supplemental Environmental Impact Report (DSEIR) for the Tracy Hills Specific Plan Project (THSP). The Project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (THSP) that covered approximately 6,175 acres and established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 within the City of Tracy, San Joaquin County, California. The THSP proposes to preserve 3,443 acres as conserved open space protected in perpetuity while impacting 2,732 acres and presents a unique opportunity for the City of Tracy to plan a series of residential neighborhoods that can benefit both the public and the wildlife of California by planning the development to avoid and incorporate natural resources that will allow wildlife populations to persist and flourish in the Tracy Hills of San Joaquin County.

The current Project proposes to develop an extensive community that would require massive grading, trenching, excavation, soil compaction, and paving and has the potential to impact unidentified wetlands, creeks, riparian habitats, natural drainages, swales and stream systems on the project site. CDFW is concerned with the development in the Tracy Hills preventing future colonization or expansion opportunities of biological resources into their historic range by creating significant barriers for wildlife from accessing creeks and riparian habitats as well as rendering wildlife movement corridors impermeable and impeding access to key linkage areas. Therefore, the Project has the potential to significantly impact several State threatened and endangered species which the current version of the DSEIR has presented but not fully addressed in the terms of impacts or avoidance of those impacts to less-than-significant levels as required by the California Environmental Quality Act (CEQA). A portion of this Project occurs within the service area of the San Joaquin County Multi-species Conservation Strategy and Open Space Plan (Plan) and those potential impacts are addressed. Our comments are addressed to the Project foot-print that is not covered by the Plan, represented by Area C of the THSP. Our specific comments follow:



### **Trustee Agency Authority**

CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

SA4-1

### **Responsible Agency Authority**

CDFW is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from CDFW, such as an Incidental Take Permit (ITP), pursuant to the California Endangered Species Act (CESA), or a Lake and Streambed Alteration Agreement (LSAA) issued under Fish and Game Code Sections 1600 et seq.

SA4-2

CDFW has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the “take” of any species listed as threatened or endangered under CESA, an ITP will be required. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code Section 2080.

### **Section 1600 Lake and Streambed Alteration Agreement**

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>; or to request a notification package, contact the Bay Delta Regional Office at (707) 944-5500.

SA4-3

### **Movement Corridors**

The Project has the potential to cause significant impacts to identified movement corridors and disrupt wildlife movement with-in and through the Project Site. The environmental document, comment letter response dated October 2015, and a subsequent meeting on

SA4-4

November 4, 2015 with the Project Proponent has addressed some of the concerns raised by CDFW by establishing movement through and around the Project site. The Project Proponent's proposal to establish a direct connection with a conservation easement from Area B to Area C would address our concerns related to migration corridors. Preservation of this corridor and the other smaller corridors within this parcel would address wildlife connectivity impacts, avoid impacts to potential 1600 jurisdictional features and increase the impact to preservation ratio of the overall Project.

SA4-4  
Cont.

The environmental document should also incorporate avoidance and minimization measures that keep known wildlife movement corridors intact, including but not limited to clear-span bridges with adequate and undeveloped corridors underneath them as well as the appropriate number of and the appropriately sized wildlife movement culverts. It is further recommended that the appropriate wildlife movement studies be initiated to determine the appropriate number and size of wildlife crossings that will be necessary to keep all linkage corridors identified in the environmental document functioning. The CEQA document is advised to adequately analyze and address direct, indirect, and cumulative impacts to this key linkage area and public trust resources and to discuss mitigation measures.

SA4-5

#### **Special-Status Plant Species**

Special-status plant species surveys presented on Page 4.4-31 of the DSEIR were conducted in 1988 and 1990 and only reviewed for consistency with no field observations in 1996 for Areas B and C of the THSP. In response to comments in the CDFW letter dated January 28, 2015, subsequent surveys were conducted in 2015 but CDFW recommends follow up surveys be conducted in accordance with the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations an Natural Communities* (CDFW 2009) and the United States Fish and Wildlife Service (USFWS); *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS 2000) and as stated in Table 4.4-1, if listed species are found in Area C, then appropriate take coverage will be sought from CDFW. Botanical surveys are floristic in nature and must be timed appropriately, cover the entire area of direct and indirect effects, and may require multiple surveys in order to detect all species which could potentially be present before CEQA impact analysis occurs. Note the above referenced guidelines instruct the use of reference sites to confirm appropriate survey timing, particularly for seasonably variable, often difficult to detect species.

SA4-6

#### **San Joaquin Kit Fox Avoidance and Minimization**

There is anecdotal evidence of visual sightings of San Joaquin kit fox (SJKF) in the Project area. In our conversations with the Project Proponent, they have described that they are conducting additional surveys to identify the presence of SJKF. Since the potential exists that SJKF may be in the area, Measure 4.4-1c in the Biological Resources Section of the environmental document should identify that no activity is authorized that permits the take of SJKF unless take authorization is provided by CDFW and USFWS. Measure 4.4-1c, Item 3, Line 5, references the relocation of SJKF. The relocation of SJKF constitutes take under

SA4-7

Mr. Bill Dean  
December 3, 2015  
Page 4

section 86 of the Fish and Game Code and would require an ITP as per section 2081 of the Fish and Game Code. Line 5 and any inferred reference that take of SJKF is permitted without an ITP should be removed from this measure and any other part of the environmental document. CDFW recommends including the following: "If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained."

SA4-7  
Cont.

#### California Tiger Salamander Avoidance and Minimization

While no direct evidence of the presence of California tiger salamanders in the Project Area is provided, Measure 4.4-1f in the Biological Resources Section of the environmental document should include the following language: "If California tiger salamander individuals, or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained."

SA4-8

Thank you for the opportunity to comment on the City of Tracy THSP DSEIR. CDFW is available to consult with the City regarding potential questions that may arise with regards to fish and wildlife resources. If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Mr. Jim Starr, Environmental Program Manager, at (209) 234-3440.

Sincerely,



for Scott Wilson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse





DEPARTMENT OF PARKS AND RECREATION  
Off-Highway Motor Vehicle Recreation Division  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, California 95816

Friday, December 04, 2015

Bill Dean  
Assistant Development Services Director  
City of Tracy's Development Services Department  
333 Civic Center Plaza, Tracy, CA 95376  
[William.Dean@ci.tracy.ca.us](mailto:William.Dean@ci.tracy.ca.us)

RE: Comments to the Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report

Dear Mr. Dean,

The California State Parks, Off-Highway Motor Vehicle Recreation (OHMVR) Division appreciates the opportunity to provide comments on the Tracy Hills Specific Plan Recirculated Draft Environmental Impact Report (EIR).

The OHMVR Division operates Carnegie State Vehicular Recreation Area (SVRA), an off-highway vehicle (OHV) recreation destination popular with residents in the greater Bay Area, Alameda, Contra Costa, and San Joaquin Counties. Opened to the public in 1979, Carnegie SVRA comprises approximately 4600 acres between Alameda and San Joaquin Counties in Corral Hollow Canyon. The SVRA provides both OHV recreational opportunities and non-motorized recreational opportunities, such as camping, hiking and wildlife viewing, and is close to the new residential neighborhoods planned in the Tracy Hills Specific Project Area.

Carnegie SVRA is currently updating its 1981 General Plan to expand recreational opportunities and visitor services. The planning process included considerable public feedback, including a public workshop at Tracy High School in June 2013. Attendance studies showed many visitors were residents from San Joaquin County and many travel through Tracy using Interstate 205 and 580 then taking Corral Hollow Road to access the SVRA. Carnegie SVRA is within four miles of the Tracy Hills Specific Project area and easily accessible to the planned neighborhoods. Information about the General Plan, along with scientific studies and visitor surveys is available online at <http://carnegiegeneralplan.com/>.

Carnegie SVRA looks forward to working with the City of Tracy to provide a variety of recreational opportunities for its residents and collaborate on future planning efforts.

Sincerely,

Randy Caldera  
Sector Superintendent  
Carnegie SVRA

SA5-1  
SA5-2





## IS JCOG, 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:** Scott Claar, Development Services Department, City of Tracy

**From:** Laurel Boyd, SJCOG, Inc.

**Date:** October 21, 2015

**Local Jurisdiction Project Title:** Notice of Availability of the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR

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

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

**Total Acres to be converted from Open Space Use:** Approximately 2,732 acres

**Habitat Types to be Disturbed:** Agricultural, Natural, Multi-Purpose Open Space, and Urban Habitat Land

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

Dear Mr. Claar:

RA1-1

SJCOG, Inc. has reviewed the Notice of Availability of the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR. The project consists of a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (THSP). The comprehensive update to the THSP allows for necessary modifications to bring the 1998 THSP Plan into consistency and compliance with the City's updated Infrastructure Master Plans and the General Plan. The goal of the THSP is to implement the City's General Plan and establish a contemporary comprehensive land use policy and regulatory document for the development of the THSP area. Development will be divided into three designated areas: Areas A, B, and C:

- Area A will include a mix of low and medium density residential areas adjacent to light industrial uses.
- Area B is planned predominately for single-family homes, open space conservation corridors, mixed use business park, and commercial retail areas. These uses will provide employment opportunities and daily needs and services for residents. Multi-use trails will connect residential neighborhoods, integrated with public park amenities that are within walking distance. Additionally, an elementary school site is planned to serve the neighborhood residents of this area. Development of the central portion of the THSP will be divided into two phases: Phase 1a and Phase 1b.
- Area C will primarily consist of residential neighborhoods with parks and school sites. Consistent with the General Plan, 185 acres of open space, (originally shown as a golf course in the 1998 approved Specific Plan), will be integrated into the low density residential areas. A mixed use business park area will be located southwest of the planned Lammers interchange and a commercial retail area will be located along the southeasterly Project boundary at Corral Hollow Road. This area abuts approximately 3,500 acres of open space under a conservation easement.

The project site is located west of Interstate 5, south of Interstate 205, and north of State Route 132 at the eastern foothills of the Diablo Mountain Range in the southeastern portion of the City of Tracy.

RA1-2

City of Tracy 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 may be subject to the SJMSCP.** This project and all sequential projects may be subject to a case-by-case review. Phase 1a and 1b of Area B are covered, Area C is not eligible for SJMSCP coverage and Area A may be subject to SJMSCP participation. As individual projects are processed by the City of Tracy within the Tracy Hills Specific Plan, the project proponents should be advised to contact SJCOG, Inc. staff as to appropriate processes under the SJMSCP. Please note, this process can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcoq.org>

After this project is approved by the Habitat Technical Advisory Committee and the SJCOG, Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.
- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.



## S J C O G , I n c .

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

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

### **SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

**FROM:** Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
  - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
    - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - c. Purchase approved mitigation bank credits.
 Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: Notice of Availability of the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR

Applicant: The Tracy Hills Project Owner, LLC

Assessor Parcel #s: Multiple

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Scott Claar

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**





December 2, 2015

William Dean  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

**Project: Recirculated Draft Environmental Impact Report (RDEIR) for the Tracy Hills Specific Plan Project**

**District CEQA Reference No: 20150874**

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Recirculated Draft Environmental Impact Report (RDEIR) for the Tracy Hills Specific Plan Project. The RDEIR states that the proposed project consists of up to 5,499 dwelling units and 5.7 million square feet of mixed-use development on 2,732 acres. The Project is located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 in Tracy, CA. The District offers the following comments:

**1. Voluntary Emission Reduction Agreement (VERA) and District Rule 9510 Indirect Source Review (ISR)**

RA2-1

***The District recommends that Mitigation Measures 4.3-1c and 4.3-2 be rephrased to address compliance with District Rule 9510 and implementation of a VERA as two separate mitigation measures.***

Mitigation Measures 4.3-1c and 4.3-2 in the RDEIR require compliance with Rule 9510, and implementation of a VERA as an alternative to comply with Rule 9510. However, Rule 9510 is a regulatory requirement while VERA is a feasible mitigation measure for projects subject to the California Environmental Quality Act (CEQA) requirements. The District would like to provide the following clarification and recommendation:

- The Project is subject to Rule 9510 with the project proponent required to comply with the rule. Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable

**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

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. Even though compliance with District Rule 9510 substantially reduces project specific impacts on air quality, it may not be sufficient to reduce project specific emissions to less than significant levels under CEQA.

RA2-1  
Cont.

- A VERA is a mitigation measure for CEQA by which the project proponent provides pound-for-pound mitigation of air emissions increases through a process that funds and implements emission reduction projects. A VERA can be implemented to address impacts from both construction and operational phases of a project. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds to the District. The District's role is to administer the implementation of the VERA consisting of identifying emissions reductions projects, funding those projects and verifying that emission reductions have been successfully achieved.
- Although a VERA provides emission reductions that can be used to satisfy both Rule 9510 and CEQA requirements, Rule 9510 is regulatory requirement irregardless of a VERA. Therefore, the District recommends that the requirement to comply with Rule 9510 and the requirement to implement a VERA for CEQA be addressed as separate mitigation measures.

RA2-2

RA2-3

The District appreciates the opportunity to comment on the RDEIR for the Tracy Hills Specific Plan Project. If you have any questions or require further information, please call Sharla Yang at (559) 230- 5934.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: sy





**San Joaquin County  
Environmental Health Department  
1868 E Hazelton Avenue  
Stockton, California 95205**

**RA3**

**DIRECTOR**  
Linda Turkatte, REHS

**PROGRAM COORDINATORS**  
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Jeff Carruesco, REHS, RDI  
Kasey Foley, REHS  
Adrienne Ellsaesser, REHS  
Rodney Estrada, REHS

**Website: [www.sjcehd.com](http://www.sjcehd.com)  
Phone: (209) 468-3420  
Fax: (209) 464-0138**

December 3, 2015

Bill Dean  
Assistant Director  
Department of Development and Engineering Services  
City of Tracy  
Planning Division  
333 Civic Center Plaza  
Tracy, CA 95376

**TITLE: Tracy Hilly Specific Plan, Recirculated Draft Subsequent  
Environmental Impact Report**

The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services.

**RA3-1**

If you have any questions, please contact Rodney Estrada, REHS, Program Coordinator, at (209) 468-0331.

Rodney Estrada, REHS  
Program Coordinator



**From:** Fran Garland [<mailto:fgarland@ccwater.com>]  
**Sent:** Friday, December 04, 2015 4:45 PM  
**To:** William Dean  
**Subject:** Tracy Hills Specific Plan Recirculated DSEIR

RA4

Dear Mr. Dean,

RA4-1

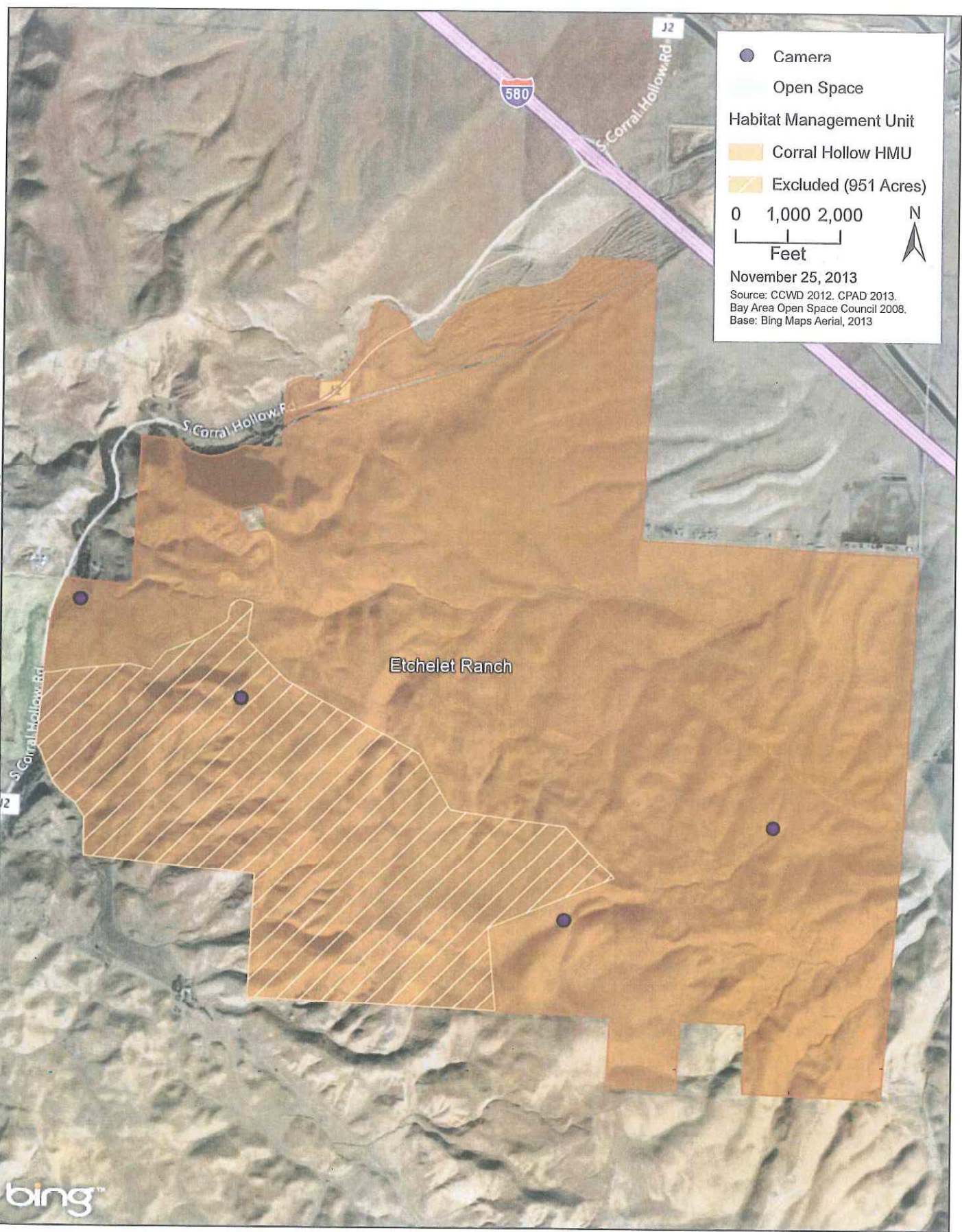
Contra Costa Water District (CCWD) owns approximately 4,000 acres of conservation lands off Corral Hollow Road in San Joaquin County that was purchased as mitigation for the Los Vaqueros Reservoir Expansion Project in 2012. The property is managed according to a Habitat Conservation Plan approved by California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (Service) earlier this year. Additionally, the property is being placed in a Conservation Easement, currently under review by CDFW. As seen on the attached map, CCWD's conservation property (formerly the Etchelet Ranch) is in the immediate vicinity of the Tracy Hills Specific Plan area. CCWD has reviewed the Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report and finds no mention of this conservation area in the description of surrounding land uses or in the impact analysis. CCWD's conservation property should be acknowledged in the EIR and included as appropriate in the impact analysis. Copies of the Habitat Management Plan and draft Conservation Easement for CCWD's Corral Hollow property are available upon request.

Please let me know if you have any questions or need additional information from CCWD.

Sincerely,

Fran Garland  
Watershed and Environmental Planning Manager  
Contra Costa Water District  
(925) 688-8312





**Figure 6-1**  
**Los Vaqueros Expansion Project**  
**Corral Hollow HMU**

Comments of Helping Hand Tools and Robert Sarvey on the Tracy Hills 2015  
DSEIR SCH # 2013102053

Mr. Dean,

Thank you for the opportunity to comment on the Tracy Hills Specific Plan Draft Subsequent Environmental Impact Report SCH# 2013102053. On behalf of Helping Hands Tools and its members in Tracy and Robert Sarvey we submit the following comments. As with the previous environmental documents offered for review in 2014 the development agreement associated with this project is not presented. It is impossible for the public to effectively analyze the proposal without the development agreement. Please conclude your negotiations on the development agreement and once again issue this DEIR for public comment and review with the development agreement included.

The Development Agreement is not Presented.

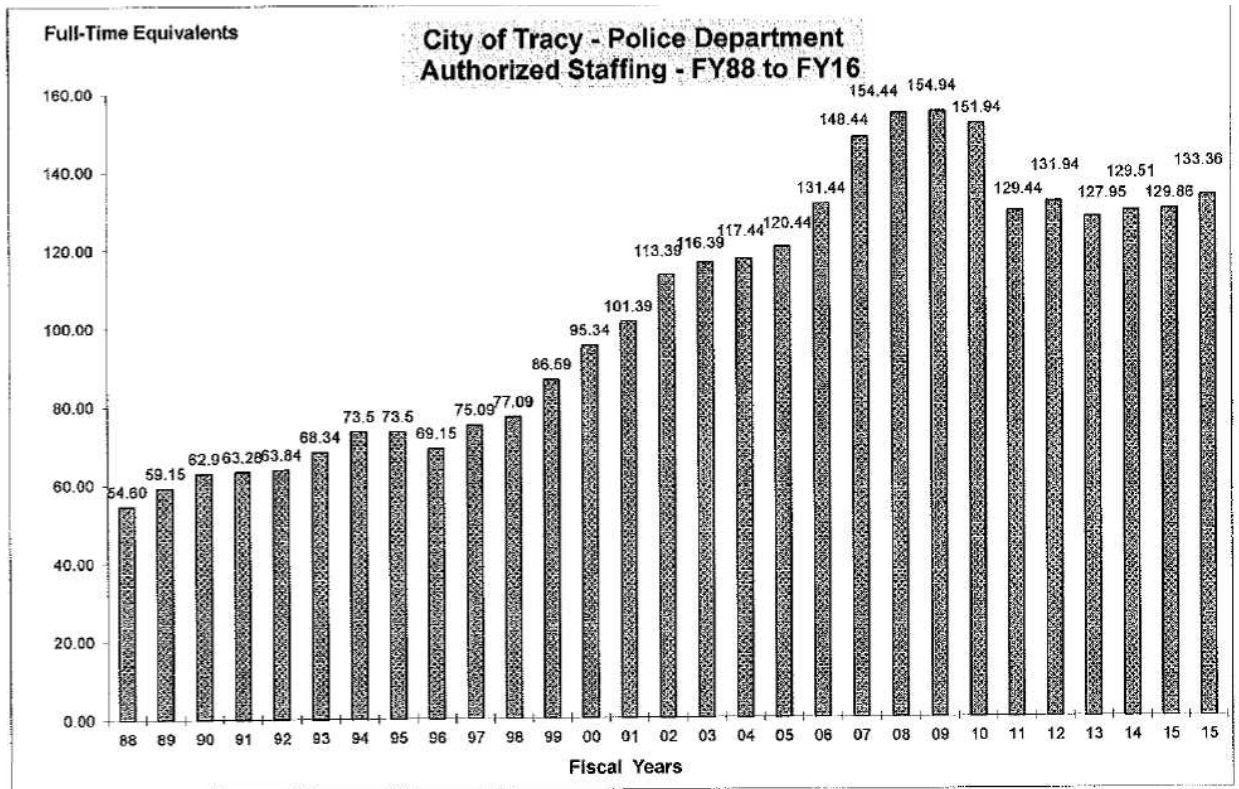
The October 15, 2015 DEIR once again fails to present the development agreement for the public to examine in conjunction with the 2015 DEIR. The DEIR states that, “*The terms of the development agreement do not implicate environmental impacts*”<sup>1</sup> The terms of the development agreement provide the funding for mitigation measures which are designed to reduce significant impacts to environmental resources and public services. As the DSEIR states the development agreement includes provisions for project wastewater conveyance and treatment and funding for such services, provisions for funding and construction of reclaimed water infrastructure, provisions for funding, construction and maintenance of neighborhood and community parks, provisions relating to the funding and construction of traffic infrastructure, provisions for funding and construction of public safety infrastructure, requirements to implement funding mechanisms to address public service needs of the project Significant impacts to traffic and transportation, public services including police and fire, impacts to water resources, park construction and maintenance, road construction and improvements all rely on mitigation measures which will be funded and implemented through the development agreement. The project generates no property tax to the City of Tracy to fund these

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<sup>1</sup> DEIR Page 3-55



improvements and services to serve the THSP so the mitigation provided is reliant on the terms of the development agreement. For example the operation of the police department is funded by the general plan. Prior to Measure E property tax revenue provided approximately 50 to 60% of General fund revenue.<sup>2</sup> Without the property tax revenue for Tracy Hills police services in Tracy will continue to decline. Even though the residents passed Measure E a ½ percent sales tax increase in 2010 the number of FTE employees in the police department has been reduced by 20 employees according to the 2015/2016 proposed budget.<sup>3</sup>



4

Without property tax revenue from Tracy Hills the city will not have the revenue to keep department operations from degrading which is a significant impact to police services. Without

<sup>2</sup> 2013/2014 City of Tracy Budget 2013 - 2014 ADOPTED BUDGET Page 77 of 457

<sup>3</sup> The January 1997 Tracy Hills DEIR on page 2.27 states that in order to maintain current service level ratios, the proposed project will generate the need for approximately 19 additional sworn patrol officers, and may create additional demands upon the existing administrative unit and capital facilities of the Tracy Police Department this is a significant project impact.

<sup>4</sup> City of Tracy 2015/2016 Proposed Budget page E 19

details of the development agreement the 2015 DSEIR does not provide enough information to foster meaningful public participation and informed decision-making.

**OR1-1  
Cont.**

The Project Description is Inadequate.

**OR1-2**

The 2015 DSEIR alleges to be the, “Tracy Hills Specific Plan Draft Subsequent Environmental Impact Report.” The DSEIR indicates that the DSEIR discusses only the environmental impacts of phase 1 of the project because similarly-detailed development plans have not yet been prepared for the subsequent phases of the THSP. Phase 1 includes the development of residential housing and a mixed use business park.

Other than the residential portion of phase 1 of the project the 2015 DSEIR cannot and does not provide a description of the mixed use business park proposed for phase 1. It cannot because it doesn’t know what businesses will be constructed so it cannot analyze and mitigate those environmental impacts of that portion of phase 1. The project lacks specificity. The DSEIR is inadequate to properly analyze phase 1 of the project and certainly is not useful in an analysis of the entire project. The DSEIR would properly be titled the Tracy Hills Draft Subsequent Environmental Impact Report for Phase 1 of residential portion of the Tracy Hills Project. As with most projects in Tracy it is likely that only the residential portion of the project will be constructed and the mixed use business park is a myth. For example the proposed Tracy Hills 580 business park that was contemplated in approvals as recently as 2011 has been eliminated from the project. The Gateway Project that was supposed to provide good paying jobs but has never been developed despite approvals dating back over many years.

The DSEIR Description of Baselines and Impacts is Inadequate.

**OR1-3**

In many places the 2015 DSEIR offers no analysis but instead refers to analyses performed in the general plan or some other master plan that indicates no significant impacts. The DSEIR does not define the existing baseline or provide any analysis of the THSP impacts to that baseline. For example impacts to Fire Services, Police Services, and schools are not analyzed in the DSEIR they are merely considered insignificant because the general plan concludes that at full build out there will be no significant impacts.<sup>5</sup> The city must now go back to the drawing board and craft a CEQA equivalent environmental document for the public to

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<sup>5</sup> 2014 DEIR Page 504 of 926

asses. The new document must include the development agreement, an assessment of current conditions, an adequate description of the mixed use business park contemplated in Phase 1 (a) and the impact of the entire project on the current baseline and all feasible mitigation measures.

OD1-3  
Cont.

#### 4.1 AESTHETICS

The DEIR concludes that the project would have a significant and unavoidable impact to visual resources. Under CEQA when a project has a significant impact all feasible mitigation measures must be adopted. The Reduced Density Alternative is considered the environmentally superior alternative and would lower impacts to visual resources. Due to the highly visible hillside location of some portions of proposed development and the designation of Interstate 580 and Corral Hollow Road as scenic routes the project could minimize visual impacts by avoiding construction of homes on the scenic hillsides. Increasing the amount of high density housing would allow the same number of houses to be developed without ever encroaching on the scenic hillsides.

OR1-4

#### 4.2 AGRICULTURAL RESOURCES

Loss of farmland has been particularly severe in San Joaquin County, where approximately 15,000 acres of high quality farmland more than in any other county in California were developed between 1990 and 2004. This loss of high quality farmland accounted for 76 percent of all the land urbanized in San Joaquin County over the same period.<sup>6</sup> There are approximately 4,000 acres of Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance within the Tracy Sphere of Influence.<sup>7</sup> The 2015 DSEIR for Tracy Hills proposes to convert 2,711 acres of farmland which is approximately 68% of the available farmland in the sphere of influence into urban uses. The 2,711 acres that is to be utilized in the THSP represents 100 % of the farmland within the Tracy City limits.

OR1-5

The City of Tracy ordinance 13.28.040 establishes a Farmland Mitigation Fee. Section 13.28.020 (a) of the ordinance provides that: *“In order to implement the goals and objectives of the City's General Plan and to mitigate impacts caused by new development within the City, an agricultural mitigation fee is necessary. The purpose of the agricultural mitigation fee is to*

OR1-6

<sup>6</sup> City of Tracy S U S T A I N A B I L I T Y A C T I O N P L A N Page 31 of 133

<sup>7</sup> City of Tracy S U S T A I N A B I L I T Y A C T I O N P L A N Page 22 of 133



*mitigate the loss of productive agricultural lands converted for urban uses within the City by permanently protecting agricultural lands planned for agricultural use and by working with farmers who voluntarily wish to sell or restrict their land in exchange for fair compensation.”*

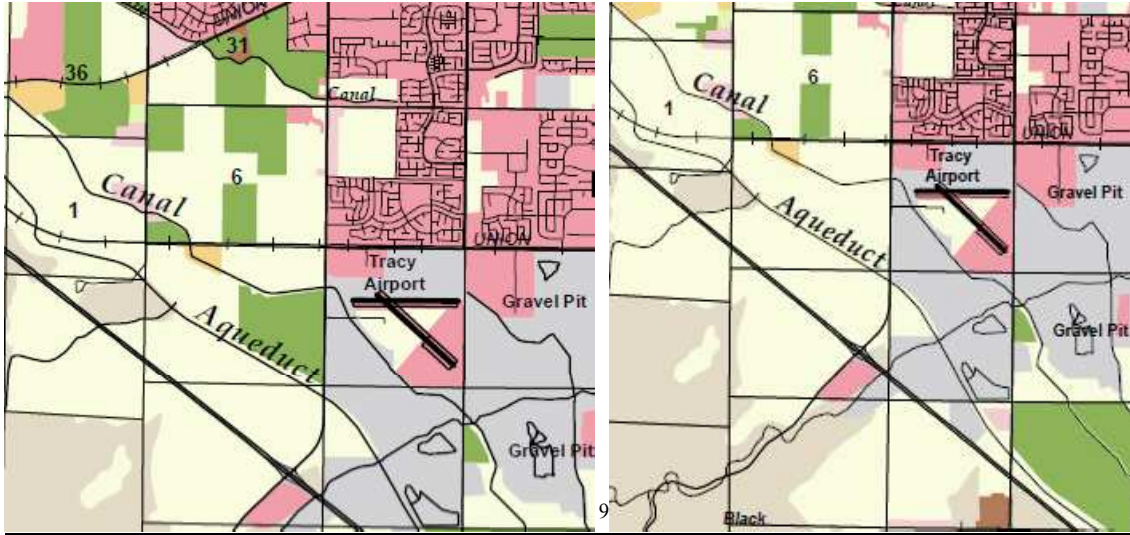
The ordinance also finds that, “**Loss of agricultural land is consistently determined to be a significant impact under the California Environmental Quality Act (CEQA) in development projects.** Despite recognizing all of these important goals and that the loss of 2,711 acres of farmland is a significant impact under CEQA the City Farmland Mitigation Ordinance carves out an exception for Tracy Hills contrary to CEQA. The Tracy Hills project doesn’t have to pay the farmland mitigation fee unless it receives any SSJID water, in which case the project would be subject to the agricultural mitigation fee of Two Thousand and no/100ths (\$2,000.00) Dollars per acre for every acre of prime farmland in that project converted. But section 4.3.2 of the 2014 DEIR states that, “*The potable water supply for Tracy Hills will come from a combination of sources including Byron Bethany Irrigation District pre -1914 and Central Valley Project water as well as other City sources.*” The Tracy Hills Project will use water sources other than BBID water so in fact the project is required to mitigate prime farmland under the City’s non CEQA complaint Farmland Ordinance.

The 2014 FMMP not the 2012 FMMP is the Appropriate Map to Determine Prime Farmland Acreage for Mitigation.

The 2015 Draft Subsequent Environmental Impact Report Volume II October, 2015 states on page 11-338 that according to, “*The most recent FMMP (2012) map identifies approximately 25 acres of Prime Farmland within the Project Area, and does not identify any Unique Farmland, or Farmland of Statewide Importance within the Project boundaries. The determination was made that the agricultural mitigation fee would be paid for the 25 acres of Prime Farmland within the Project Area.*” The 2012 FMMP is not the most recent farmland map. The 2015 DSEIR ignores the more recent 2014 FMMP which shows considerable more prime agricultural land within the project area as depicted by the two maps presented below.<sup>8</sup> The area between the DMC and the Aqueduct adjacent to Corral Hollow Road is now an active orchard as can be seen from the portion of the 2014 FMMP presented below on the right.

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<sup>8</sup> 2012 Farmland Map is presented in its entirety in attachment 1, the 2014 Farmland map is presented in its entirety in attachment 2.



10

The DSEIR indicates that the entire area A which includes 468.3 acres of land is in agricultural use.<sup>11</sup> The DSEIR Appendix C.2 contains 201 acres of orchards and 277 acres of agricultural land for 477 total acres of agricultural land. The DSEIR is not consistent with its own appendices.

The Project can Eliminate a Significant Impact to Agricultural Resources by Increasing Residential Development Density

The underlying causes of farmland loss in California are rapid population growth and the inefficient use of land. Tracy Hills presents a massive conversion of agricultural land to residential housing. The DSEIR entails the construction of 5,499 homes on 1,638 acres or a density of one dwelling unit per .30 of an acre. In contrast, recent development in Sacramento County, an acknowledged leader in efficient growth, accommodates 20 people per acre. The 2015 DSEIR states that impacts of the THSP are significant and unavoidable with respect to Prime Farmland and Farmland of Local Importance. The DSEIR concludes that the impact of the THSP is *Less-than-significant* with respect to cumulative impacts to Grazing Land. Since the project has a significant impact to Prime Farmland and Farmland of Local Importance all

<sup>9</sup> 2014 Farmland Mapping of San Joaquin County <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/sjq14.pdf>  
Attachment 1

<sup>10</sup> 2012 Farmland mapping of San Joaquin County <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sjq12.pdf>  
Attachment 2

<sup>11</sup> 2015 DSEIR Appendix C.1 Page 38 of 193 “Area A of the THSP, bound by the California Aqueduct, Union Pacific Rail Road, Delta Mendota Canal and Corral Hollow Road is **actively utilized for agricultural crops** with three existing residences. The area east of Corral Hollow Road is vacant except for a cement foundation from an abandoned tuck stop.”

feasible mitigation measures must be implemented to satisfy CEQA requirements. The project can easily reduce its residential density and avoid impacts to Prime Farmland and Farmland of Local Importance and develop solely on the available grazing land. The project includes only 9.2 acres of high density residential development for 125 homes or 13.59 homes per acre which is less than 3% of the total homes expected to be constructed in the THSP. The rest of the project devotes a total of 1,629.7 acres to residential housing supporting 5,374 medium to low density homes for a total of 3.3 homes per acre. It is feasible to increase the proportion of high density homes and avoid the Prime Farmland and Farmland of local importance altogether thus avoiding a significant impact as defined in the 2015 DSEIR. The increased density will also provide more affordable housing and mitigate some of the significant GHG and air quality impacts and preserve other precious resources within the Tracy City limits.

The Diversion of Water to Tracy Hills Impacts Agriculture

The use of 4,000 to 6,000 acre feet of water for the Tracy Hills Development will divert the same amount of water from agricultural users. The governor has declared a state of emergency due to drought. The City of Tracy has been told to expect half their normal supply from the Bureau of Reclamation for 2015.<sup>12</sup> The DSEIR does not discuss the water diversion impacts on agriculture in the Tracy area and the county. The United States Bureau of Reclamation announced February 27<sup>th</sup> that local farmers and water districts with federal contracts will get no water from it this year.<sup>13</sup> With the possibility of another year of drought looming more the State Water Resources Control Board has warned that everyone pumping water out of the rivers could, for the first time in history, be restricted in 2015.<sup>14</sup> The diversion of water for Tracy Hills is a significant impact that must be discussed in the FEIR. As the DSEIR states 1,315 af/yr available in conjunction with annexation of 387 acres of agricultural land within the Proposed Project area would reduce water available for agriculture by 1,315 AFY.<sup>15</sup>

<sup>12</sup> <http://www.kcra.com/news/california-farmers-wont-get-federal-water/24602778>

<sup>13</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/news/no-federal-water-for-valley-farmers/article\\_9156fcb6-c144-11e4-8d9a-57802aa9c93d.html](http://www.goldenstatenewspapers.com/tracy_press/news/no-federal-water-for-valley-farmers/article_9156fcb6-c144-11e4-8d9a-57802aa9c93d.html)

<sup>14</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/our\\_town/more-farmers-could-face-water-use-limits/article\\_60f3f8da-a812-11e4-93aa-af09314758d0.html](http://www.goldenstatenewspapers.com/tracy_press/our_town/more-farmers-could-face-water-use-limits/article_60f3f8da-a812-11e4-93aa-af09314758d0.html)

<sup>15</sup> 2015 DSEIR Appendix F2 Page 3

The 2015 DSEIR makes claims that, “*The May 2003 “Agreement Between the Department of Water Resources of the State of California and the Byron-Bethany Irrigation District regarding the Diversion of Water from the Delta” and the April 2014 “Long-term Contract Between the United States and the Byron Bethany Irrigation District Providing for the Exchange of Non- Project Water for Project Water” (included in Appendix A of the WSA) and associated December 2013 Finding of No Significant Impact (FONSI-09-149) provide for reliable delivery of water to that portion of the project identified to use BBID pre-1914 water. The FONSI 09-149 concluded that there would be no significant impacts to agriculture from the delivery of BBID water to Tracy Hills.*”<sup>16</sup>

The 2015 DSEIR ignores the current drought conditions that have occurred since 2003. The governor has declared a state of emergency due to drought conditions in California. On April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The Executive Order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages for municipal water use and for **agricultural production**, increased wildfire activity, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue. The Executive Order confirms that the orders and provisions in the Governor's previous drought proclamations and orders, the January 17, 2014, Proclamation, April 25, 2015, Proclamation, and Executive Orders B-26-14 and B-28- 14, remain in full force and effect. On April 2, 2015, the State Water Board issued another notice warning that notices of unavailability of water were likely to be issued soon. On July 20, 2015 the water board issued fines to BBID for illegal diversion of water which impacted other downstream users including agricultural interests.<sup>17</sup> The severity of the drought has dramatically increased since the 2013 FONSI finding.

Tracy Hills also impacts adjacent agricultural resources.

<sup>16</sup> 2015 DSEIR Page 451 of 468

<sup>17</sup>[http://r.search.yahoo.com/\\_ylt=AwrTcd.S5lhW1\\_0A9D4nnllQ;\\_ylu=X3oDMTByc3RzMXFjBGNvbG8DZ3ExBHBvcwMOBHZ0aWQDBHNIYwNzcg--/RV=2/RE=1448695570/RO=10/RU=http%3a%2f%2fwww.waterboards.ca.gov%2fwaterrights%2fwater\\_issues%2fprograms%2fhearings%2fbyron\\_bethany%2fdocs%2fac1072015.pdf/RK=0/RS=v58uFNmbRrQA31s8sgvBOFCWFVE-](http://r.search.yahoo.com/_ylt=AwrTcd.S5lhW1_0A9D4nnllQ;_ylu=X3oDMTByc3RzMXFjBGNvbG8DZ3ExBHBvcwMOBHZ0aWQDBHNIYwNzcg--/RV=2/RE=1448695570/RO=10/RU=http%3a%2f%2fwww.waterboards.ca.gov%2fwaterrights%2fwater_issues%2fprograms%2fhearings%2fbyron_bethany%2fdocs%2fac1072015.pdf/RK=0/RS=v58uFNmbRrQA31s8sgvBOFCWFVE-)

Grazing land west of the THSP Project Area will experience negative impacts on grazing activities from implementation of the Project such as limiting access to the grazing land, and exposure to noise or other irritants from the proximity of new urban areas to grazing cattle. Therefore, impacts on agricultural activities - including impacts caused from development within Phase 1a on the adjacent land would be significant.<sup>18</sup> The DEIR fails to discuss the odors, noise, and dust that will impact the THSP from adjacent farming activities. The traffic impacts from the THSP will also affect the farmers ability to move its equipment down Corral Hollow Road.

OR1-11  
Cont.

The 2015 DEIR states that, *“Implementation of the buffers required in Mitigation Measure 4.2.-2 would reduce any potential impacts between the THSP and grazing lands to a less than significant level.”* First of all the agricultural lands adjacent to the Tracy Hills residential areas are not all grazing land a fact which the 2015 DSEIR fails to acknowledge. As shown by the 2014 FMMP there are now significant orchard operations occurring between the DMC and the Aqueduct. The buffers provided in mitigation measure 4.2-2 will not limit odors form agricultural operations or dust created by adjacent agricultural areas.

OR1-12

The DSEIR Improperly Fails to Discuss Cumulative Impacts to Agricultural Resources.

OR1-13

The DSEIR does not provide an analysis of the cumulative impacts to agricultural resources that have occurred in the past nor does it provide a current baseline to assess the projects cumulative impacts to agricultural resources in the Tracy area. The DSEIR does not even reveal that the THSP utilizes the last available farmland within the city limits. The DSEIR merely states, *“impacts to agricultural resources were evaluated in the City’s General Plan EIR. However, no mitigation measures were identified to reduce this impact, and the City Council adopted a statement of overriding considerations with respect to the anticipated loss of farmland.”*

The city ultimately developed a farmland mitigation fee outside of the general plan to mitigate cumulative impacts to agricultural lands but as the DSEIR states, *“However, as previously noted and further described in the Tracy Municipal Code, Chapter 13.28.040, the Project is presently exempt from the City’s Agricultural Mitigation Fee.”*<sup>19</sup> The project is

OR1-14

<sup>18</sup> 2014 DEIR Page 186 of 926

<sup>19</sup> 2015 DSEIR Volume 2 Page 210,211 of 880

exempt from the only mitigation measure developed by the City to mitigate the cumulative loss of agricultural land.

OR1-14  
Cont.

The DSEIR fails to provide a baseline assessment of the current available agricultural land in the project area and provide an analysis of how the conversion of 2,731 acres of agricultural land will impact agricultural resources in the project area. There is no baseline or impact assessment there is merely a statement that impacts to agricultural lands are significant and unavoidable.

OR1-15

BIOLOGICAL RESOURCES

OR1-16

The 100 Foot Wide Easement Around the Aqueduct is Inadequate and Should be Increased to 300 feet. The Project also Needs to Provide a 300 Foot Buffer Zone Around Delta Mendota Canal.

According to the DSEIR, *“the proposed Project will result in a less than significant impact on biological resources before mitigation. Specifically, as made clear by the voluminous historical surveys of the Project Site, the comprehensive updated surveys conducted in 2014 and 2015, the analysis provided in the updated 2015 Biological Resources Assessment and analysis in Section 4.4 of the DEIR, the portion of the Project Site that will be developed, which is highly disturbed, simply does not contain the type of habitat or species that if impacted by development, would be potentially significant under CEQA. Accordingly, the proposed Project will result in a less-than-significant impacts on biological resources, even without mitigation.”*<sup>20</sup>

The 2015 EIR opines that, “Over the past twenty-five years, many surveys directly aimed at finding evidence of SJKF have been conducted on the Project Site, including the most recent 2015 pedestrian-based surveys, yet no such evidence has ever been found.”<sup>21</sup> **The 2015 DEIR reveals that statement to be an outright lie.** As the DSEIR states *“During the approximately 30 days of SJKF surveys, a single SJKF was observed in May of 2015 via binoculars during a spotlighting survey. The animal was foraging within the fenced right-of-way of the California Aqueduct, which is not within the Project Site. This observation lasted approximately 20 seconds, as the fox ultimately moved along the California Aqueduct’s gravel security road in a*

<sup>20</sup> 2015 DSEIR Page 11-339

<sup>21</sup> 2015 DEIR Volume II page 11-342

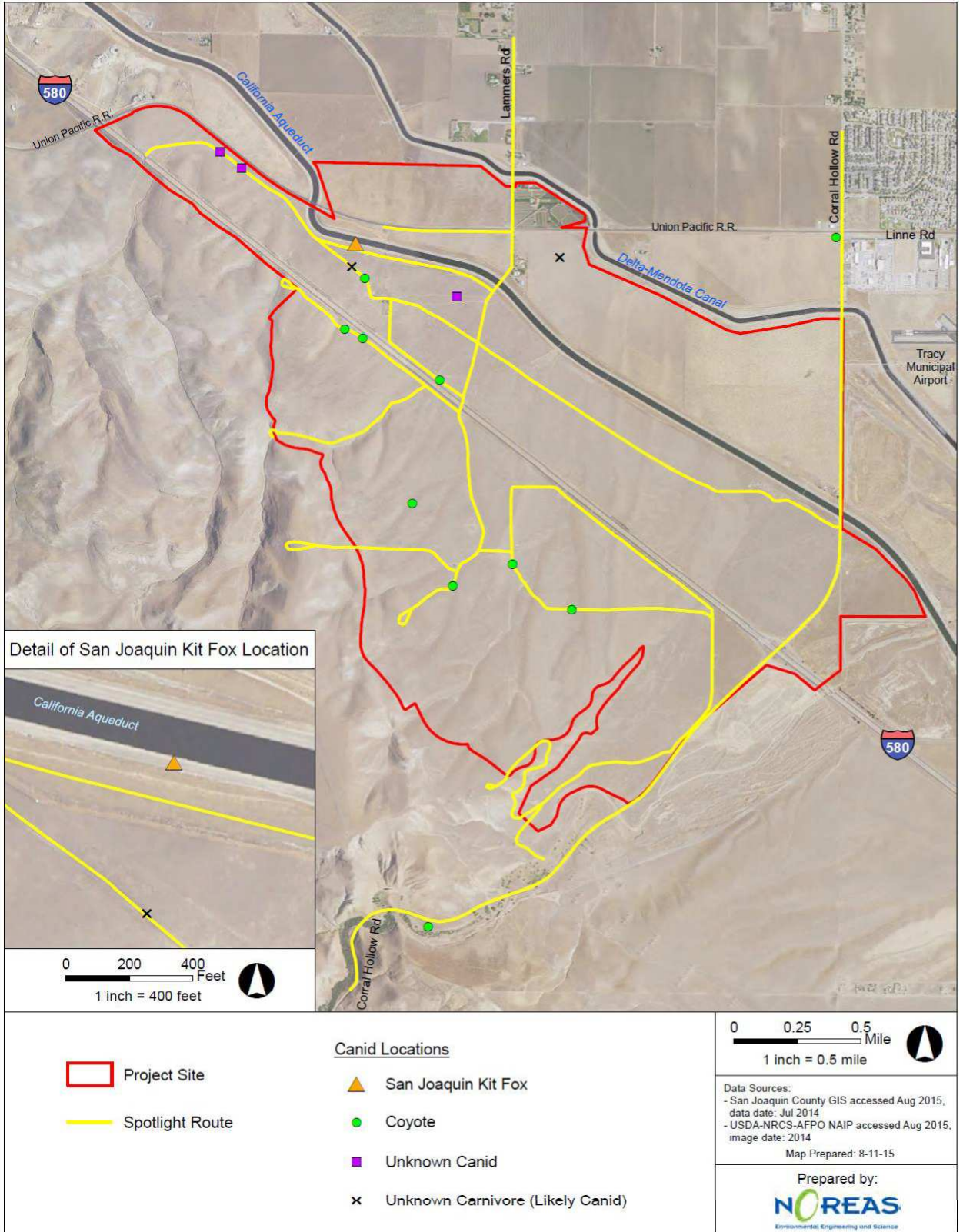
*southern direction until it was out of site.*”<sup>22</sup> Although the NOREAS report claims that the kit fox was not spotted within the project site its map included in Appendix C.2 demonstrates otherwise as shown below.

**OR1-16  
Cont.**

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<sup>22</sup> 2015 DSEIR Volume 1 Page 4.4-21







The DSEIR then states, “*Although little can be concluded from a single observation of one animal, it is conceivable, albeit unlikely, that the California Aqueduct is functioning as a movement corridor for a small number of SJKF.*” While the DSEIR claims that the aqueduct and canal are not a migration corridor for Kit Fox and other wildlife in 2002 the San Joaquin Kit Fox Planning and Conservation Team a partnership of kit fox experts and federal, state, and local jurisdictions identified several migration corridors in the Tracy area that are important for kit fox recovery. Both the Delta Mendota Canal and the Union Pacific Railroad are considered important migration corridors by the Team. In 2002, “The USFWS requested these two linear features be considered as occupied kit fox corridors because of their importance to the kit fox conservation strategy and that 300 feet from these features be maintained where possible.”<sup>23</sup>

OR1-17

As recently as 2009 the independent CEC Biology Staff stated that in its biological assessment for the Tracy Combined Cycle Project that, “*Staff believes that the kit fox corridor along the Delta-Mendota Canal is at least as essential for kit foxes now as it was at the time of the TPP project, that the US Fish and Wildlife Service will be as concerned about kit fox protection and recovery now as it was then, and that it will not want trees to be planted along the Delta-Mendota Canal. Staff believes that the corridor along the canal should not be further compromised.*”<sup>24</sup>

OR1-18

According to the 2015 DEIR, “*The proposed Project includes a 100-foot setback from the California Aqueduct, also in the form of conservation easements, to allow wildlife movement to persist north/south through a portion of the Project Site (between areas A and B) without any significant barriers or blockades.*” The applicant’s proposed 100 foot easement along the California Aqueduct is inadequate to provide a corridor for Kit Fox migration. A 300 foot easement is appropriate on both sides of the aqueduct to protect migration corridors of kit foxes and also to protect burrowing owl habitat.<sup>25</sup> The project provides no easement for the Delta Mendota Canal which has been identified as a critical migratory corridor for the Kit Fox and

OR1-19

<sup>23</sup> January 31, 2002 Staff Assessment for the Tracy Peaker Plant Page 3.2-16, 3-2-17  
[www.energy.ca.gov/sitingcases/tracypeaker/documents/2002-02-01\\_STAFF\\_ASSESS\\_SUP.PDF](http://www.energy.ca.gov/sitingcases/tracypeaker/documents/2002-02-01_STAFF_ASSESS_SUP.PDF)

<sup>24</sup> October 2009 CEC Staff Final Staff Assessment Page 4.2-24  
[docketpublic.energy.ca.gov/PublicDocuments/Regulatory/Non%20Active%20AFC's/08-AFC-7%20GWF%20Tracy%20CCPPP/2009/October/TN%2053868%2010-30-09%20Final%20Staff%20Assessment.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/Regulatory/Non%20Active%20AFC's/08-AFC-7%20GWF%20Tracy%20CCPPP/2009/October/TN%2053868%2010-30-09%20Final%20Staff%20Assessment.pdf)

<sup>25</sup> Potential breeding habitat for Burrowing Owls occurs in the right-of-way areas adjacent to the canal.  
Ellis DEIR Page 4.4-18 [http://www.ci.tracy.ca.us/documents/?d=Modified\\_ESP\\_Draft\\_Revised\\_EIR\\_Vol\\_1.pdf](http://www.ci.tracy.ca.us/documents/?d=Modified_ESP_Draft_Revised_EIR_Vol_1.pdf)

other endangered species. The FEIR must provide a 300 foot easement around the DMC to preserve a critical Kit Fox migration corridor.

OR1-19  
Cont.

### 4.3 AIR QUALITY

OR1-20

The air quality analysis for the project demonstrates how the DEIR does not define, analyze or provide mitigation for any part of the project but phase 1 residential construction. As the DEIR states, “*It should be noted that the SCREEN3 model was utilized in lieu of the more robust AERMOD and Industrial Source Complex (ISC) model in order to account for worst-case conditions since precise on-site activity is unknown at this time.*”<sup>26</sup> The only activity known is the construction of residential housing in phase 1, the activities at the mixed use business park are speculative and the DEIR does not even adequately describe those activities and cannot analyze even the entire phase 1 of the proposed project which the document request approval for.

### Construction Emissions

OR1-21

The 2014 Tracy Hills DEIR in Table 4.3-7: Phase 1a Construction Emissions uses a piecemeal analysis and attempts to isolate construction emissions from phase 1 of the project and thereby claim that the construction emissions of PM-10, PM 2.5, NOX and ROG are less than significant. The construction emissions of the entire project are depicted in Table 4.3-8: THSP Build out Operational Emissions. That table demonstrates that the construction emissions impact of the entire project which must be analyzed under CEQA is significant for all pollutants except SO<sub>2</sub>. This piece meal approach used throughout this DEIR leads to conclusion that Phase 1 impacts are not significant when viewed in isolation. CEQA does not allow for a piece meal analysis which analyzes portions of the project instead of the entire project to demonstrate an impact as less than significant. When analyzing the entire project build out the DSEIR correctly concludes that “emissions from these construction criteria pollutants would exceed SJVAPCD thresholds, a *Significant and unavoidable* impact would occur.” Mitigation measure 4.3-1c should be deleted in its entirety because we know that the project in total exceeds the significance levels and therefore all phases of the project are subject to the requirements of the indirect source rule even if some components of the project are not.

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<sup>26</sup> 2014 THSP DEIR page 220 of 926

The FEIR must include all feasible mitigation measures as CEQA requires for an impact that is significant and unavoidable. The DEIR proposes Mitigation Measures 4.3-1b which requires the use of CARB certified Tier 3 off-road engines (for equipment greater than 50 horsepower) and requires all construction equipment to be outfitted with Best Available Control Technology (BACT) devices certified by CARB. The FEIR must change the base off-road engine requirement from U.S. EPA/ARB offroad diesel engine Tier 3 to Tier 4. This updated requirement could reduce the PM10 and diesel particulate matter emissions from the off-road equipment by as much as 90 percent over the build out of the THSP and reduce the NOx emissions up to 80 to 90 percent depending on the amount of full Tier 4 versus interim Tier 4 (Tier 4i) off-road engines that are used during construction and grading.

The 2015 DEIR claims, “Tier 4 engines are not in widespread use and may not be available and are not considered feasible.”<sup>27</sup> The 2015 DSEIR is incorrect Tier 4 engines are readily available NOW. On May 11, 2004, EPA signed the final rule introducing Tier 4 emission standards, which are phased-in over the period of 2008-2015. The Tier 4 standards require that emissions of PM and NOx be reduced by about 90%. Empire/CAT advertises that its fleet is all Tier 4 compliant and available for rental now.<sup>28</sup> John Deere also advertises that all of its new fleet 174 hp and above is Tier 4 compliant.<sup>29</sup> According to USEPA when the full inventory of older nonroad engines are replaced by Tier 4 engines, annual emission reductions are estimated at 738,000 tons of NOx and 129,000 tons of PM. By 2030, 12,000 premature deaths would be prevented annually due to the implementation of the proposed standards. As the construction emissions have been designated as significant and unavoidable in the 2015 DSEIR Tier 4 engines are a feasible mitigation measure to reduce a significant and unavoidable impact under CEQA and are required mitigation. Even the 2015 DSEIR acknowledges that, “*In 2004, the EPA issued the Clean Air Non-road Diesel Rule. This rule will decrease emissions from off-*

<sup>27</sup> 2015 DSEIR Volume II Page 11-449

<sup>28</sup> [http://r.search.yahoo.com/\\_ylt=A86.J7ta81hWyAcAsgQnnllQ;\\_ylu=X3oDMTBya2cwZmh2BGNvbG8DZ3ExBHBvcwM1BHZ0aWQDBHNIYwNzcg--/RV=2/RE=1448698842/RO=10/RU=http%3a%2f%2fwww.empire-cat.com%2fuploadedFiles%2fEmpire\\_Cat%2fPower\\_Systems%2fEmissions\\_Solutions%2fEmpire\\_Tier4Mlr.pdf/RK=0/RS=ZSCChyEvRerWrGwoc.vtyve8F\\_4-](http://r.search.yahoo.com/_ylt=A86.J7ta81hWyAcAsgQnnllQ;_ylu=X3oDMTBya2cwZmh2BGNvbG8DZ3ExBHBvcwM1BHZ0aWQDBHNIYwNzcg--/RV=2/RE=1448698842/RO=10/RU=http%3a%2f%2fwww.empire-cat.com%2fuploadedFiles%2fEmpire_Cat%2fPower_Systems%2fEmissions_Solutions%2fEmpire_Tier4Mlr.pdf/RK=0/RS=ZSCChyEvRerWrGwoc.vtyve8F_4-)

<sup>29</sup> <http://www.government-fleet.com/news/story/2013/07/john-deere-receives-epa-final-tier-4-carb-certifications-for-off-highway-engines.aspx>

road diesel engines by more than 90 percent, and will be fully phased in by 2014.”<sup>30</sup> The 2004 standard is the Tier 4 engine standard that must be required as a feasible mitigation measure to mitigate a significant impact to the environment from construction emissions.

OR1-23  
Cont.

### Operational Emissions

OR1-24

#### Mitigation of the THSP Air Quality Emissions

According to the DEIR, “*the Project’s impacts on regional air quality, with respect to emissions of criteria pollutants, would remain significant and unavoidable since the Project’s emissions would contribute to region-wide emissions that cause exceedances of the federal and state O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> standards.*” Pursuant to State CEQA Guidelines Sections 15002, 15021, and 15126.4, mitigation measures are required when significant impacts are identified.

The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent.<sup>31</sup> This is a feasible alternative that can be adopted to reduce the air quality impacts of the project. Another alternative is to choose land which is actually contiguous with other parts of the City. The Tracy Hills Projects has no connection to any part of the city and in fact is over 1 mile away from any other housing in the City of Tracy. This leap frog location creates more VMT, more energy to process wastewater and supply potable water. It requires the extensive construction and operation of wastewater and storm drainage facilities to service the project which create air quality impacts. The project could eliminate substantial emissions by developing phase 2 of the project first which is over ½ mile closer to the rest of the city’s infrastructure, amenities and residences.

#### The Project is not Consistent with General Plan Policies Related to Air Quality

OR1-25

General Plan polices have been adopted which address the city’s objectives and policies for reducing air quality impacts. Objective AQ-1.1 provides that the city improve air quality and reduce greenhouse gas emissions through land use planning decisions. It would be hard to imagine a worse land use plan than the Tracy Hills development for impacts to air quality. Thousands of acres of undeveloped land exist in the city limits between the proposed

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<sup>30</sup> 2015 DSEIR Volume 1 Page 838 of 880

<sup>31</sup> 2014 DEIR Page 23 of 926

development and the city's core services, shopping and governmental services. The Tracy Hills development because of its location increases Vehicle Miles Traveled (VMT). Vehicles are the primary source of air pollution from any development. The city could develop several of the urban reserves that are actually much closer to the city's core.

**OR1-25  
Cont.**

Tracy Hills location in relation to the wastewater treatment plant is the farthest point in the city limits from the plant. This requires extensive energy to pump the effluent to the wastewater treatment plant than would not be necessary if the city chose to develop an urban center closer to the plant. The energy necessary to pump the treated effluent creates substantial air quality impacts which could be avoided through better land use planning. Recycled water would also have to be pumped seven miles from the waste water treatment plant on Holly Drive to the THSP. Police patrols will be further from their central downtown headquarters requiring more miles to be travelled by the police increasing air quality impacts. The THSP does not conform to Objective AQ-1.1 of the city's general plan.

**OR1-26**

Air Quality Policy P14 of the City's General plan provides that, "Developments that significantly impact air quality shall only be approved if all feasible mitigation measures to avoid, minimize or offset the impact are implemented. The Tracy Hills DEIR concludes that air quality impacts are significant and unavoidable but the DEIR does not implement all feasible mitigation measures. For example the projects Phase 1 tentative map consists of meandering streets with no central grid pattern which would reduce VMT.<sup>32</sup> The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent but the DEIR does not propose it.<sup>33</sup> The project sprawls over 2,711 acres and could be compressed with more high density residential units and reduce its air quality impact. There are many more feasible mitigation measures which could be implemented. By developing phase B instead of phase 1 (A) of the project first VMT during the development of the first phase of the project would be reduced considerably.

**OR1-27**

### Health Risk Assessment

California Code of Regulations, Title 14 (the CEQA Guidelines), Section 15126.2(a) recommends that significant environmental effects of a project be assessed when a

**OR1-28**

<sup>32</sup> Tracy Hills DSEIR Figure 3.11 Phase 1A vesting tentative map

<sup>33</sup> 2014 DEIR Page 23 of 926

project brings development and people into an affected area. A health risk assessment was performed to determine if residents near Highway 580 would be exposed to significant health risks from vehicle emissions. The analysis fails for several reasons. The HRA fails to include other major point sources like the GWF 319 MW combined cycle power plant and the Owens Illinois Glass Plant, Lawrence Livermore National Laboratory Site 300, Tracy Airport and the existing aggregate mining near the site.

**OR1-28  
Cont.**

The HRA analysis also failed to utilize the most recent version of newly proposed OEHHA methodology (OEHHA 2014) and the most recent toxicity values (OEHHA 2014; EPA 2014). Further the modeling assumed that only adults would be exposed and that the majority of the time those adults would remain indoors. The proper analysis would use the new risk values from OEHHA which contain risk values for children. Obviously children would not remain indoors all day and their breathing patterns are much more accelerated. Contrary to guidelines furnished by the SJVAPCD the health risk assessment also adjusted lifetime risk values for residents. These non-approved methods still showed that without mitigation the risk is 17 in a million which is above the significance level. Needless to say using incorrect modeling procedures, omitting major point sources, utilizing inappropriate risk values, and adjusting lifetime exposure risks renders the health risk assessment meaningless.

**OR1-29**

#### 4.7 GREENHOUSE EMISSIONS

**OR1-30**

The DSEIR concludes that the project's GHG emissions will be a significant and unavoidable impact under CEQA. An impact occurs if the project is not in conformance with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Under CEQA, the SJVAPCD is the expert commenting agency on air quality and GHG emissions within its jurisdiction or impacting its jurisdiction. The SJVAPCD adopted the *Climate Change Action Plan* in August 2008. The *Climate Change Action Plan* was developed to assist local land use agencies and businesses in complying with state requirements.

The SJVAPCD GHG Guidance establishes standards that require projects to reduce their GHG emissions by at least 29 percent from Business as Usual (BAU) levels, through the application of Best Performance Standards (BPS) or other mitigation measures, to achieve a less than cumulatively significant impact under CEQA. To have a less-than-significant individual and cumulative impact on global climate change, projects must be determined to have reduced or

**OR1-31**

mitigated GHG emissions by 29 percent, consistent with the GHG emission reduction targets established in CARB’s AB 32 Scoping Plan. According to the 2014 DEIR the project even with all identified mitigation measures the project would reduce GHG emissions by only 29,566.80 MTCO<sub>2</sub>eq/yr which is only 16.41 percent of the project GHG emissions at full build out. The project does not comply with the SJVAPCD guidelines requiring a 29% reduction and also does not comply with CEQA. The DEIR also assumes that even with implementation of Mitigation Measure 4.7-1 for Phase 1 only a 12.62 percent reduction in GHG emissions would occur from the “business as usual” condition. Therefore, the Project would not achieve the SJVAPCD’s 29 percent GHG significance threshold under phase 1 or full build out.

The DSEIR concludes that the impacts from GHG emissions from the project are significant and unavoidable. CEQA requires that all feasible mitigation measures must be utilized when a project produces a significant impact on the environment. The DSEIR fails to utilize all feasible mitigation measures and therefore is contrary to law. By increasing the residential density of the project the applicant can reduce significant GHG and air quality impacts. The project could provide an affordable housing component which the SJVAPCD predicts will provide for as much as a 4% reduction in GHG emissions.<sup>34</sup> By requiring commercial and mixed use portions of the proposed project to include End of Trip Facilities which provides clothes locker and showers for employees GHG emissions could be reduced by as much as .625% according to the staff at the SJVAPCD.<sup>35</sup> Requiring commercial and mixed use development utilize an Employee and/or customer paid parking system is expected to reduce GHG emissions by 5%.<sup>36</sup> Providing that Office/Mixed-Use Projects provide safe and convenient pedestrian and bicycle access to all transit stops within 1/4 mile can reduce GHG emissions from a project by up to 1.5%.<sup>37</sup> Requiring the Tracy Hills developers to develop the land between the DMC and the aqueduct first rather than develop land between the aqueduct and I-580 first will

<sup>34</sup> SJVAPCD FINAL STAFF REPORT ADDRESSING GREENHOUSE GAS EMISSIONS IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Page 141 of 300 [http://r.search.yahoo.com/\\_ylt=A86.J7.h.WFW4iUAjAsnnIIQ;\\_ylu=X3oDMTBv2lvbXVuBGNybG8DZ3ExBHBvcwMxBHZ0aWQDBHNIYwNzcg-/RV=2/RE=1449290273/RO=10/RU=http%3a%2f%2fwww.valleyair.org%2fPrograms%2fCCAP%2f12-17-09%2f1%2520CCAP%2520-%2520FINAL%2520CEQA%2520GHG%2520Staff%2520Report%2520-%2520Dec%252017%25202009.pdf/RK=0/RS=FR\\_ebdDO6.FvUWt8RV7chcZt\\_sE-](http://r.search.yahoo.com/_ylt=A86.J7.h.WFW4iUAjAsnnIIQ;_ylu=X3oDMTBv2lvbXVuBGNybG8DZ3ExBHBvcwMxBHZ0aWQDBHNIYwNzcg-/RV=2/RE=1449290273/RO=10/RU=http%3a%2f%2fwww.valleyair.org%2fPrograms%2fCCAP%2f12-17-09%2f1%2520CCAP%2520-%2520FINAL%2520CEQA%2520GHG%2520Staff%2520Report%2520-%2520Dec%252017%25202009.pdf/RK=0/RS=FR_ebdDO6.FvUWt8RV7chcZt_sE-)

<sup>35</sup> SJVAPCD FINAL STAFF REPORT ADDRESSING GREENHOUSE GAS EMISSIONS IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Page 125 of 300

<sup>36</sup> SJVAPCD FINAL STAFF REPORT ADDRESSING GREENHOUSE GAS EMISSIONS IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Page 130 of 300

<sup>37</sup> SJVAPCD FINAL STAFF REPORT ADDRESSING GREENHOUSE GAS EMISSIONS IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Page 137 of 300

reduce VMT by ½ mile for every trip into the city which will lower GHG emissions significantly. EPA has estimated that the average GHG emission per mile is 307 grams or .68 pounds. Just requiring the land between the DMC and the Aqueduct first would eliminate an average of .34 pounds of GHG emission per trip into Tracy. Requiring Tracy Hills to develop its own wastewater treatment plant as envisioned in the 1997 DEIR. This would reduce the pumping of wastewater 7 miles to the existing wastewater treatment plant. It would minimize GHG emissions from the energy that will be necessary to pump recycled water from the Holly Drive treatment plant to the Tracy Hills Project. The city’s wastewater master plan states that, “ *the one-plant option will require additional piping and pumping to transfer recycled water from the Holly Drive plant location to the Tracy Hills community.* ”<sup>38</sup>

OR1-32  
Cont.

The Reduced Density Alternative is considered the environmentally superior alternative. The reduced density alternative 3 reduces overall trips generated by the Project by approximately 40 percent.<sup>39</sup> This would enable the project to achieve the SJVAPCD’s 29 % GHG emission reduction guideline and the project would then comply with CEQA.

OR1-33

Leap Frog Development and GHG emissions.

Land use planning decisions, such as discouraging leap-frog development, and creating favorable jobs to housing ratios can significantly reduce VMT and the associated GHG emissions.<sup>40</sup> These are the number 1 priorities in the Tracy General plan *Objective AQ-1.1 Improve air quality and reduce greenhouse gas emissions through land use planning decisions.*

OR1-34

The Tracy Hills Project is the poster child for leap frog development. The Tracy Hills development even leap-frogs itself by constructing phase 1 between the DMC and the aqueduct while leaving project land closer to the city’s core undeveloped until some undisclosed later time. The Tracy Hills project is not contiguous to any development in Tracy therefore its location drastically increases the Vehicle Miles Traveled (VMT) by future residents leading to increased GHG emission. The Tracy Hills Project Phase 1 is over 1 mile from the closest residential development in Tracy Edgewood.

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<sup>38</sup> City of Tracy Waste Water Master Plant Page 4-9

<sup>39</sup> 2014 DEIR Page 23 of 926

<sup>40</sup> **Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA Page 7**



Choosing another one of the urban reserves located contiguous to other developments in Tracy will drastically lower VMT and perhaps even achieve the 29% reduction in GHG emissions required by the SQVAPCD. The THSP is not consistent with General plan objective Q 1.1 Policy P1 which prescribes that The City shall promote land use patterns that reduce the number and length of motor vehicle trips.

The other factor is the City of Tracy's jobs to housing imbalance. The city of Tracy has the sixth longest commute in the United States according to Forbes magazine of 41 minutes flat.<sup>41</sup> While the City of Tracy has experienced strong employment growth over the last several years, the city's population has grown at a faster pace than its employment. Much of this residential growth is attributable to households with workers employed in the Bay Area, especially Alameda County. Concomitantly, Tracy's housing prices are so high that many of the predominantly low-wage workers of jobs based in Tracy must commute in from elsewhere in San Joaquin County. Only 20 percent of Tracy's resident workforce is employed within the city. This is due to the failure of city officials and planners who keeps approving high priced housing while supplying only low wage warehouse and service jobs. As stated above 20 percent of Tracy's resident workforce is employed within the city, significantly less than the 73 percent that would be predicted if Tracy's jobs-housing ratio were the only factor determining where residents work. One mechanism for reducing in- and out-commuting in the future is to foster a strong match between the skills of Tracy's residents and the training and educational requirements of Tracy's jobs. Highly trained or educated residents are unlikely to hold jobs for which they are overqualified, while residents with low levels of education are unlikely to be offered jobs with high training requirements. Consequently, the distribution of educational attainment of residents should closely resemble the occupational requirements of key industrial sectors for there to be a good skills-jobs match. In general, the occupations in Tracy's key sectors do not have high training or educational requirements, with a majority requiring no post-secondary education. In comparison, in 2008, 55 percent of Tracy's resident workforce had some post-secondary education, including 20 percent that held bachelor's degrees or higher. This suggests that a potential source of mismatch between Tracy's jobs and residents is that the

<sup>41</sup> <http://xfinity.comcast.net/slideshow/news-americasworstcommutes/6/>

resident workforce may be “overqualified” for employment in the largest and most rapidly-growing sectors of the local economy.<sup>42</sup>

OR1-36  
Cont.

According to the DSEIR impacts to pedestrian and bicycle facilities outside of the THSP would be a significant and unavoidable impact.<sup>43</sup> According to the DSEIR this occurs because the City of Tracy cannot control the timing of these improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation). The pedestrian and bicycle facilities are relied upon in the DSEIR to reduce air quality and GHG impacts. Since these measures cannot be provided then the GHG emissions and air quality impacts are correspondingly understated. This is another significant impact of leap frog development which places THSP housing over 1 mile from any current City facilities or housing.

OR1-37

The 2015 DSEIR understates VMT which causes the DSEIR to understate GHG emissions.

The 2015 draft EIR underestimates the total vehicle miles traveled from the development and the corresponding GHG emissions. The DSEIR defends its VMT estimates based on an alleged increase in the jobs housing ratio. The 2015 DSEIR states, “*Economic development data collected by the City of Tracy indicates that between 2000 and 2008, the jobs-to-housing ratio remained consistent at approximately 1.19. Between 2008 and 2014, the jobs-to-housing ratio showed an increase of 22.7 percent in local jobs at a ratio of 1.46. This increase already results in more trips staying local to Tracy.*”<sup>44</sup> But according to the City of Tracy’s 2015-2023 Draft Housing element, “*between 2008 and 2013, nearly 55 percent of Tracy’s workforce traveled to another county for employment. This rate is more than double that of San Joaquin County (26 percent) and the highest among surrounding counties (Table 10). While the proportion of long distance commuters in Tracy remains high, this number has decreased by three percent since 2000. However, this decrease may have been a result of the recession.*”<sup>45</sup>

OR1-38

The 22.7 percent increase in the local jobs to housing ratio cited by the 2015 DSEIR has not impacted the Tracy commute at all. That is because the jobs created in Tracy are mostly

OR1-39

<sup>42</sup> City of Tracy Sustainable action plan Page 36 of 133

<sup>43</sup> 2015 DSEIR Volume 1 Page 768 of 880

<sup>44</sup> 2015 DSEIR volume II page 11-136

<sup>45</sup> 2015 City of Tracy 2015-2023 Draft Housing element page 18

service and transportation jobs and are not high paying enough for Tracy workers to afford the high housing costs in Tracy.

The 2015 DSEIR demonstrates that jobs being created in Tracy NOW continue this jobs housing imbalance. The 2015 DSEIR in an attempt to show that the job housing imbalance is improving lists the following job opportunities being created in Tracy. According to the DSEIR *“FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities:*

*SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard’s Pre-school, CMC Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City’s 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City.”*<sup>46</sup> A quick review of these job opportunities demonstrates that the

existing imbalance in Tracy’s low paying jobs and high price housing imbalance will continue. The McDonalds, Red Robin, El Pollo Loco, Dunkin Donuts are fast food jobs or restaurant jobs where minimum wage is prevalent. The City of Tracy 2015 Draft Housing element indicates that the average yearly wage in the food preparation and service occupations is \$22,239 a year.<sup>47</sup>

You can’t afford a \$500,000 house on those wages. The SuperLube, Prime Car Wash, FasTrak car wash, Arco gas station and Tracy Collision Center, are low paying service jobs which have an average annual salary of \$24,053 per year according to the 2015 Draft housing element. The WinCo, BevMo and Shops at Northgate Village are retail sales jobs with an average annual salary of \$24, 053 a year. The Fed-Ex building may supply a few executive jobs but the majority of jobs will be Transportation and material moving jobs with an estimated average salary of \$34,888 according to the city’s 2015 draft housing element. Essentially the jobs recently created are continuation of the traditional low paying Tracy job opportunities and certainly will exacerbate the commuting and associated VMT and GHG emissions. There was an opportunity with the Tracy Hills I-680 business park but of course that is no longer being considered.

<sup>46</sup> 2015 DSEIR Volume II Page 11-28  
<sup>47</sup> City of Tracy 2015 Draft Housing element Page 18

The 2015 Tracy Hills DEIR provides no specific job opportunities to help correct this imbalance. The THSP violates General Plan Q1.1 Policy P2: which provides, “*To the extent feasible, the City shall maintain a balance and match between jobs and housing*”. Residents of Tracy have heard for years about high paying jobs at the Gateway Business Park and other highly touted job creation centers only to be provided with more low paying warehouse and service jobs. There is no evidence in the DEIR that Tracy Hills will provide any jobs that will allow Tracy residents to afford the high housing prices in Tracy with the current median housing price being \$385,000 much less the new expensive homes at Tracy Hills.

OR1-41

Converting agricultural Land to urban uses has a GHG impact.

Converting agricultural land to residential housing also has a GHG impact. Agriculture acts as a GHG sink as plants utilize the CO2. Removing the agricultural lands has a double effect of reducing the carbon sink from agriculture and increasing the GHG emissions from the inefficient land use pattern that is the leap frog development called Tracy Hills. The project proposes to convert all available agricultural land in the city limits.

OR1-42

Governmental Services

Libraries

The DEIR states that it is not anticipated that the Project would affect library services, therefore, no or minimal discussion is included in this section. Does the DEIR assume that Tracy Hills residents don't read? It has been known for many years that the library is in need of expansion to serve the residents of Tracy. With no property tax revenue to the City of Tracy, Tracy Hills residents will use the Tracy Library without contributing to the portion of the library's budget which will cause degradation in the ability of the library to provide library services to Tracy residents.

OR1-43

Police Services

The DSEIR states that the THSP would be required to pay the applicable impact fees, which ensure payment of a proportionate share toward the planned facilities. What the DEIR fails to discuss is the funding of operations of the city's police department. Despite the citizens

OR1-44

approving Measure E in 2010 to increase sales taxes ½ percent to support public safety the Tracy Police department has experienced a decline in personnel from a 154.9 employees in 2009 to 129.51 employees in 2014 a decrease of 17% of its allocated personnel with only 59.1 sworn officers.<sup>48</sup> TPD’s primary funding source is the City’s General Fund, which is derived from property taxes, sales tax revenue, and user fees.<sup>49</sup> Property taxes make up approximately 50-60% of general fund revenues pre Measure E.<sup>50</sup> The Tracy Police Department had a budget of \$21,582,841 in 2014. <sup>51</sup> Tracy Hill pays no property taxes so it will not support the operations of the Tracy Police Department. The 2015 DSEIR provides NO analysis of the service needs for the THSP and how they will be funded. The 1997 DEIR predicts that the THSP will create a need for an additional 19 sworn officers which is 32 % more sworn officers than the PD currently employs. One could expect that the additional officers will increase the PD budget requirements by 32% or \$6,905,509. Tracy Hills provides no property tax to the city so the number of officers will decline without adequate funding which would be a significant impact to police services.

The DSEIR relies on the General Plan EIR analysis which concludes that the long-term development of the City of Tracy would have no significant impacts to police protection. The general plan EIR does not analyze service levels but only infrastructure so the general plan provides little guidance. The 2015 DSEIR analysis does not include a specific impact for the development much less a cumulative impact that will occur.

### Fire Services

Fire services are to be provided by the South County Fire Authority. The SCFA has had its staffing reduced from 84 firefighters in 2009 to 75 firefighter in 2014 an 11% decrease in personnel despite a ½ percent tax increase which was supposed to prevent a reduction in fire and police services. The DEIR does not provide a baseline or an impact assessment to fire services from the proposed project. It is clear that the SCFA is in financial distress. The SCFA has

<sup>48</sup> 2013/2014 City of Tracy Budget page

<sup>49</sup> 2014 DEIR Page 4.12-2

<sup>50</sup> [www.ci.tracy.ca.us/documents/Comprehensive\\_Annual\\_Financial\\_Report\\_Year\\_Ended\\_June\\_30\\_2014.pdf](http://www.ci.tracy.ca.us/documents/Comprehensive_Annual_Financial_Report_Year_Ended_June_30_2014.pdf) Page 192 of 214

<sup>51</sup> [www.ci.tracy.ca.us/documents/Comprehensive\\_Annual\\_Financial\\_Report\\_Year\\_Ended\\_June\\_30\\_2014.pdf](http://www.ci.tracy.ca.us/documents/Comprehensive_Annual_Financial_Report_Year_Ended_June_30_2014.pdf) Page 190 of 214

recently lost the fire service contract for Mountain House and the budgetary implications have not been analyzed. The DEIR analysis is not THSP specific but merely states that, “*The General Plan EIR analyzed the long-term development of the City of Tracy and found that no significant impacts to fire protection and emergency medical service facilities would occur with implementation of the General Plan.*” This lack of analysis is fatal to the EIR. While the city of Tracy has expanded its population to 84,000 people it has only 4 operable fire stations. In contrast in 1997 the city had three fire stations for a population of 30,000 people. It is clear Tracy Fire has not kept up with growth. The Tracy Rural Fire Department the other component of the SCFA had 4 fire stations in 1997 and now has three with one station now inside the city limits despite being purchased and funded by Tracy Rural. The DEIR needs to discuss the existing lack of personnel and stations.

OR1-46  
Cont.

The DEIR proposes a mitigation measure which requires a fire house to be constructed and all necessary apparatus to be supplied but it does not state who is responsible to pay for the new fire house and equipment and who will pay to staff it. The 2007 Kirchoff report recommended that two fire stations but the 2015 DSEIR does not provide an analysis of service needs as required by CEQA. Clearly the DEIR analysis is inadequate in describing the existing conditions and does not provide a clear picture on how personnel and improvements will be funded.

OR1-47

### Parks

Park maintenance is performed by the public works department and funded by the general fund. Park maintenance for the fiscal year 2013/2014 was \$ 1,897,990. The DEIR states, “*After dedication to the City, most park and recreation facilities will be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City for the enjoyment of the residents of Tracy.*”<sup>52</sup> Just like police services park maintenance is funded through the general fund. As stated before Tracy Hills will pay no property taxes to the city so the maintenance of Tracy Hills parks will not be financed by property taxes leading to degradation of the city’s parks due to lack of funding. Once again without the development agreement presented the public is unable to evaluate who will pay for park maintenance and how the maintenance will be accomplished. The 2015 DSEIR states that, “As stated in the Draft SEIR on page 3-21, most of the park and recreation facilities in the THSP shall be dedicated to the City

OR1-48

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<sup>52</sup> DEIR Page 3-21o

and will then be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City utilizing funds through the CFD. The CFD is part of the development agreement that is not presented with the 2015 DSEIR so the public has no idea how much money from the CFD will be allocated to park maintenance. Without adequate funding the parks could deteriorate. As stated before the DEIR is inadequate without the presentation of the development agreement and a formula to provide funding from the Tracy Hills residents for park maintenance from the CFD.

OR1-48  
Cont.

### Water Treatment Facilities

According to the DEIR the Water facility needs for the ultimate build out of the Project include an expansion and upgrade of the City of Tracy storage and pumping facilities, transmission, and distribution facilities.<sup>53</sup> The DSEIR provides that the applicant is required to pay the appropriate development fee as contemplated by the WSMP. The DEIR does not provide an analysis which demonstrates that these facilities which will be constructed exclusively for the benefit of Tracy Hills residents will be adequately financed by the WSMP development fee. The DEIR should estimate the cost of the needed upgrades and the potential development fees revenues assessed on Tracy Hills residents to demonstrate that the revenue is adequate to construct these facilities.

OR1-49

### Wastewater Facilities

The 2015 DSEIR on page 1-47 concludes that the Tracy Hills Project would generate a demand for wastewater treatment capacity that is currently not available and thus is a potentially significant impact. The DSEIR states on page 4.12-39 regarding water infrastructure, *“To avoid additional impacts and ensure construction, the Project shall be required to pay appropriate development impact fees. Payment of these development impact fees would reduce this potentially significant impact to a less than significant level. The City of Tracy will determine what development fees are appropriate to ensure the construction of the needed water infrastructure.”*

OR1-50

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<sup>53</sup> DEIR Page 3-40

OR1-51

The DSEIR improperly defers analysis of the impact and mitigation to a later date. There is no specific performance standard associated with the deferred mitigation and it is not a programmatic effort of an approved master plan. As the DSEIR states on page 11-456, “Page 8-2 of the WSMP *costs for infrastructure to serve the Tracy Hills development will not be included in this Citywide Water System Master Plan. Instead, costs for Tracy Hills infrastructure will be evaluated in conjunction with the revised Tracy Hills Master Plan and subsequent evaluations to be prepared for the Tracy Hills development.*” The analysis and mitigation for this significant impact relies on a future action by the City of Tracy to properly analysis the impact and impose the proper development fee. The DSEIR improperly defers quantification and mitigation for the significant impact until after the EIR has been approved. The public has no way to comment on the adequacy of the analysis and the mitigation until after the approval of the EIR, The DSEIR is the place where infrastructure costs and mitigation should be determine not after the project is approved.

OR1-52

Mitigation measure 4.12-7a provides that: If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However the existing residents have already financed the current expansion of the wastewater treatment plant. Mitigation measure 4.12-7a allows Tracy Hills resident to not contribute their fair share to the cost of the Tracy Wastewater Treatment Plant Phase 1B expansion project which was completed in 2008 at a cost of 80 million dollars. This represents a cost shift to existing residents to provide wastewater facilities for the Tracy Hills Development. Tracy Hills should provide their own wastewater treatment plant as envisioned in the 1998 approvals or in the alternative Tracy Hills can pay the fair share of the 2008 wastewater treatment plant expansion. Currently the upgrade costs each Tracy resident approximately \$1000 a person not including financing charges on the bond issue. At build out with a population of 19,000 Tracy Hills should pay its fair share of the Wastewater Treatment Plant1 b expansion of approximately 19 million dollars.

OR1-53

Strom Drainage

The DSEIR states that the Storm Drainage System will be owned, operated, and maintained by the City of Tracy. Since Tracy Hills provides no property tax money to the city



and approximately 60% of the city's pre Measure E general fund revenues are derived from property taxes where will the funds to maintain and operate the Tracy Hills storm drainage system come from. The DSEIR does not include details of operational costs or any details of how the Storm Drainage system for Tracy Hills will be operationally maintained.

OR1-53  
Cont.

#### 4.8 HAZARDS AND HAZARDOUS MATERIALS

OR1-54

##### Air Transportation of Explosives to Site 300

Up to 1000-kg shipments of high explosives are transported by air to the Tracy Municipal Airport and then trucked to LLNL Site 300 approximately once a month. The Livermore airport would not allow such shipments due to the possible danger posed by an accident involving an aircraft transporting up to 1,000 kg of high explosives. There is the potential for an aviation incident involving Tracy Hills residents. LLNL assessed the potential for an accident involving explosives transported to the Tracy Airport. The aircraft in the scenario was assumed to be carrying at least 300 lb of fuel in its tanks. The high explosive on board was assumed to be 1000 kg (2200 lb) of LX-10 with a TNT equivalent of 1.32, which is equal to 1320 kg (2910 lb) of TNT. The scenario assumed that an aircraft carrying a shipment of LX-10 explosive for LLNL Site **300 crashes enroute near final approach to the Tracy Municipal Airport**. The onboard fuel ignites and the combustion causes the LX-10 on board to explode from the heat. The explosive force of the LX-10 alone would create a blast force of 1 psi or more out to a radius of 490 ft. Such a force would damage a standard house enough to render it uninhabitable. A blast force of 10 psi or more would extend out to a radius of about 120 ft; 10-psi peak positive overpressure would be sufficient to raze a house to the ground.

##### Transportation of Explosive Materials by Truck to Site 300.

OR1-55

Another possible risk of upset includes the transportation of high explosives on Highway 580 or on Corral Hollow in route to Site 300. Trucks regularly transport high explosives down 580 to Site 300 and that risk has also been analyzed by LLNL. Although an airplane crash of fuel and explosives would cause a larger radius of destruction, an accidental explosion of a smaller amount of explosives could cause more loss of life if the accident occurred in a congested corridor such as Interstate 580 east of the LLNL Livermore site. The FEIR needs to discuss these

potential upset conditions and discuss mitigation since Highway 580 and corral Hollow Road will become more congested as Tracy Hills builds out. This is a significant impact under CEQA.

OR1-55  
Cont.

Development of the Tracy Hills Project would expose residents to pesticides.

OR1-56

The 2014 DEIR fails to provide any crop history for the agricultural land the project is proposing to utilize. Many past pesticide applications may contaminate the soil. The grading of the land could cause airborne particles containing past applications of DDT and other dangerous pesticides. The DEIR fails to address this potentially significant issue with crop histories and adequate environmental assessment of potential pesticide residues in the farmland.

Explosives Testing

OR1-57

The 2014 DEIR discusses impacts from blasting activities at Site 300. The 2014 DEIR concludes that due to the distance from Site 300 to the nearest THSP Project Area boundary (approximately 1.33 miles, or 7,000 feet), and the fact that Site 300 predominantly conducts noise-generating explosive tests indoors, noise impacts to future residents of the THSP Project Area and Phase 1a would be *Less-than-significant*.

While the DEIR admits that explosive testing occurs outside it also dismisses that noise impact. What the DEIR fails to acknowledge is that the contained firing facility can only handle explosive charges up to 60 kilograms (kg) of cased explosive charges.<sup>54</sup> Larger tests must be conducted outdoors. LLNL has previously applied for permits to test up to 1,000 pounds of high explosives including 450 pounds of depleted uranium and small amounts of tritium. It is surprising that the city who supported the increased testing limits<sup>55</sup> and the Tracy Hills developers who opposed it would turn a blind eye to that fact. In fact Tracy Hills attempted to prevent LLNL from getting a permit for bombs up to 1,000 pounds in a permit appeal at the SJVAPCD. Tracy Hills dropped out of the proceeding why no one knows. Fortunately a local resident was able to prevail and prevent the testing of explosive charges up to 1,000 pounds. There is nothing to prevent LLNL from conducting outdoor tests and the testing has a long history of breaking windows<sup>56</sup> and startling residents as far as 5 miles away.

<sup>54</sup> <https://str.llnl.gov/str/Baker.html>

<sup>55</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/council-gives-support-to-explosion-increases/article\\_8165bcdf-03a2-5390-9450-9edcf1088650.html](http://www.goldenstatenewspapers.com/tracy_press/council-gives-support-to-explosion-increases/article_8165bcdf-03a2-5390-9450-9edcf1088650.html)

<sup>56</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/council-gives-support-to-explosion-increases/article\\_8165bcdf-03a2-5390-9450-9edcf1088650.html](http://www.goldenstatenewspapers.com/tracy_press/council-gives-support-to-explosion-increases/article_8165bcdf-03a2-5390-9450-9edcf1088650.html)

Another source of blasting operations that the DEIR completely ignores occurs at SRI International which is located very close to the Tracy Hills development. SRI's tests include examining missile components, simulating natural gas pipeline ruptures, and calibrating explosives for safety-classification purposes, among others. In August of 2012 SRI executed a blast which shook residents in Tracy up to 5 miles away. One woman living near Valpico Road said she and friends **living 3 to 5 miles from the testing grounds heard a loud explosion. Two others who reported hearing the boom said their houses shook.**<sup>57</sup> Charges as small as 16 pounds at SRI's facility have been proven to create blast overpressure that will shatter windows and damage homes. The DEIR statement that the Tracy Hills residents will be over 7,000 feet away from Site 300 does not apply to SRI. Residents 5 miles away from the facility experienced large noises and shaking of their homes.

OR1-58

#### Site 300 controlled burns

Another issue the 2014 THSP DEIR fails to discuss is the annual controlled burns at Site 300. These controlled burns can be a nuisance to future Tracy Hills residents. Also the controlled burns present a hazard as they can vaporize depleted uranium and tritium deposits that have accumulated over 60 years of testing. Residents of Tracy Hills may be exposed to these radio nuclides and no testing has been performed to assess the health risk from such activities.

OR1-59

#### Risk of Trespass onto Dangerous Facilities.

The location of the project adjacent to the aqueduct, Site 300, SRI International and the railroad presents a significant opportunity for trespass and potential harm to residents particularly children in the Tracy Hills development. Fencing is the only real solution but may not be feasible for all the hazards due to biological issues. Keep out signs are a relatively ineffective deterrent. Impacts' resulting from the exposure of people or property to a potential risk associated with trespass onto the adjacent explosive testing facilities is a significant and unavoidable impact which the FEIR must consider.

OR1-60

#### Train Blast Zone

OR1-61

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<sup>57</sup> [http://www.goldenstatenewspapers.com/tracy\\_press/archives/explosion-shakes-some-in-city/article\\_dc762589-6df3-50ea-adc2-e575f7194e1d.html](http://www.goldenstatenewspapers.com/tracy_press/archives/explosion-shakes-some-in-city/article_dc762589-6df3-50ea-adc2-e575f7194e1d.html)

According to the California Energy Commission, oil shipments by railroad into California hit an all-time record this year, with nearly 285 million gallons arriving by train in the past 12 months – up from just two million only four years ago. Much of the oil shipped is either extremely toxic and heavy Canadian tar sands oil or the Bakken crude responsible for major explosions and fires in derailments across the continent. These oil laden trains do pass through Tracy and the project site. The entire project is within the blast zone for crude oil rail shipments.<sup>58</sup>

### Oil Pipeline Hazard Assessment

The pipeline hazard assessment is an incomplete analysis that marginalizes 6 significant pipeline incidents on the petroleum lines that run through the THSP that have occurred in recent years. The risk assessment reports the significant leaks but because there was no fire or explosions dismisses them as insignificant. What the analysis fails to consider all six of these pipeline leaks occurred in uninhabited areas where no source of ignition exists. The THSP proposes to locate as 5,466 homes in close proximity to these oil pipelines providing an ignition source. Some uses will only have a 5 foot setback form the oil pipelines. Additionally the Placeworks risk assessment only provides the probability of a fatality and does not include risk assessments for property damage, environmental contamination and injury which have a much larger probability of occurring.

The pipeline assessment done by Placeworks does admit that, “There have been a few incidents of releases from the crude oil pipelines in the vicinity of the Plan area in the PHMSA database.” According to their assessment, “On December 4, 2003, the Chevron crude oil pipeline was accidentally struck by a tractor working on farmland on the property just north of the proposed Cordes Ranch development. Approximately 750 barrels (31,500 gallons) of crude oil were released. The oil soaked into 16,667 cubic yards of soil.” “Another incident occurred on July 8, 2003 between Corral Hollow Road and Tracy Boulevard, which is southeast of the Plan area. The cause of the release was also third party damage; a total of 35 barrels of crude oil was released with the recovery of 30 barrels.” There was a report of a release from this pipeline on December 4, 2007 due to external corrosion approximately 0.3 mile south of Bird Road in

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<sup>58</sup> <http://explosive-crude-by-rail.org/>

Tracy. It involved the release and recovery of 4 barrels (168 gallons) of crude oil; the pipeline was subsequently repaired.”

The Placeworks assessment also describes three more incidents that occurred on the Shell Oil Pipeline, “There have been three incidents involving the Shell crude oil pipeline in the vicinity of the Plan area. The first incident occurred on December 21, 1994, at the time that Texaco was listed as the pipeline owner/operator. The incident involved third party damage of the pipeline at the Corral Hollow Landfill and resulted in a loss of 550 barrels of crude oil, with 535 barrels recovered. The second incident occurred near the intersection of S. Bird Road and Interstate I- 580 on April 17, 2007 resulting from a longitudinal break in the pipeline due to corrosion. Approximately 428 barrels were released and flowed down an embankment onto the shoulder of I-580 and onto the roadway, resulting in a traffic snarl during afternoon commute hours. About 9,500 cubic yards of impacted soil were subsequently remediated and removed. Finally, an equipment malfunction at a location north of the Plan area resulted in a minor release of 2 barrels of crude oil on October 5, 2008. Placeworks notes that no ignition, explosion, fire, or evacuation occurred as a result of any of these releases.<sup>59</sup> What Placeworks doesn’t note and the most important factor is there was no source of ignition near these leaks. That will change when Tracy Hill is constructed. Despite having six leaks in the span of only a few years the DEIR proposes setbacks from the Phillips 66 pipeline of only 10 feet. The setback from the Shell crude oil pipeline is proposed to be only 16 feet and the setback for the Chevron oil line is proposed to be 25 feet. With six leaks occurring in just over a few years the pipeline setbacks should be expanded to a minimum of 50 feet just to protect the pipeline from damage.

Line 002 24 inch natural gas pipeline

Line 002 is a 26 inch diameter natural gas pipeline that was installed in 1971. The coating on L-002 is a double tape wrapped coating which no longer meets Federal standards because it is prone to corrosion. The pipeline thickness is .322 inches. The maximum allowable operating pressure for the line is 890 PSIG. Recent pipe-to-soil data have indicated corrosion on Line 002 within the Tracy area. A smart pig examination was performed in 2001 which indicated that the line had wall loss of up to 78%. Subsequent examination by PG&E revealed that actual wall loss

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<sup>59</sup> APPENDIX E-3 PIPELINE SAFETY HAZARD ASSESSMENT, TRACY HILLS SPECIFIC PLAN. PREPARED BY PLACEWORKS. DATED OCTOBER 2014 Page 10

was 61%. PG&E realized that the area found was unacceptable and lowered the operating pressure to 530 psig and performed repairs on the pipeline. While Placeworks reports that Line 002 has experienced no leaks Placeworks is wrong. The pipeline has experienced two leaks in the Tracy Hills Project Area one in 1997 and one in 1999.

OR1-65  
Cont.

The pipeline under integrity management guidelines is supposed to be inspected by a smart pig every seven years. But like most integrity management guidelines PG&E has ignored the pipe was last inspected in 2006 nine years ago. At the time in 2006 when the pipeline was inspected wall loss of up to 62% s was discovered but no repairs were performed.

OR1-66

### Water Supply

The 2015 DSEIR includes Appendix F-2 which provides an assessment of the water supply and demand for the project and allegedly demonstrates that the city has adequate water for the project under all scenarios. Table 21 from appendix F-2 presented below demonstrates the faulty assumptions that the DSEIR uses to conclude that the city has adequate water supplies in multiple dry years. As seen below Table 21 assumes that in multiple dry years the city will receive 40% of its M&I historical allotment and 10 % of its agricultural allotment. This year DWR announced on February 27, 2015 that the initial water supply allocation for agricultural would be 0 and the initial allocation for M&I would be 25%.<sup>60</sup> Table 21 also assumes than in 2015 Tracy will have the ability to deliver 12,400 AFY of recycled water. At the present time which is December 2015 the city has no recycled water infrastructure to deliver any treated wastewater. The city currently serves no projects with recycled water.

OR1-67

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<sup>60</sup> <http://www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=48986>

**Table 21. Projected Existing and Additional Planned Future Water Supplies Available in Multiple Dry Years**

Supply	Anticipated Reliability (% of Entitlement)	Projected Future Available Supply, af/yr				
	Multiple Dry Years	2015	2020	2025	2030	2035
<b>Existing Water Supplies</b>						
USBR CVP Interim Renewal Contract	10,000 af/yr @ 40% (M&I) & 7,500 af/yr @ 10% (Ag)	4,750	4,750	4,750	4,750	4,750
USBR CVP (WSID Option)	2,500 af/yr @ 10%	250	250	250	250	250
Total CVP Supplies		5,000	5,000	5,000	5,000	5,000
South County Water Supply Project (pre-1914)	95%	10,564	10,564	10,564	10,564	10,564
Groundwater <sup>(a)</sup>	100%	9,000	9,000	9,000	9,000	9,000
BBID (pre-1914) <sup>(b)</sup>	90%	2,430	2,430	2,430	2,430	2,430
Semitropic Water Storage Bank	100%	2,033	3,500	3,500	3,500	3,500
Aquifer Storage and Recovery	100%	300	1,000	2,000	3,000	3,000
<b>Additional Planned Future Water Supplies</b>						
USBR CVP (BBID contract)	10%	0	300	900	1,100	1,100
Additional SCWSP (pre-1914)	95%	0	1,786	1,786	1,786	1,786
Additional Semitropic Water Storage Bank	100%	0	0	500	500	500
Recycled Water (non-potable) <sup>(c)</sup>	100%	12,400	14,900	17,500	19,900	22,500
<b>Total Projected Potable Water Supply</b>		<b>29,327</b>	<b>33,580</b>	<b>35,680</b>	<b>36,880</b>	<b>36,880</b>
<b>% Cutback from Normal Year<sup>(d)</sup></b>		<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>Total Projected Recycled Water Supply<sup>(c)</sup></b>		<b>12,400</b>	<b>14,900</b>	<b>17,500</b>	<b>19,900</b>	<b>22,500</b>
<b>% Cutback from Normal Year<sup>(d)</sup></b>		<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<sup>(a)</sup> Although the City can sustainably extract up to 9,000 af/yr of groundwater on a continuous basis, the City is planning to scale back its groundwater extraction in future years to increase the overall quality of its water supply. <sup>(b)</sup> The water supply available from BBID (pre-1914) is up to 4,500 af/yr; however, this supply can only be used with the BBID Raw Water Service Area 2 that is also within the CVP Consolidated Place of Use. Quantity shown is amount needed to meet potable water demands within the Proposed Project area within the BBID Raw Water Service Area 2 and also with the CVP Consolidated Place of Use under all hydrologic conditions (2,430 af/yr). <sup>(c)</sup> Table 15, City of Tracy 2010 Urban Water Management Plan, prepared by Erler & Kalinowski, Inc., May 2011. Although recycled water supplies are currently available from the City's WWTP, required recycled water pipelines and pump stations to convey and deliver the recycled water to the recycled water use areas has not yet been constructed. See Section 6.4.1 of this Revised WSA for additional information regarding the City's plan for implementation of its recycled water system. <sup>(d)</sup> Percent cutback from normal year for potable water supplies is zero due to availability of Semitropic and ASR in multiple dry years. No cutback is anticipated for recycled water supplies.						

Table 21 also assumes that BBID will have surface water to deliver with 90% reliability. As we saw this year BBID was unable to provide Mountain House with its contracted water allotment.<sup>61</sup> Just considering the fact that Tracy has no ability to furnish recycled water and ignoring the overstated supplies from CVP and BBID the City still has only 16,920 AFY even pumping groundwater at 9,000 AFY. Tracy has not done any analysis on groundwater pumping since 2001 and the WSA provides no information on current groundwater levels in the city's wells.

When you reduce the water supply by the speculative 40% M&I allotment from USBR and the 10% allotment for USBR agricultural water it reduces the total water supply by 2,750 AFY and lowers available water supply to 14,177 acre feet which does not meet the expected demand of 17,900 AFY for 2015 and 23,000 AFY of expected demand as shown in Table 22 of Appendix F-2.

<sup>61</sup> <http://www.recordnet.com/article/20150615/NEWS/150619752>

OR1-68

OR1-69

Appendix F-2 is also erroneous when it concludes that, *“in the event of a water supply emergency where surface water supplies may be limited or unavailable, this WSA shows that based upon current groundwater basin conditions, the City would be able to meet its water demands using only groundwater supplies in any single year without causing any long-term impacts to the groundwater basin (see Section 6.1.3.9 for further discussion).”* This assumes that, in response to the water supply emergency the city will pump 16,000 to 22,000 acre feet of groundwater with no negative effects on the aquifer. The city has only analyzed ground water pumping of 9,000 AFY and the city has not performed an analysis of the impacts of pumping 16,000 to 22,000 AFY. Appendix F-2 contains an alleged analysis of current groundwater conditions in the aquifer that would support pumping of 16,000 to 22,000 AFY of groundwater in 1 year. Conspicuously absent from the analysis is any information on groundwater levels below Tracy after 2011 when the current drought began. The analysis is essentially useless as it contains no current information on the city’s current groundwater levels beyond 2011.

Pumping of 16,000 to 22,000 afy of groundwater is also likely to cause subsidence. As Appendix F-2 states, *“Traditionally, the City’s Production Wells 1 through 4, wells near the SWP and DMC canals, have drawn down groundwater levels below the bottom of the Clay and may have created subsidence. Projections of pumping 16,000 to 22,000 AFY results in as little as 1 foot to as much as 46 feet of additional drawdown in the area, pulling the groundwater levels further below the bottom of the Clay. This increases the potential for subsidence in this area.”* As the Appendix F-2 states the city’s wells have already caused subsidence near the canals with normal groundwater pumping.<sup>62</sup>

The DSEIR also assumes that in a severe emergency the City’s water demands will be reduced by 50 percent in accordance with Stage V of the City’s Water Shortage Contingency Plan.<sup>63</sup> As Appendix F-2 states, *“Stage V identifies mechanisms by which the City can reduce potable water demand by more than 25% (With up to a 50% cutback for purposes of this UWMP) To achieve a reduction in potable water demand exceeding 25% the city would prohibit all water use except as required for public health and safety (50 gallon of water per capita per*

<sup>62</sup> **APPENDIX F-2** REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 81 of 867

<sup>63</sup> **APPENDIX F-2** REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 14 of 867



day) Reduction in Stage 5 would include a 100% reduction recreation in irrigation water use.”<sup>64</sup>

OR1-72  
Cont.

As the City has recognized a 50% reduction in water use would result in severe economic consequences. But the reality is a 50% reduction in water use is highly unlikely.

The city’s urban water management plan also underestimates the amount of water that will be needed for the Tracy Hills Project. As Appendix F-2 states, “the potable water demand for the Proposed Project is 503 af/yr higher than what was included in the City’s 2010 UWMP, and the recycled water demand for the Proposed Project is 69 af/yr higher than what was included in the City’s 2010 UWMP.”<sup>65</sup> The actual difference in Potable water demand for Tracy Hills between the WSA and the UWMP is 745 AFY as potable water demand is 2,985 per UWMP table 7.<sup>66</sup> The recycled water demand for Tracy Hills is 1,785 AFY per UWMP Table 16 which is 185 AFY more than the WSA not 69.<sup>67</sup>

OR1-73

### Cumulative Impacts from Groundwater Water Use

OR1-74

The 2015 DSEIR fails to include a cumulative assessment of the use of groundwater by the THSP in conjunction with current pumping rates by other uses on the Tracy aquifer. The DSEIR does not examine what other water users are currently withdrawing.<sup>68</sup> Two orchards have recently installed wells on Corral Hollow Road but the DSEIR fails to examine the level of groundwater they are extracting. Other existing agricultural wells have increased pumping because of limited availability of surface water. The DSEIR makes no attempt to quantify the current baseline levels of water in the aquifer and analyze how many acre feet other water users are extracting from the Tracy Aquifer. The City of Tracy is not the only entity utilizing the aquifer. It may well be that the city may be unable to withdraw 9,000 afy without overdrawing the aquifer since no assessment has been conducted since 2001.

<sup>64</sup> City of Tracy 2010 Urban water management Plan Page 49

<sup>65</sup> **APPENDIX F-2** REVISED WATER SUPPLY ASSESSMENT FOR TRACY HILLS SPECIFIC PLAN FINAL REPORT, DATED OCTOBER 2015 Page 28 of 867

<sup>66</sup> City of Tracy 2010 Urban water management Plan Table 7 Page 91 of 130

<sup>67</sup> City of Tracy 2010 Urban water management Plan Table 16 Page 105 of 130

<sup>68</sup> The only point of reference for ground water pumping by other users from the aquifer included in the DSEIR is the 2001 Estimated Groundwater Yield Study, which established the City’s estimated groundwater yield of 9,000 af/yr, considered the cumulative groundwater usage in the study area by the City and other users in the Tracy area. No current information is available of how the groundwater has been utilized during the historic drought in the last few years.

## Traffic and Transportation

OR1-75

The 2015 DSEIR completely understates VMT by assuming that the alleged improvement in the jobs housing balance will reduce the number of commuters leaving Tracy for employment outside the county. As volume I of the DSEIR states, “The City of Tracy Transportation Master Plan forecasts 64,182 employed persons for year 2035, an increase of 40,078 (or 166.3 %) from 24,104 employed persons in 2006. Dwelling units are forecast to increase from 26,789 (51.4%) in 2006 to 40,506 residences in 2035. The Tracy Travel Demand Model indicates that the growth in Tracy (from existing conditions to year 2035) would result in the internal trip distribution increasing from the existing 48 percent to 49 percent in the AM peak hour and decrease from 64 percent to 49 percent in the PM peak hour as a percentage of total Tracy trips. Westbound trips on I-580 towards Alameda County and beyond, would decrease from 7 percent to 1 percent in the AM peak hour and stay at about 1 percent in the PM peak hour. Trips from Alameda County and beyond to Tracy would remain at about 1 percent during the AM peak hour and decrease from 3.5 percent to 1.3 percent in the PM peak hour. Economic development data received from the City of Tracy indicates that between 2000 and 2008, the jobs to- housing ratio remained consistent at approximately 1.19. Between 2008 and 2014, the jobs-to-housing ratio showed a gradual improvement, increasing to 1.46, an increase of 22.7 percent. This increase already results in more trips staying local to Tracy.”

The optimistic presentation in the DSEIR is contradicted by more recent documentation by the city that thoroughly dispels the myth that somehow Tracy will create jobs that pay enough to reduce commuting outside the county. According to the City of Tracy’s 2015-2023 Draft Housing element, “*between 2008 and 2013, nearly 55 percent of Tracy’s workforce traveled to another county for employment. This rate is more than double that of San Joaquin County (26 percent) and the highest among surrounding counties (Table 10). While the proportion of long distance commuters in Tracy remains high, this number has decreased by three percent since 2000. However, this decrease may have been a result of the recession.*”<sup>69</sup>

OR1-76

Despite an increase in the jobs housing ratio from 1.19 to 1.46, an increase of 22.7 percent commuting out of the county for employment decreased by only 3% and as the 2015 draft housing element states that may be due solely to the recession. Despite an increase in the

OR1-77

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<sup>69</sup> 2015 City of Tracy 2015-2023 Draft Housing element page 18

jobs housing ratio of 23% only a 3% decrease in commuting out of the county was observed. But this is not a new trend as the City of Tracy has unsuccessfully courted high paying jobs for over 30 years with no appreciable results likely due to the weak economic development strategy employed by the City.

OR1-77  
Cont.

The 22.7 percent increase in the local jobs to housing ratio cited by the 2015 DSEIR has not impacted the Tracy commute at all. As discussed earlier under the GHG comments the jobs created in Tracy are mostly service and transportation jobs and are not high paying enough for Tracy workers to afford the high housing costs in Tracy. As the city of Tracy’s Sustainable Action Plan states, *“20 percent of Tracy’s resident workforce is employed within the city, significantly less than the 73 percent that would be predicted if Tracy’s jobs-housing ratio were the only factor determining where residents work. One mechanism for reducing in- and out-commuting in the future is to foster a strong match between the skills of Tracy’s residents and the training and educational requirements of Tracy’s jobs. Highly trained or educated residents are unlikely to hold jobs for which they are overqualified, while residents with low levels of education are unlikely to be offered jobs with high training requirements. Consequently, the distribution of educational attainment of residents should closely resemble the occupational requirements of key industrial sectors for there to be a good skills-jobs match. In general, the occupations in Tracy’s key sectors do not have high training or educational requirements, with a majority requiring no post-secondary education. In comparison, in 2008, 55 percent of Tracy’s resident workforce had some post-secondary education, including 20 percent that held bachelor’s degrees or higher. This suggests that a potential source of mismatch between Tracy’s jobs and residents is that the resident workforce may be “overqualified” for employment in the largest and most rapidly-growing sectors of the local economy.”*<sup>70</sup>

OR1-78

The 2015 DEIR demonstrates this imbalance when it lists the recently and soon to be created employment opportunities in Tracy. The 2015 DEIR list the following future job opportunities in Tracy. *“FedEx, Cordes Building 1 and Medline are already under construction. The City also recently approved the following development projects that would create local employment opportunities: SuperLube, Prime Car Wash, McDonalds, Red Robin, WinCo, Bevmo, FasTrak car wash, Arco gas station, new Animal Shelter, St Bernard’s Pre-school, CMC*

OR1-79

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<sup>70</sup> City of Tracy Sustainable action plan Page 36 of 133

*Rebar, El Pollo Loco, Dunkin Donuts, Tracy Collision Center, Sutter Hospital, Amazon and Shops at Northgate Village. These projects are anticipated to provide employment opportunities, furthering the City's 2013-2015 Economic Development Strategy, thereby resulting in greater internal trip capture and fewer trips leaving the City.*"<sup>71</sup> The job opportunities cited by the 2015 DSEIR that are supposed to reduce out of county commuting in fact increase the existing imbalance in Tracy's low paying jobs and high price housing. Of all the jobs listed above not one job is provided where an employee could afford the median house price in Tracy much less the newly built and expensive Tracy Hills homes. The McDonalds, Red Robin, El Pollo Loco, Dunkin Donuts are fast food jobs or restaurant job where minimum wage is prevalent. The City of Tracy 2015 Draft Housing element indicates that the average yearly wage in the food preparation and service occupations is \$22,239 a year.<sup>72</sup> That's not enough money to rent a house much less buy one. The SuperLube, Prime Car Wash, FasTrak car wash, Arco gas station and Tracy Collision Center, are low paying service jobs which have an average annual salary of \$24,053 per year according to the 2015 Draft housing element. The WinCo, BevMo and Shops at Northgate Village are retail sales jobs with an average annual salary of \$24, 053 a year. The Fed-Ex building may supply a few executive jobs but the majority of jobs will be Transportation and material moving jobs with an estimated average salary of \$34,888 according to the city's 2015 draft housing element. Essentially the jobs recently created are continuation of the traditional low paying Tracy job opportunities and certainly will exacerbate the commuting and associated VMT and GHG emissions.

The DSEIR neglect to include other reasonably foreseeable developments Ace Train Ridership.

According to the 2015 DSEIR, *"The City of Tracy travel demand model does not have a transit assignment to the ACE station on Tracy Boulevard. To derive the number of transit-purpose trips from the Project, the ratio between the number of passengers boarding and the total number of housing units is used instead. Six months of 2014 ACE data indicates average daily boardings of 573 passengers in Tracy. Per the U.S. Census Bureau (2014), there are 27,908 housing units in the urbanized area of Tracy. Thus, approximately 2.05% of Tracy residents board the ACE each weekday. Implementation of the THSP would result in ultimate*

<sup>71</sup> 2015 DSEIR Volume II Page 11-28

<sup>72</sup> City of Tracy 2015 Draft Housing element Page 18

*development of 5,499 residential units and using the same ratio, it is estimated that 114 passengers from the THSP area would board the ACE each day. There are currently 130 vacant parking spaces at the Tracy ACE station. The additional parking demand of approximately 114 vehicles generated by implementation of the proposed Project would be accommodated on the Project site.”*

**OR1-80  
Cont.**

This parking analysis like much of the analyses in the DSEIR ignores cumulative impacts. Impacts to the ACE parking lot will occur from other residential projects. The DSEIR estimates that dwelling units are forecast to increase from 26,789 (51.4%) in 2006 to 40,506 residences in 2035. Those additional 13,717 units minus the 5,499 units would generate the need for an additional 168 parking spaces in addition to the 114 parking spaces estimated for the THSP. This leaves a deficit of over 100 parking spaces at the Ace Train Parking lot with the THSP responsible for approximately 40 of those needed spaces.

**OR1-81**

#### CONSTRUCTION TRAFFIC AND HAZARDS

The DSEIR states in Impact 4.13-3a: that implementation of the THSP Project would result in less-than-significant construction-related traffic impacts. The DSEIR bases that conclusion on the fact that, “The number of trips generated by Project construction activities is estimated to be less than the trips generated by the THSP Project. The potential impacts and mitigations identified for the Project peak-hour traffic would thus suffice for potential construction traffic impacts.” The impact of the peak hour traffic impacts relies on roadway improvements that will not exist when construction occurs. Additionally construction vehicles will have larger impacts to traffic than passenger cars which would be expected to be the majority of the impacts from peak traffic conditions. The construction traffic and hazards will be a significant impact particularly since many of the road improvements will not occur due to the fact that the City of Tracy does not have control over many of the needed improvements.

**OR1-82**

#### Leap Frog development creates the following impacts which are considered significant and unavoidable by the DSEIR.

All of the following impacts to Tracy intersections and roadway segments are considered significant and unavoidable by the DSEIR.

**OR1-83**

Impact 4.13-2: Implementation of the THSP Project would result in potentially significant impacts to bicycle and pedestrian modes.	}	OR1-84
Impact 4.13-5a: Development within the THSP Project would add traffic on the existing roadway network and would potentially impact the following existing intersections.	}	OR1-85
Impact 4.13-5b: Development within the THSP Project would add traffic on the existing roadway network and potentially impact the roadway segments.	}	OR1-86
Impact 4.13-6a: Buildout of the THSP Project would add traffic on the existing roadway, potentially impacting the existing Caltrans intersections.	}	OR1-87
Impact 4.13-6b: Buildout of the THSP would add traffic onto the existing roadway and potentially impact the roadway segments.	}	OR1-88
Impact 4.13-7a: Development within the THSP would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to intersections under the Cumulative Plus Project 2035 scenario.	}	OR1-89
Impact 4.13-7b: Development within the THSP would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to the roadway segments under the Cumulative Plus Project 2035 scenario.	}	OR1-90
Impact 4.13-8b: Buildout of the THSP Project would result in additional traffic on the City-wide roadway network and would result in cumulatively considerable impacts to the 2035 roadway segments.	}	OR1-91
Impact 4.13-14a: Development within the THSP Project would add traffic on the existing roadway network and potentially impact the existing intersections.	}	OR1-92
Impact 4.13-15g: Phase 1a of THSP does not indicate a bicycle and pedestrian connection from Spine Road along Corral Hollow Road.	}	OR1-93
<p>These impacts are considered significant and unavoidable because according the DSEIR, <i>“Despite the improvements identified in Mitigation Measures the City of Tracy cannot control the timing of the improvements as they fall partially under the jurisdiction of either Caltrans, San Joaquin County, UPRR/CA PUC, or the Department of Reclamation. For this reason, the impact remains significant and unavoidable.”</i> Because the city has not proceeded with development in a logical and orderly manner there are county islands that have been created by</p>	}	OR1-94

the leap frog development patterns which are not under the jurisdiction of the City of Tracy and therefore mitigation measures cannot be implemented. Further the THSP is the most far flung urban reserve in the city's growth plans. Development in any other urban reserve in the city would not require widening Corral Hollow Road over the Aqueduct and the DMC therefore would not require the cooperation of other agencies to complete the mitigation measures. These impacts are created by the leap frog development called the Tracy Hills Project.

**OR1-94  
Cont.**

### 5.3 ENERGY CONSERVATION

According to the 2015 DSEIR, "an energy impact is considered significant if the Project would develop land uses and patterns that cause wasteful, inefficient, and unnecessary consumption of energy." The City of Tracy could not develop a more wasteful land use pattern than the Tracy Hills development. As it is located 1 mile from any current development in the city each and every vehicle trip into the City of Tracy will add an additional 2 miles roundtrip to any destination into the city as opposed to other urban reserves in the City limits that could be developed.

**OR1-95**

The project has significant impacts to many road segments and intersections which cannot be mitigated because "*the City of Tracy cannot control the timing of these road improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation).*" The project's location requires that Corral Hollow Road be improved to two lanes over the aqueduct and the Delta Mendota Canal which prevents timely improvements to Corral Hollow Road. As the traffic study indicates the project creates significant and unavoidable impacts to traffic flow leading to additional fuel wasted idling at lights and traffic congestion in between crowded road segments.<sup>73</sup>

**OR1-96**

The project's location prevents it from being connected to the rest of the city for bicycle and pedestrian transportation. The DSEIR states that, "When developed, the THSP Project would include pedestrian and bicycle facilities internal to the site and that connect to the existing pedestrian system via street frontage improvements that include sidewalks and bicycle lanes."<sup>74</sup> But the 2015 DSEIR states under Impact 4.13-2 that, "Despite the Project's compliance with Policy P4 and P6 under goal CIR-3 of the General Plan, the City of Tracy cannot control the

**OR1-97**

<sup>73</sup> Impact 4.13-5a, Impact 4.13-5b, Impact 4.13-6a, Impact 4.13-6b, Impact 4.13-7a, Impact 4.13-7b, Impact 4.13-8b, Impact 4.13-14a,

<sup>74</sup> 2015 DSEIR page

timing of these improvements which fall outside their jurisdiction (Caltrans, UPRR/CA PUC, San Joaquin County, the Department of Reclamation). Thus, until the improvements for bicycle and pedestrians are implemented, the impact will be considered significant and unavoidable.”<sup>75</sup>

OR1-97  
Cont.

## 7.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The DSEIR discussion of alternatives recognizes that CEQA Guidelines Section 15126(e)(2) requires that the environmentally superior alternative be identified. The DSEIR identifies Alternative 3, Reduced Density Alternative, as the environmentally superior alternative. In the DSEIR Alternative 3 is defined as, “highest number of trips that can be generated by development of the Project site before the construction of Lammers Road and the I-580 interchange is triggered.”<sup>76</sup> There is no indication what Alternative 3 consists of, how many homes, how many offices, how many businesses it is simply defined as, “the highest number of trips that can be generated by development of the Project site before the construction of Lammers Road and the I-580 interchange is triggered.”<sup>77</sup> This description of alternative 3 does not foster informed decision making and public participation as required by CEQA. Section 15126.6(d) of the CEQA Guidelines. CEQA requires the EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Like much of this DSEIR the project is poorly defined and based on speculation on what actually will be built. Even phase 1 does not describe the uses in the mixed use business park so it is impossible for the public to make an informed decision on what is being proposed.

OR1-98

## 7.4 ALTERNATIVES CONSIDERED BUT REJECTED

### SITE ALTERNATIVES

The 2015 DSEIR never identifies any alternative sites it merely states reasons for rejecting alternative sites without ever identifying their location, size, or their impacts. Obviously without identifying the alternative sites the DSEIR does not provide information on the

OR1-99

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<sup>75</sup> 2015 DSEIR Page 768 of 880

<sup>76</sup> 2015 DSEIR Page 853 of 880

<sup>77</sup> 2015 DSEIR Page 853 of 880



alternative sites site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. The alternative site analysis in the DSEIR does not foster informed decision making and public participation.

**OR1-99  
Cont.**

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_

Robert Sarvey  
sarveybob@aol.com

\_\_\_\_\_/s/\_\_\_\_\_

Rob Simpson Executive Director  
Helping Hands Tools  
27126 Grandview Avenue  
Hayward, CA 95542  
rob@redwoodrob.com



**From:** Scott Claar <Scott.Claar@ci.tracy.ca.us>  
**Sent:** Wednesday, November 04, 2015 11:38 AM  
**To:** Alan Bell; William Dean  
**Subject:** FW: I-580 Ramp Signalization - Prospective Tracy Hillls EIR Mitigation and proposed exemption due to Prologis conditons

Please see comments below from Prologis regarding the Tracy Hills EIR. Prologis is objecting to Tracy Hills being exempt from participating in improvements to I-580 ramps at the Mountain House Parkway Interchange.

---

**From:** Criseldo Mina  
**Sent:** Wednesday, November 04, 2015 9:57 AM  
**To:** Nanda Gottiparthi (nanda@sngassociates.com)  
**Cc:** Ripon Bhatia; Zabih Zaca; Robert Armijo; Scott Claar  
**Subject:** FW: I-580 Ramp Signalization - Prospective Tracy Hillls EIR Mitigation and proposed exemption due to Prologis conditons

Nanda: FYI.

**Criseldo S. Mina, P. E.**  
Senior Civil Engineer



City of Tracy, Development & Engineering Services  
333 Civic Center Plaza  
Tracy, CA 95376  
Phone: 209.831.6425 | Fax: 209.831.6439  
eMail: [cris.mina@ci.tracy.ca.us](mailto:cris.mina@ci.tracy.ca.us) | Website: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

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**From:** Martin, Thomas [<mailto:tjmartin@prologis.com>]  
**Sent:** Tuesday, November 03, 2015 10:49 PM  
**To:** Criseldo Mina  
**Cc:** George, Ryan  
**Subject:** I-580 Ramp Signalization - Prospective Tracy Hillls EIR Mitigation and proposed exemption due to Prologis conditons

Cris,

Prologis will be objecting to Tracy Hills prospective exemption from participating in the improvements to the I-580 ramps. As specified in the Tracy Hills EIR, Tracy Hills will be benefiting from these improvements and impacting the capacity enhancements that the signalization project will provide.

GP1-1

- ◆ Intersection #13 (Mountain House Parkway / I-580 EB Ramps) – Signal intersection. The City has approved the Medline, FedEx, and Building 1 and 2 which have been conditioned to implement this improvement to mitigate their re impacts. With anticipated installation of the signal, the Project will have no ac impact at this intersection. This intersection falls under Caltrans jurisdiction.
  
- ◆ Intersection #14 (Mountain House Parkway / I-580 WB Ramps) – Signal intersection. The City has approved the Medline, FedEx, and Building 1 and 2 which have been conditioned to implement this improvement to mitigate their re impacts. With anticipated installation of the signal, the Project will have no ac impact at this intersection and thus the Applicant is not responsible for this mi This intersection falls under Caltrans jurisdiction.

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**From:** John Palmer [<mailto:JohnPalmer@integralcommunities.com>]  
**Sent:** Wednesday, December 02, 2015 4:41 PM  
**To:** Alan Bell; William Dean; Robert Armijo  
**Cc:** Criseldo Mina  
**Subject:** FW: I-580/Mountain House Parkway Intersection Improvements

Fyi - See email below from Tom Martin to Cris Mina as follow-up clarification to Tom's previous Nov 3rd email.

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**From:** Martin, Thomas [[tjmartin@prologis.com](mailto:tjmartin@prologis.com)]  
**Sent:** Monday, November 30, 2015 3:10 PM  
**To:** John Palmer  
**Subject:** Fwd: I-580/Mountain House Parkway Intersection Improvements

Fyi

**Tom Martin, Development Manager**  
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[3353 Gateway Boulevard | Fremont, California 94538](#) | United States  
Direct [+1 510 661-4032](tel:+15106614032) | Mobile 1+ [510 516-5522](tel:+15105165522) | [tjmartin@prologis.com](mailto:tjmartin@prologis.com)

Sent from my iPhone

Begin forwarded message:

**From:** "Martin, Thomas" <[tjmartin@prologis.com](mailto:tjmartin@prologis.com)>  
**Date:** November 30, 2015 at 3:59:23 PM MST  
**To:** "[Criseldo.Mina@ci.tracy.ca.us](mailto:Criseldo.Mina@ci.tracy.ca.us)" <[Criseldo.Mina@ci.tracy.ca.us](mailto:Criseldo.Mina@ci.tracy.ca.us)>  
**Subject:** I-580/Mountain House Parkway Intersection Improvements

Cris:

Following up on my November 3rd email regarding the Tracy Hills Draft SEIR and specifically concerns regarding the I-580 ramp. I understand that Tracy Hills will contribute a fair share to the TMP I-580/Mountain House Parkway interchange program improvements through participation in the TMP fee program, so Prologis has no further concerns related to that intersection. As such, Prologis will proceed with the interim signalization project as planned.

GP2-1

**Tom Martin, Development Manager**  
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**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**WEDNESDAY, JANUARY 28, 2015**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER** – Chair Orcutt called the meeting to order at 7:06 p.m.

**PLEDGE OF ALLEGIANCE** – Chair Orcutt led the Pledge of Allegiance.

**ROLL CALL** - Roll Call found Commissioners, Ransom, Sangha, Tanner, Vice Chair Mitracos and Chair Orcutt present. Also present were staff members Alan Bell, Senior Planner; Scott Claar, Associate Planner; Bill Sartor, Assistant City Attorney; consultant Laura Worthington Forbes; and Sandra Edwards, Recording Secretary.

**MINUTES APPROVAL** - It was moved by Commissioner Ransom and seconded by Commissioner Sangha to approve the minutes of December 3, 2014. Minutes of January 14, 2015, were approved as amended. Voice vote found all in favor; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA** – None.

**ITEMS FROM THE AUDIENCE** – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

A. **CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** – Alan Bell, Senior Planner, stated that the Tracy Hills Specific Plan was adopted and the 2,700-acre area annexed to the City in 1998. The 1998 Plan provides for over 5,000 residential units and nearly 6 million square feet of commercial and industrial development. The current Tracy Hills project includes an update to that Specific Plan.

In 2013, the City hired Kimley Horn Associates to prepare the Environmental Impact Report (EIR) for this project and guide the City through the CEQA process. In the fall of 2013, a scoping meeting was conducted to receive input from the public on topics to be reviewed in the Draft Environmental Impact Report (DEIR). The DEIR has been completed; and the purpose of tonight's meeting is for the Planning Commission and staff to receive comments on the DEIR from the public. Mr. Bell added that this meeting was not the time to respond to comments, as the public comment period is open until February 10, 2015.

Mr. Bell introduced Laura Worthington-Forbes from Kimley Horn Associates, to review the CEQA process and this EIR. Ms. Forbes is the Regional Vice President for Kimley Horn Associates and the project manager on this EIR.

Ms. Forbes provided a presentation regarding the CEQA and EIR process. Ms. Forbes provided a background and history of the project's Specific Plans, General Plan Amendments, Development Agreement and Infrastructure Master Plans. Ms. Forbes outlined the various sections of the DSEIR. Ms. Forbes also outlined the significant and unavoidable impacts including aesthetics, agricultural resources, air quality, and greenhouse gas emissions.

Mr. Bell added staff anticipated an item on the Planning Commission's February 25, 2015, agenda to receive an update and a discussion on the Tracy Hills project. The meeting will provide an opportunity to learn more about the project or seek clarification about the project design or other details. At some time following that meeting, we anticipate taking the Tracy Hills project, including the Final EIR, to the Planning Commission for consideration and recommendation to the City Council.

Commissioner Ransom stated she received feedback on this agenda item that it was not readily available and asked how the item was noticed. Mr. Bell stated this meeting was not required per CEQA, adding that the item was noticed in the paper, and mailed to the 170 or so recipients that received the notice of availability. Mr. Bell added the project was next to farmers or ranchers who are involved and don't have input. Mr. Bell stated the property owners were present.

Chair Orcutt added that receiving notice on December 23, 2014, most individuals were not in a position to think about the project. Mr. Bell added that because the notice went out on December 23, 2014, during the holidays, additional time for the comment period was added.

Vice Chair Mitracos asked for clarification regarding changes that could incur including density changes stating it seemed too specific. Mr. Bell stated that is why there was a new EIR. Mr. Bell added the new Specific Plan addresses the project in its entirety; at its maximum buildout.

Vice Chair Mitracos asked if the Specific Plan was measured against City standards. Mr. Bell stated the Specific Plan will be the zoning for the project which will be in line with the General Plan, zoning, etc. Mr. Bell added that the Specific Plan will come before the Commission for adoption and will include a range of densities.

Commissioner Tanner stated there was an item that was addressed at a City Council meeting regarding the Altamont Regional Traffic Authority Joint Powers Authority (JPA) regarding traffic conditions, asking why San Joaquin County was not included as part of the JPA and when does the JPA kick in. Mr. Bell stated the JPA was a function of the settlement of the 1998 lawsuit to discontinue the legal challenge on the EIR. Mr. Bell added the parties to that lawsuit were Alameda County, the City of Livermore, the City of Tracy, the developer and the Sierra Club, and has already been formed.

Vice Chair Mitracos asked if there was a fee to the County for county projects. Mr. Bell added that part of the settlement agreement has Tracy Hills paying approximately \$1,500 per unit to various agencies.

Chair Orcutt opened the public hearing.



Bridget Barnes, representing Horizon Planet, stated she had hoped that there would have been a presentation from staff outlining the differences between the original Tracy Hills Specific Plan and the new one. Ms. Barnes indicated her offices were still reviewing mitigations to provide comments on the document.

As there was no one further wishing to address the Commission, the public hearing was closed.

Commissioner Ransom asked if this was the time for the Commission to ask questions. Mr. Bell stated it was a time to allow the public to provide comments.

Commissioner Ransom stated she felt that this project was being treated different than other EIRs. Commissioner Ransom asked for clarification regarding two Alternatives No. 2, Chapter 1-5 and 1-6; indicating the superior alternative was confusing. Commissioner Ransom also asked for clarification regarding an Area C that is no longer covered by the EIR, a portion of EIR that treats non-Integral property owners with a separate set of guidelines but does not provide the guidelines.

Mr. Bell stated the non-Integral property means that most of the 2,700 acres is in control of the property owners or Integral Communities. The Specific Plan has design guidelines, permitted land uses, which are equal across the plan regardless of ownership. Mr. Bell added that part of the settlement agreement required the property owners to set aside a 100-foot wide conservation easement along I-580 and on one side of the aqueduct. The only property owner at the time was Lakeside Tracy, now Integral Communities, and is recorded against their property.

Ms. Forbes clarified Area C refers to the San Joaquin Multi Specific Habitat Conservation Plan (SJMSHCP) which is not included in the Plan. Ms. Forbes stated there is an additional burden on the applicant to achieve regulatory permit approval for that area that is not covered by the SJMSHCP.

Commissioner Ransom stated she was looking for additional information regarding pipelines on the property. Mr. Bell outlined the five pipelines that traverse through the property including Shell Oil, Chevron, Phillips 66, and two PG&E pipelines. Mr. Bell stated Technical Appendices E2, E3, and E4, discuss the pipelines.

Commissioner Ransom discussed the projected water supply for the project through 2035. Mr. Bell stated staff would come back with a complete answer and have the appropriate experts present on February 25, 2015, to address the item.

Commissioner Ransom stated some of the mitigations were not specific. Mr. Bell stated the mitigation measure would be addressed with the conditions of approval. Mr. Bell added the mitigation measures for Phase 1 were more specific than subsequent phases.

Commissioner Sangha asked if the \$1,500 per unit Tracy Hills is required to pay goes to the City or County. Mr. Bell stated that fee applied to units in the City and would go to regional transportation in Alameda and San Joaquin Counties.

Commissioner Tanner stated figure 4.4-6, the endangered species labeled TP on the figure, was not on the legend of the map. Ms. Forbes indicated she would get back to the Commission on the item.

Commissioner Tanner referred to figure 4.14-11, new roads, stating South Tracy Hills Road and North Tracy Hills connect however, North Tracy Hills Road does not seem to connect with Linne Road. Mr. Bell indicated the road may be mislabeled.

Chair Orcutt asked when the Final EIR would be completed. Mr. Bell explained the next steps indicating it was difficult to say, with certainty. Mr. Bell assured the Commissioners that notices would be sent to surrounding property owners and others during the process.

Commissioner Ransom asked how realistic the mitigations measures were and how they were controlled. Mr. Bell stated when the Final EIR is certified, a Mitigation Monitoring Reporting Program would be presented where each mitigation measure will be listed showing who is responsible for the mitigation measure and when it is needed. Ms. Forbes added they are included as a mitigation measure because the Air District believes they are achievable and practical. Ms. Forbes stated the developer is required to show how they would be addressed.

Chair Orcutt asked if the City would be expected to extend bus service to the area. Mr. Bell stated yes.

Chair Orcutt closed the public hearing.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – None.
5. ITEMS FROM THE COMMISSION – None.
6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Vice Chair Mitracos to adjourn. Time: 8:19 p.m.

  
STAFF LIAISON

  
CHAIR

**TRACY HILLS SPECIFIC PLAN  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
VOLUME IV  
JANUARY 2016**

**APPENDIX B**  
SUPPLEMENTAL INFORMATION





CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

May 4, 2015

Jefferson School District Governing Board  
C/o Superintendent James Bridges  
1219 Whispering Wind Dr.  
Tracy, CA 95377

**Subject: Division of Aeronautics Review of Proposed K-8 School Sites  
Ellis Site #1, and Tracy Hills Site #1, near Tracy Municipal Airport**

Dear Superintendent:

Enclosed please find a copy of the letter from the California Department of Transportation (CalTrans), Division of Aeronautics dated April 27, 2015, regarding reviews of the proposed K-8 school sites Ellis Site #1 and Tracy Hills Site #1. These reviews were conducted at the request of the school district pursuant to Education Code section 17215 regarding proposed sites near airport runways.

In summary, the letter states that CalTrans has no objection to the establishment of the proposed Tracy Hills elementary school site #1, provided the site meets the usage limitations and standards and project conditions contained in the 2009 Tracy Municipal Airport Land Use Compatibility Plan. For the Ellis Site #1, CalTrans recommends against the development of any school facilities on the north east corner of the site (see attached), with no objection to the remainder of the site provided it meets the same limitations and standards listed in the Airport Land Use Compatibility Plan.

Please note that per the same Education Code section, the governing board may not acquire title or lease property for which Caltrans does not favor, and that neither state nor local funds may be apportioned or expended for the acquisition or lease, or for construction of any school buildings on that site. For sites that Caltrans favors, the district governing board shall hold a public hearing on the matter prior to acquiring or leasing the site(s).

Sincerely,

Michael J. O'Neill, Consultant  
School Facilities and Transportation Services Division  
(916) 322-1463 [moneill@cde.ca.gov](mailto:moneill@cde.ca.gov)

**DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF AERONAUTICS – M.S. #40**  
 1120 N STREET  
 P. O. BOX 942874  
 SACRAMENTO, CA 94274-0001  
 PHONE (916) 654-4959  
 FAX (916) 653-9531  
 TTY 711  
 www.dot.ca.gov



*Serious drought!  
 Help Save Water!*

**RECEIVED**

APR 30 2015

**SCHOOL FACILITIES**

April 27, 2015

Mr. Michael J. O'Neil, Consultant  
 School Facilities and Transportation Services Division  
 California Department of Education  
 1430 N Street, Suite 1201  
 Sacramento, CA 95814-5901

Dear Mr. O'Neil:

In response to your requests of March 18, 2015, and Section 17215 of the California Education Code, the California Department of Transportation (Caltrans), Division of Aeronautics, has analyzed the two proposed K-8 school sites. The Ellis School Site #1 is in the future Ellis development, on a 16-acre parcel located approximately 5,400 feet northwest of the approach end of Runway 8 at the Tracy Municipal Airport (TCY). The Tracy Hills School Site #1 is in the future Tracy Hills development, on a 14-acre parcel located approximately 4,000 feet southwest of the approach end of Runway 8 at the TCY.

Our analysis consisted of a review of Caltrans Airport Land Use Planning Handbook (Handbook), California Code of Regulations (CCR) section 3570, San Joaquin County Airport Land Use Compatibility Plans (ALUCP), airport traffic patterns, instrument approach/departure procedures, our files, and other publications relating to aircraft operations at the TCY. We also conducted a flight inspection of the proposed sites on April 14, 2015. The San Joaquin County Airport Land Use Commission (ALUC) and the airport's management were given an opportunity to comment, and their comments were considered during our study.

The TCY is a public-use general aviation airport with approximately 90 based aircraft, 57,000 annual operations, and two runways. Runway 12/30 is 4,001 feet long and Runway 8/26 is 3,438 feet long. Using the longer of the two runways, Runway 12/30 is classified as a "medium general aviation runway" according to the Handbook. Using the CCR and the Handbook runway criteria, all but a small section of the northeast corner of the Ellis site falls within Handbook Safety Zone 6, identified as the "Traffic Pattern Zone" (TPZ), with the corner of northeastern edge falling in Safety Zone 4, identified as the "Outer Approach/Departure Zone." The Tracy Hills site falls completely within Safety Zone 6. Handbook guidance provides that children's schools should be limited in Safety Zone 6 and prohibited in Safety Zone 4. The Handbook defines "Limited" use as acceptable with maximum nonresidential development intensities of 200-300 persons per acre, and "Prohibited" is defined as use that should not be permitted under any circumstances.

The ALUC provided written comments and recommendations concerning the proposed school sites stating that the proposed Ellis site is partially located in ALUCP Safety Zone 7 identified as the TPZ. The Tracy Hills site is completely located in the TPZ, according to the 2009 ALUCP for the TCY. The TPZ compatibility zone allows a maximum nonresidential development intensity usage of 450 persons per acre, with ten percent of the land required to be open space.

Based on their review, the ALUC finds that the two proposed sites are consistent with the adopted 2009 Safety Zones for the TCY, provided the usage intensity is met and the following standards and project conditions are carried through as a condition of their approval:

*"Provide a safe, sustainable, integrated, and efficient transportation system  
 to enhance California's economy and livability"*

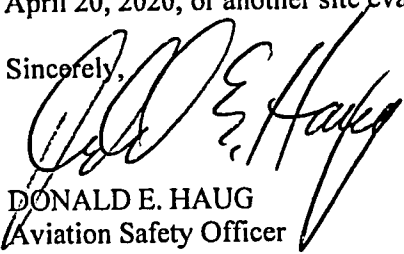
- Avoid glare and distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic direction signs).
- Avoid sources of dust, steam, or smoke which may impair pilot visibility.
- Avoid sources of electrical interference with aircraft communications or navigation. No transmissions, which would interfere with radio communications or navigational signals, are permitted.
- Avoid any proposed use, especially landfills and certain agricultural uses, that create an increased attraction for large flocks of birds.
- Power lines must be underground, if necessary, to prevent hazards to aircraft.
- ALUC review is required for any proposed object taller than 100 feet above ground level within the TPZ and the Airport Influence Area.

Our flight inspection revealed the proposed site will experience occasional overflights from aircraft departing/arriving the airport; however, the proposed site should not be heavily influenced by the aircraft traffic patterns for this airport. Aircraft noise will be audible at both sites and the potential exists for persons to be annoyed by individual aircraft noise. Therefore, if these sites are selected, we recommend that the school include provisions for buildings to have air circulation or air conditioning, so that all windows and doors can remain closed. The school should also include acoustical treatment in the design and construction of any buildings for use by students, faculty, or administrators, in order to reduce individual irritation from aircraft noise or disruption to instruction.

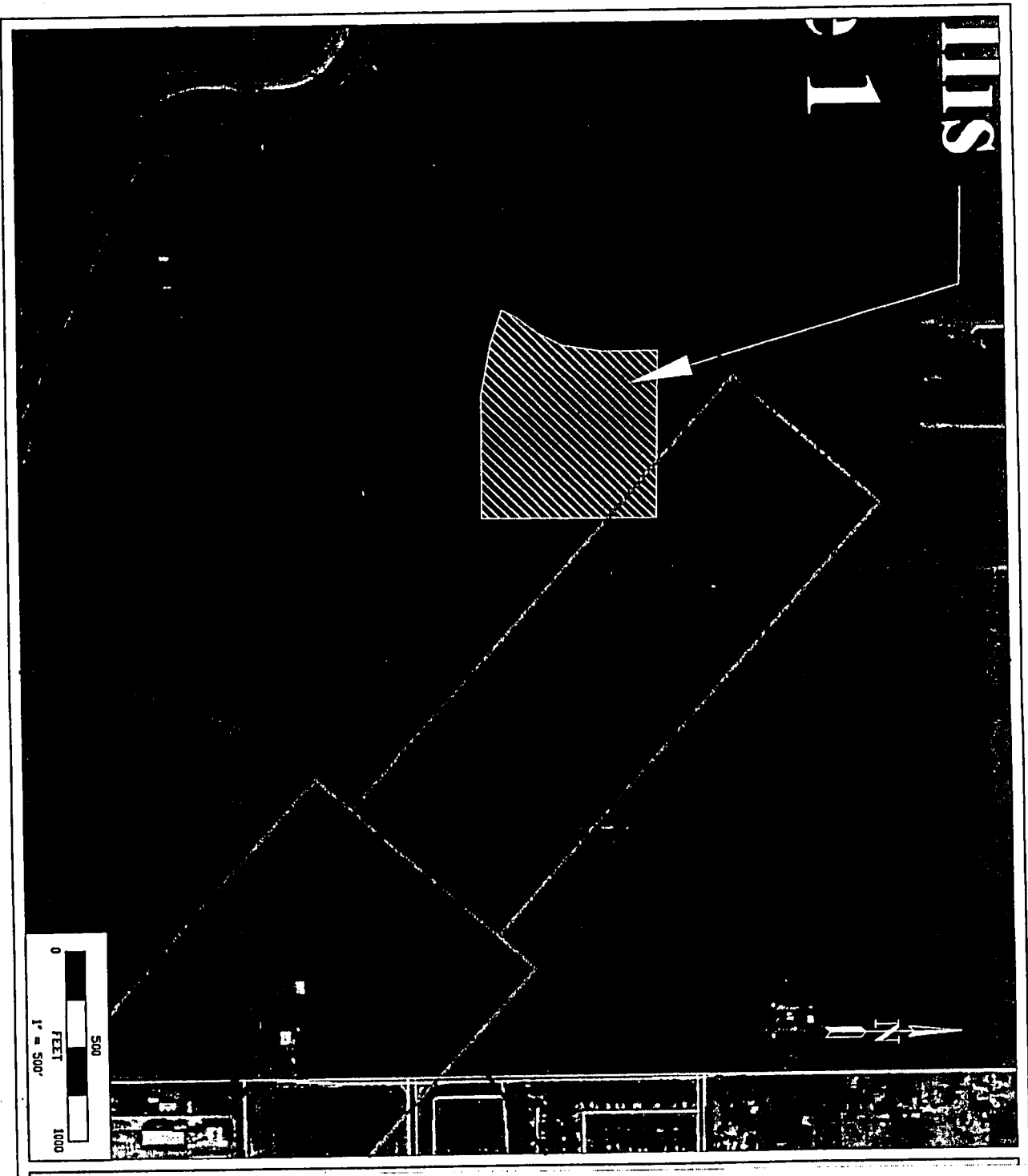
In summary, Handbook guidance states that the development of school facilities within Zone 6 is acceptable with limitations on usage intensity (listed above) and prohibited in Zone 4. The ALUCP guidance states that the development of school facilities in Zone 7 is acceptable provided there are limitations on usage intensity (listed above), and that certain standards and project conditions (listed above) are met.

In conclusion, Caltrans has no objection to the Tracy Hills School Site #1, provided the site meets the usage intensity limitations and the standards and project conditions contained in the 2009 TCY ALUCP. Regarding the Ellis School Site #1, Caltrans recommends against the development of any school facilities on the northeast corner of the site that lies within Zone 4; however, Caltrans has no objection to the remainder of the site, provided it meets the usage intensity limitations and the standards and project conditions contained in the 2009 TCY ALUCP. With regard to the usage intensity for both sites, we recommend the school sites meet the more stringent usage limitation of 200-300 persons per acre contained in the Handbook. While there is generally a low risk of an accident occurring at either of the proposed sites, the potential consequences of any accident could be severe. Caltrans cannot guarantee the safety of these sites or any other site. If these sites are approved, they must be acquired by April 20, 2020, or another site evaluation by Caltrans will be required prior to acquisition of the school sites.

Sincerely,

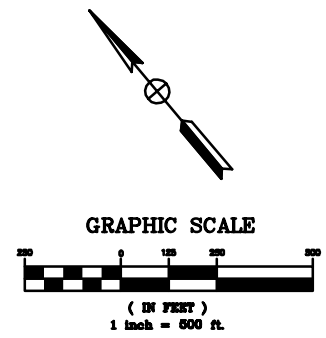


DONALD E. HAUG  
Aviation Safety Officer



ELLIS SITE # 1





I-580/CORRAL HOLLOW INTERCHANGE IMPROVEMENTS

DECEMBER 18, 2015



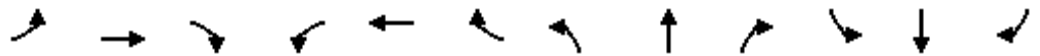


HCM Unsignalized Intersection Capacity Analysis

Existing + Phase 1 (AWSC Trigger)

1: CORRAL HOLLOW RD & I-580 EB OFF RAMP/I-580 EB ON RAMP

Timing Plan: PM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔	↔					↔			↔	
Volume (veh/h)	302	2	4	0	0	0	0	185	243	91	13	0
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.91	0.91	0.91	1.00	1.00	1.00	0.88	0.88	0.88	0.84	0.84	0.84
Hourly flow rate (vph)	332	2	4	0	0	0	0	210	276	108	15	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	580	719	15	582	580	348	15			486		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	580	719	15	582	580	348	15			486		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	15	99	100	100	100	100	100			90		
cM capacity (veh/h)	390	316	1058	385	380	690	1589			1066		

Direction, Lane #	EB 1	EB 2	NB 1	SB 1
Volume Total	334	4	486	124
Volume Left	332	0	0	108
Volume Right	0	4	276	0
cSH	389	1058	1700	1066
Volume to Capacity	0.86	0.00	0.29	0.10
Queue Length 95th (ft)	207	0	0	8
Control Delay (s)	50.2	8.4	0.0	7.8
Lane LOS	F	A		A
Approach Delay (s)	49.7		0.0	7.8
Approach LOS	E			

Intersection Summary			
Average Delay		18.7	
Intersection Capacity Utilization		57.2%	ICU Level of Service B
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis  
 3: CORRAL HOLLOW RD & AQUEDUCT RD

Existing + Phase 1 (AWSC Trigger)  
 Timing Plan: PM PEAK



Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Volume (veh/h)	106	23	98	470	163	145
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.77	0.77	0.87	0.87	0.88	0.88
Hourly flow rate (vph)	138	30	113	540	185	165
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type						
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1033	268	350			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1033	268	350			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	41	96	91			
cM capacity (veh/h)	234	771	1209			
Direction, Lane #	SE 1	SE 2	NE 1	SW 1		
Volume Total	138	30	653	350		
Volume Left	138	0	113	0		
Volume Right	0	30	0	165		
cSH	234	771	1209	1700		
Volume to Capacity	0.59	0.04	0.09	0.21		
Queue Length 95th (ft)	84	3	8	0		
Control Delay (s)	40.4	9.9	2.4	0.0		
Lane LOS	E	A	A			
Approach Delay (s)	35.0		2.4	0.0		
Approach LOS	D					
Intersection Summary						
Average Delay			6.3			
Intersection Capacity Utilization			63.5%		ICU Level of Service	B
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 4: CORRAL HOLLOW RD & LINNE

Existing + Phase 1 (AWSC Trigger)  
 Timing Plan: PM PEAK



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (veh/h)	133	53	325	257	52	185
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.77	0.77	0.87	0.87	0.88	0.88
Hourly flow rate (vph)	173	69	374	295	59	210
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	850	521			669	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	850	521			669	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	44	88			94	
cM capacity (veh/h)	307	551			912	

Direction, Lane #	WB 1	NB 1	SB 1
Volume Total	242	669	269
Volume Left	173	0	59
Volume Right	69	295	0
cSH	351	1700	912
Volume to Capacity	0.69	0.39	0.06
Queue Length 95th (ft)	122	0	5
Control Delay (s)	35.0	0.0	2.6
Lane LOS	D		A
Approach Delay (s)	35.0	0.0	2.6
Approach LOS	D		

Intersection Summary			
Average Delay		7.7	
Intersection Capacity Utilization		66.0%	ICU Level of Service C
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis

Existing + Phase 1 (Signal Trigger)

1: CORRAL HOLLOW RD & I-580 EB OFF RAMP/I-580 EB ON RAMP

Timing Plan: PM PEAK



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕	↗					↕			↕	
Sign Control		Stop			Stop			Stop			Stop	
Volume (vph)	452	2	4	0	0	0	0	185	243	99	13	0
Peak Hour Factor	0.91	0.91	0.91	1.00	1.00	1.00	0.88	0.88	0.88	0.84	0.84	0.84
Hourly flow rate (vph)	497	2	4	0	0	0	0	210	276	118	15	0

Direction, Lane #	EB 1	EB 2	NB 1	SB 1
Volume Total (vph)	499	4	486	133
Volume Left (vph)	497	0	0	118
Volume Right (vph)	0	4	276	0
Hadj (s)	0.27	-0.53	-0.27	0.24
Departure Headway (s)	5.9	3.2	5.5	6.6
Degree Utilization, x	0.82	0.00	0.74	0.25
Capacity (veh/h)	499	1121	630	493
Control Delay (s)	30.6	6.2	22.8	11.8
Approach Delay (s)	30.4		22.8	11.8
Approach LOS	D		C	B

Intersection Summary			
Delay		24.9	
Level of Service		C	
Intersection Capacity Utilization	65.9%		ICU Level of Service C
Analysis Period (min)		15	

HCM Unsignalized Intersection Capacity Analysis  
 3: CORRAL HOLLOW RD & AQUEDUCT RD

Existing + Phase 1 (Signal Trigger)  
 Timing Plan: PM PEAK



Movement	SEL	SER	NEL	NET	SWT	SWR
Lane Configurations						
Sign Control	Stop			Stop	Stop	
Volume (vph)	123	27	115	470	163	171
Peak Hour Factor	0.77	0.77	0.87	0.87	0.88	0.88
Hourly flow rate (vph)	160	35	132	540	185	194
Direction, Lane #	SE 1	SE 2	NE 1	SW 1		
Volume Total (vph)	160	35	672	380		
Volume Left (vph)	160	0	132	0		
Volume Right (vph)	0	35	0	194		
Hadj (s)	0.53	-0.67	0.07	-0.27		
Departure Headway (s)	7.7	6.4	5.3	5.3		
Degree Utilization, x	0.34	0.06	0.98	0.56		
Capacity (veh/h)	459	542	672	671		
Control Delay (s)	13.4	8.7	52.7	14.9		
Approach Delay (s)	12.5		52.7	14.9		
Approach LOS	B		F	B		
Intersection Summary						
Delay			34.9			
Level of Service			D			
Intersection Capacity Utilization			67.0%	ICU Level of Service		C
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 4: CORRAL HOLLOW RD & LINNE

Existing + Phase 1 Signal Trigger  
 Timing Plan: PM PEAK



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Stop			Stop
Volume (vph)	147	53	338	264	52	200
Peak Hour Factor	0.77	0.77	0.87	0.87	0.88	0.88
Hourly flow rate (vph)	191	69	389	303	59	227
Direction, Lane #	WB 1	NB 1	SB 1			
Volume Total (vph)	260	692	286			
Volume Left (vph)	191	0	59			
Volume Right (vph)	69	303	0			
Hadj (s)	0.06	-0.20	0.11			
Departure Headway (s)	6.4	5.1	5.9			
Degree Utilization, x	0.46	0.98	0.47			
Capacity (veh/h)	547	704	599			
Control Delay (s)	14.9	50.5	14.0			
Approach Delay (s)	14.9	50.5	14.0			
Approach LOS	B	F	B			
Intersection Summary						
Delay			34.6			
Level of Service			D			
Intersection Capacity Utilization			68.7%	ICU Level of Service	C	
Analysis Period (min)			15			

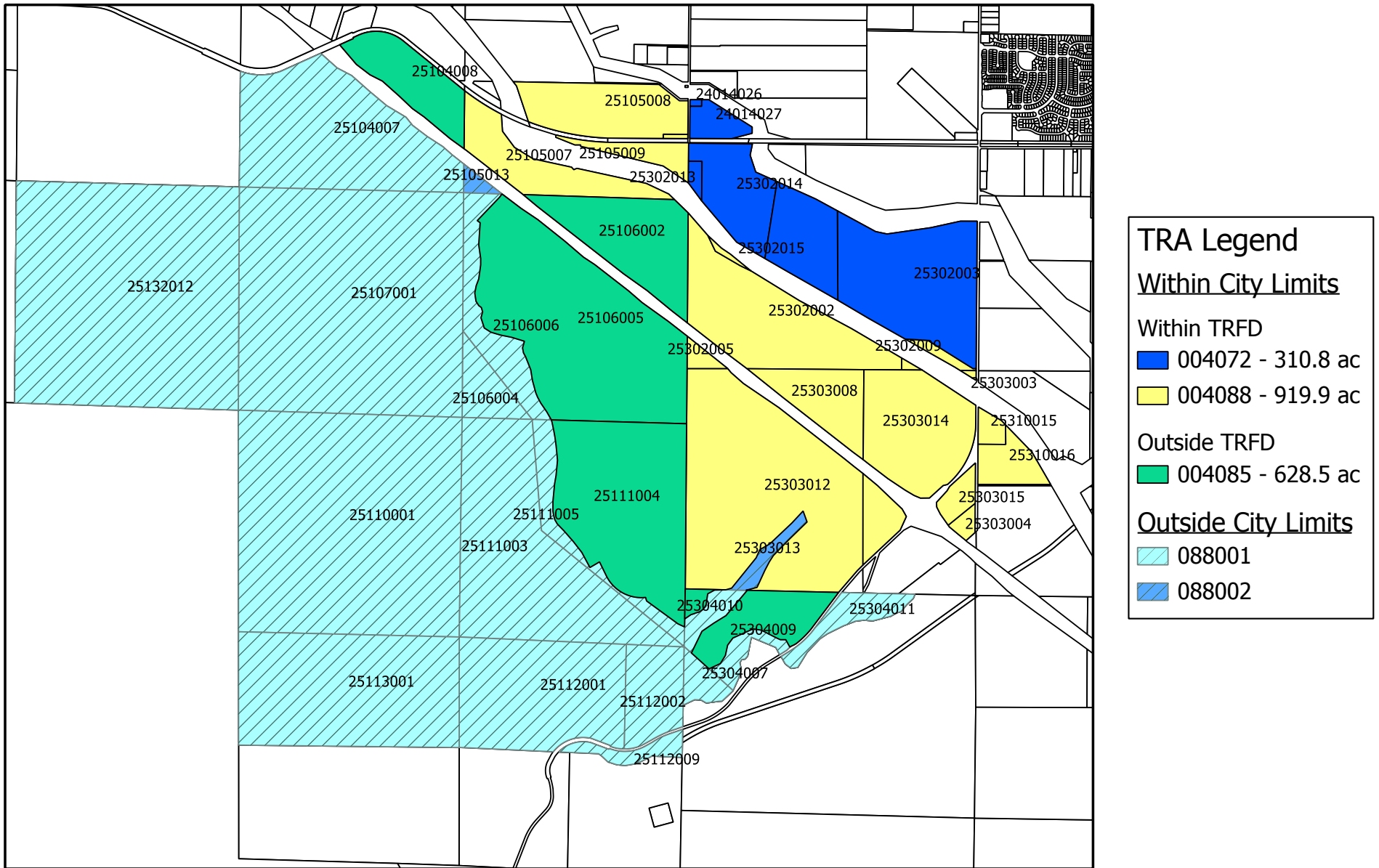


**TRACY HILLS SPECIFIC PLAN  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
VOLUME IV  
JANUARY 2016**

**APPENDIX C**

TAX RATE AREA (TRA) MAP





Sources: San Joaquin County Community Development GIS, Goodwin Consulting Group, Inc.  
1. Tracy Rural Fire Department

FIGURE C - 1  
**TRACY HILLS TAX RATE AREA (TRA) MAP**



**TRACY HILLS SPECIFIC PLAN  
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
VOLUME IV  
JANUARY 2016**

**APPENDIX D**

FONSI-09-149



# Introduction

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the Bureau of Reclamation (Reclamation), has determined that an Environmental Impact Statement (EIS) is not required to approve the execution of a long-term (up to 40-year) exchange contract and a long-term (up to 40-year) license with Byron-Bethany Irrigation District (BBID). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment (EA)-09-149 *Long-term Contract for the Exchange of Water between the Bureau of Reclamation and Byron-Bethany Irrigation District – Delta Division and San Luis Unit*, and is hereby incorporated by reference.

Reclamation provided the public with an opportunity to comment on the Draft FONSI and Draft EA between October 1, 2012 and October 31, 2012. No comment letters were received. Changes from the draft EA that are not minor editorial changes are indicated by vertical lines in the left margin of the EA.

## Background

BBID is a multicounty special district, established under state law primarily to provide water to lands in Alameda, Contra Costa, and San Joaquin Counties. BBID has two water service areas: a Central Valley Project (CVP) water service area (approximately 5,800 acres) that receives CVP water and the Byron Service area (approximately 16,300 acres) which is served by non-CVP water. BBID is located in the vicinity of the City of Tracy (City) and portions of the district overlap with the current City boundaries as well as the City's sphere of influence. Although BBID is primarily an agricultural district, urban development has increased conversion of land use from agriculture to municipal and industrial (M&I). Since the 1990s, approximately 6,000 acres of land in BBID have been converted to M&I use. Under agreements with the City, BBID provides raw water for treatment and retail delivery to a portion of BBID's M&I customers located within the area of overlapping City and BBID boundaries.

The approximately 6,000 acre Tracy Hills Development (Tracy Hills) has been proposed for construction in the southwest portion of the City. The development will include up to 5,499 dwelling units, ranging from estate lots to apartments (Tracy Hills Specific Plan Environmental Impact Report 1997). In 1998, the City annexed Tracy Hills and in 1999, 2,006 acres of Tracy Hills was annexed into BBID's Raw Water Service Area 2 (RWSA2). As RWSA2 is located within BBID's Byron Service area, BBID intends to use a portion of their pre-1914 water right entitlement to meet the water needs of the development. Buildout of Tracy Hills is expected to occur over a period of 30 years, beginning in 2014.

The 1999 BBID annexation agreement identified a potential need in RWSA2 for up to 6,000 acre-feet (AF) per year (AFY) of water. However, the annexation agreement was amended in 2003 in order to clarify the financial terms and water delivery options for Tracy Hills. Included among the changes to the annexation agreement was a reduction in the Tracy Hills water demand and, thus, a reduction in the maximum BBID allocation of water needed in

RWSA2. In accordance with the 2003 amended BBID annexation agreement, a maximum of 4,500 AFY of raw water is required to meet M&I purposes within RWSA2.

On May 28, 2003, BBID and the California Department of Water Resources (DWR) executed an agreement addressing their respective operations, including an acknowledgement by DWR of BBID's right to divert up to 50,000 AFY of water from the San Joaquin-Sacramento River Delta [Delta] (BBID and DWR 2003). The 2003 agreement reaffirms BBID's current point of diversion in the Intake Channel (Milepost [MP] 1.83) to the Harvey O. Banks Pumping Plant. The 2003 agreement acknowledges that BBID may "furnish water...to the Tracy Hills portion of the District" (BBID and DWR 2003). Pursuant to the 2003 agreement with DWR, delivery of water under BBID's pre-1914 water right to Tracy Hills is limited to months during the historic irrigation season (March through October). In order to deliver water to the development over a 12-month period, BBID has requested that Reclamation enter into a long-term exchange contract for introduction of up to 4,500 AF of their pre-1914 water right water (non-CVP water), plus up to an additional 225 AFY to cover conveyance losses, at MP 3.32R on the Delta-Mendota Canal (DMC). BBID has also requested a long-term license for placement, maintenance, and operation of a pipeline within Reclamation's rights-of way (ROW).

## **Proposed Action**

Reclamation proposes to execute a long-term (up to 40-year) exchange contract and a long-term (up to 40-year) license with BBID for introduction of up to 4,500 AFY, plus up to an additional 225 AFY to cover conveyance losses, of its non-CVP water at MP 3.32R between March and October to meet Tracy Hills demand. All introduced water will be exchanged with Reclamation at the point of introduction. Exchanged water will either be delivered to MP 15.88L for treatment at the City's water treatment plant prior to delivery to Tracy Hills or will be stored within San Luis Reservoir for later delivery. Exchanged water may only be used within the Consolidated Place of Use as shown in Appendix A of EA-09-149. As the exchanged water stored in San Luis Reservoir cannot be pumped upstream for delivery to MP 15.88L when called upon, the stored exchanged water will be used by Reclamation to meet CVP demands and a like amount of CVP water will be delivered to MP 15.88L.

Introduction of BBID's non-CVP water and storage of exchanged water will be scheduled annually with Reclamation and will be subject to excess capacity, operational constraints, and environmental requirements, as applicable. No Project Use Power will be used for the Proposed Action.

The license will allow BBID to access federal land to install an aboveground pipeline at the DMC as well as maintain and operate the structure on Reclamation's ROW. No construction or modifications to the DMC are required for the Proposed Action; however, improvements to existing BBID facilities as well as a new underground pipeline will be required for introduction of BBID's non-CVP water to the DMC as described in EA-09-149.

## **Environmental Commitments**

BBID shall implement the following environmental protection measures to reduce environmental consequences associated with the Proposed Action (Table 1).



Environmental consequences for resource areas assume the measures specified will be fully implemented. Copies of all reports and monitoring shall be submitted to Reclamation.

**Table 1 Environmental Protection Measures and Commitments**

Resource	Protection Measure
Water Resources	Prior to construction, a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer would prepare a SWPPP and a Qualified SWPPP Practitioner would implement the SWPPP in order to minimize the amount of pollutants discharged in storm water from the site.
Water Resources	BBID must comply with Reclamation's then current water quality standards (see Appendix C of EA-09-149 for Reclamation's most recent standards).
Biological Resources	At least 30 calendar days prior to ground disturbance, BBID shall (a) purchase 8.49 acres compensation land for the loss of habitat, place a U.S. Fish and Wildlife Service (Service) approved conservation easement on that land, and arrange for Service approved management and endowment, or (b) purchase and endow compensation land with a Service approved conservation bank.
Biological Resources	At least 15 days prior to any ground disturbing activities; the applicant will submit to the Service, for review, the qualifications of the proposed biological monitor(s). Upon Service approval, the biologist(s) will be given the authority to stop any work that may result in the take of listed species. If the on-site biologist(s) exercises this authority, the Service and Reclamation will be notified by telephone and electronic mail within 1 working day. The on-site biologist(s) will be the contact for any employee or contractor who might inadvertently kill or injure a California red-legged frog, San Joaquin kit fox or California tiger salamander, or anyone who finds a dead, injured, or entrapped individual of these species. The on-site biologist(s) will possess a working cellular telephone whose number will be provided to the Service. Should take occur of a California red-legged frog, San Joaquin kit fox or California tiger salamander individual, the Service-approved biologist(s) will contact Reclamation, the Service, and the California Department of Fish and Wildlife (CDFW) within 24 hours of the discovered occurrence.
Biological Resources	Preconstruction surveys for the California red-legged frog, San Joaquin kit fox, and the California tiger salamander will be performed immediately prior to groundbreaking activities. A Service-approved biologist will conduct the surveys and results will be provided to Reclamation for review. If, at any point, activities associated with the project cease for more than 15 consecutive days, additional preconstruction surveys will be conducted prior to the resumption of these actions.
Biological Resources	Preconstruction surveys for San Joaquin kit fox dens will be conducted within a minimum of 200 feet of the project area. Results will be provided to Reclamation for review. Any natal dens encountered will be avoided, in consultation with the Service, by a minimum of 100 feet for known dens and a minimum of 50 feet for potential dens. Non-natal dens will be monitored for a minimum of 3 days to determine their current use. If no San Joaquin kit fox activity is observed during this period, the den will be destroyed to prevent future use by San Joaquin kit fox. If San Joaquin kit fox activity is observed at the den during this period, the den will be monitored for at least 5 consecutive days from the time of the observation to allow any resident animal to move to another den during its normal activity. Use of the den will be discouraged during this period by partially plugging its entrance(s) with soil in such a manner that any resident animal can escape easily. Only when the den is determined to be unoccupied will it be excavated under the direction of a Service-approved biologist. If the animal is still present after 5 or more consecutive days of plugging and monitoring, the den will be excavated when, as determined by a Service-approved biologist, it is temporarily vacant (for example, during the San Joaquin kit fox's normal foraging activity). Potential dens will be temporarily marked for avoidance by a minimum of 50 feet and further studied by a Service-approved biologist. Destruction of potential dens will occur only after a Service-approved biologist determines that no San Joaquin kit fox are inside. To determine the presence of San Joaquin kit fox, the potential den will be fully excavated to the end by either hand or machinery. Once determined empty, the den will be filled with dirt and compacted to ensure that San Joaquin kit fox cannot enter or use the den during the construction period. If any potential den is determined to be currently or previously used by San Joaquin kit fox, the measures described above for natal and

Resource	Protection Measure
Biological Resources	<p>non-natal dens (as applicable) will be followed.</p> <p>A Service approved biologist will monitor any California tiger salamanders or California red-legged frogs observed during preconstruction surveys and submit a report to Reclamation for review. Any California tiger salamander or California red-legged frog would be allowed to passively leave the site or, if determined necessary by a Service-approved biologist, removed from the work area(s) and relocated to an appropriate location.</p>
Biological Resources	<p>Prior to the start of groundbreaking activities, all construction personnel will receive worker education training on listed species and their habitats by a Service-approved biologist or a video recording of said biologist. The importance of these species and their habitat will be described to all employees as well as the minimization and avoidance measures that are to be implemented as part of the project. An educational brochure containing color photographs of all listed species in the work area(s) will be distributed to all employees working within the project site(s). Workers will also be informed of appropriate measures to take should a toxic materials spill occur. A list of employees who attend the training sessions will be maintained by the applicant to be made available for review by the Service and the CDFW upon request. Contractor training will be incorporated into construction contracts and will be a component of weekly project meetings.</p>
Biological Resources	<p>Wildlife exclusion fencing will be established around the perimeter of the 0.8-acre pump facility, 2-acre laydown area, 0.5-acre access road, and 3.73-acre pipeline corridor. All fencing will be, at minimum, buried 6 inches into the ground and extend 36 inches above ground level to discourage listed animals from entering the site. Exclusion fencing will remain around the specified work areas for the duration of ground disturbing activities.</p>
Biological Resources	<p>A Service-approved biologist will be onsite at all times during initial ground-breaking activities until wildlife exclusion fencing is installed around the pump facility, access road, laydown area, and pipeline corridor. Upon completion of these activities, a Service-approved biologist will inspect all wildlife and wetland exclusion fencing as well as construction zone fencing or flagging associated with the specified areas each week, at minimum, for the duration of construction to ensure fencing integrity. A Service-approved biologist will also survey wildlife exclusion and construction perimeter fencing on a daily basis to look for tears and to ensure no California tiger salamander or California red-legged frog have become trapped along the fence line. BBID will maintain and/or replace these barriers immediately if necessary.</p>
Biological Resources	<p>All work areas and designated temporary travel corridors will be clearly delineated via flagging, signage, or other similar methods to minimize construction disturbances beyond the work area. Vehicles will only enter temporary travel corridors when dry soil conditions exist to avoid the creation of tire ruts or other impacts to the ground surface.</p>
Biological Resources	<p>If vehicles must access temporary travel corridors during wet soil conditions during winter months, then BBID would implement stabilization measures (i.e. construction mats) to prevent rutting in the temporary travel corridors.</p>
Biological Resources	<p>A Service-approved biologist and the construction manager will be notified immediately if a California tiger salamander, California red-legged frog, or San Joaquin kit fox are observed anywhere within the property. If the observed animal is a California tiger salamander or California red-legged frog, a Service-approved biologist will monitor these animals and determine if they are in danger of take from construction activities, predators, or entrapment. If they are, all construction in the immediate area will cease until the animal is allowed to passively leave the site. If this is not possible, a Service-approved biologist will remove the California tiger salamander or California red-legged frog from the property in a cool, moist container and relocate these individuals to an appropriate location. Upon release of these animals, a Service-approved biologist will monitor the individual until it is determined that it is in no imminent danger. If a San Joaquin kit fox is observed on the site, construction activities that will directly affect the individual will cease until the animal passively leaves the site. Field survey forms will be completed for all California tiger salamander, California red-legged frog, or San Joaquin kit fox observations. These forms will be submitted to Reclamation and to the California Natural Diversity Data Base (CNDDB) prior to completion of construction activities.</p>
Biological Resources	<p>To the maximum extent practicable, fossorial mammal burrows that may provide</p>

Resource	Protection Measure
	refugia habitat for California tiger salamander and California red-legged frog will be avoided during the construction and long-term operation of the pipeline. Exclusion fence and/or plywood will be placed around areas with high concentrations of burrows during the course of construction activities to avoid the destruction of these features.
Biological Resources	All potentially occupied small mammal burrows and other refugia suitable for California tiger salamander estivation habitat (e.g., underground holes, cracks, or niches) within fenced construction areas will be excavated in order to salvage and relocate California tiger salamander that would otherwise be harmed. A mini-excavator and hand tools will be used to excavate these burrows, under the supervision of a Service-approved biologist.
Biological Resources	A protocol-level field survey (Appendix F of EA-09-149) for burrowing owls would be completed prior to ground disturbance. Measures for avoiding "take" of burrowing owl as described in Appendix F would be implemented during construction. Specific attention should be provided to project schedule and seasonal constraints associated with clearance of burrows (i.e., passive relocation) that may be occupied by nesting burrowing owls.
Biological Resources	Topsoil removed from the temporary laydown area, access road, pump facility, and pipeline trenching locations will be stockpiled and reserved for the duration of construction activities. Upon completion of these actions, temporarily disturbed areas will be graded and restored with reserved topsoil to facilitate the re-establishment of fossorial mammal populations and upland listed species habitats. Any surplus topsoil will be hauled off site and disposed of at an appropriate facility.
Biological Resources	Potential effects to water quality from contaminated runoff or airborne dust will be avoided by the implementation of standard erosion and/or sedimentation control devices, fugitive dust management, avoidance, and other best management practices (BMPs) prescribed by BBID's approved SWPPP and Fugitive Dust Mitigation Plan. As-needed dust control measures (e.g., wetting dry ground) will minimize airborne transmission of soil particles into aquatic habitats. Equipment fueling, maintenance, and repairs as well as storage of hazardous materials such as fuels and lubricants will be limited to areas 250 feet or greater from any wetlands or drainage areas. Other hazardous material BMPs, including but not limited to secondary containment and not topping off fuel tanks will be enforced to prevent soil contamination. Prior to the start of construction activities, an emergency spill plan will be developed as part of SWPPP requirements and will be readily available to all employees throughout the duration of work activities. This plan will include appropriate prevention and cleanup measures for both upland and aquatic areas.
Biological Resources	Plastic monofilament netting or similar material will not be used for erosion control matting at the project site to avoid the entanglement or entrapment of California tiger salamander or California red-legged frog individuals.
Biological Resources	To prevent the accidental entrapment of listed species during construction, all excavated holes or trenches deeper than 6 inches will be covered at the end of each workday with plywood or similar materials. Foundation trenches or larger excavations that cannot easily be covered will be ramped at the end of the workday to allow trapped animals an escape method. Prior to the filling of such holes, these areas will be thoroughly inspected for listed species by a Service-approved biologist. In the event of a trapped animal is observed, construction will cease until the individual has been relocated to an appropriate location and Reclamation notified.
Biological Resources	All construction pipes, culverts, or similar structures greater than 4 inches in diameter that are stored at the laydown area overnight will be securely capped before storage or will be thoroughly inspected for San Joaquin kit fox and other sensitive species prior to pipe installation or capping to avoid entrapment or injury of this animal. If a San Joaquin kit fox or other sensitive species is discovered inside a pipe, that section of pipe will not be moved until Reclamation, the Service, and CDFW have been contacted by a Service-approved biologist to determine the appropriate course of action.
Biological Resources	No discharge of pollutants from vehicle and equipment cleaning, maintenance, or repair will be allowed into storm drains, wetlands, or watercourses. No discharge of sediment-laden water from project-related activities will be allowed into storm drains, wetlands, or watercourses.

Resource	Protection Measure
Biological Resources	All trash and debris within the work area will be placed in containers with secure lids before the end of each work day in order reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left on-site. Containers will be emptied as necessary to prevent trash overflow onto the site and all rubbish will be disposed of at an appropriate off-site location.
Biological Resources	To the maximum extent practicable, construction will only occur between 7 a.m. and 7 p.m. to limit the need for night lighting, which could attract California tiger salamanders or California red-legged frogs into the construction area and/or provide additional light for nighttime predators, increasing mortality of these animals.
Biological Resources	All vehicles entering the work area(s) will be confined to existing roads or approved temporary routes. Speed limits within the work area(s) will be limited to 15 miles per hour. Trash dumping, firearms, and pets will be prohibited in the project area(s).
Biological Resources	Upon completion of construction activities, all debris and materials associated with construction will be removed and areas not needed for the long-term operation of the site will be re-contoured to match adjoining grades. Post construction BMPs (as prescribed in the SWPPP) will be implemented, including reseeding all areas as necessary to facilitate timely vegetative restoration.
Cultural Resources	If cultural resources or materials are discovered during ground-disturbing activities, the work near the discovery would cease. Reclamation's archaeologist would be contacted and the area would be protected until the find is evaluated by a qualified archaeologist.
Cultural Resources	If human remains are encountered, the County Coroner would be notified of the find immediately. If the remains are determined to be Native American, the County Coroner would notify the Native American Heritage Commission, which would determine and notify a most likely descendant. The most likely descendant would complete an inspection within 48 hours of notification by the Native American Heritage Commission. The most likely descendant may recommend scientific removal and analysis of human remains and items associated with Native American burials.
Paleontological Resources	If fossil remains are discovered during ground-disturbing activities, the work near the discovery would cease and the area would be protected until the find is evaluated by a qualified paleontologist. The paleontologist would be responsible for sampling and data recovery, if needed; museum storage coordination for specimens and data recovered; and reporting.
Air Quality and Global Climate	<p>The following measures would be implemented to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• Idling times would be minimized by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations).</li> <li>• Clear signage would be provided for construction workers at all access points.</li> <li>• Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) would be watered two times per day.</li> <li>• Haul trucks transporting soil, sand, or other loose material offsite would be covered.</li> <li>• Visible mud or dirt track-out onto adjacent public roads would be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping would be prohibited.</li> <li>• Construction equipment would be maintained and properly tuned in accordance with manufacturer's specifications. Equipment would be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Vehicle speeds on unpaved roads would be limited to 15 mph.</li> </ul>
Hazards and Hazardous Materials	Prior to construction, a Qualified SWPPP developer would prepare a SWPPP that would include best management practices for managing and handling hazardous materials. The SWPPP would define protocol for emergency procedures, handling, and disposal of hazardous materials if an accidental spill occurs during construction.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

## **Findings**

### **Water Resources**

Under the Proposed Action, Reclamation will execute the proposed long-term contract and license with BBID which will allow BBID to construct an aboveground pipeline within Reclamation ROW in order to introduce up to 4,500 AF, plus up to an additional 225 AFY for conveyance losses, of their non-CVP water to the DMC at MP 3.32R. Introduced water, less conveyance losses, will be exchanged with Reclamation at the point of introduction. Exchanged water will either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery. As the stored water cannot be pumped upstream in the DMC for delivery to MP 15.88L when called upon, stored exchanged water will be used by Reclamation to meet CVP demands and an equivalent amount of CVP water will be delivered to MP 15.88L via the DMC. No additional CVP water will be pumped in order for this to occur as the stored water will be used to meet CVP demands in lieu of CVP water which will then be delivered to MP 15.88L. Introduction and storage of the exchanged water is dependent on available capacity and operational constraints; therefore, the Proposed Action will not interfere with the normal operations of federal facilities nor will it impede any CVP obligations to deliver water to other contractors or to local fish and wildlife habitat nor will the Proposed Action interfere in the quantity or timing of diversions by the CVP from the Delta.

### **Water Quality**

All waters introduced into the DMC must meet Reclamation water quality standards as described in Appendix C of EA-09-149 (currently Title 22 of the California Code of Regulations). If BBID's non-CVP water fails to meet Reclamation's then current criteria for discharging non-CVP water into federal facilities, introductions will cease until BBID's non-CVP water meets this criteria. Surface water quality at the ephemeral water feature and stock pond located east and downslope of the proposed pipeline could be affected as a result of construction related to the Proposed Action due to potential erosion of stockpiles and spoil piles. As described in Section 2.2.2 of EA-09-149 and included in Table 1, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared by a Qualified SWPPP Developer and implemented during construction to minimize these potential impacts. Therefore, there will be no significant impacts to water quality as a result of the Proposed Action.

### **BBID Operations**

The amount of water diverted by BBID for the contract is part of their existing water rights entitlement and will not require any new diversions. This water is only a small percentage of their total entitlement (approximately 9 percent) and will not impact BBID's ability to service other agricultural or M&I users. In addition, construction activities for the Proposed Action that could impact BBID's deliveries will be timed in order to prevent impacts to their existing water users. Therefore, there will be no impacts to water resources within BBID.

**City of Tracy Operations**

BBID is currently pursuing a wholesale water agreement with the City for treatment and delivery of the exchanged water to Tracy Hills. Exchanged water to be delivered at MP 15.88L for treatment by the City will be coordinated with the City prior to delivery in order to prevent any impacts to the City's water resources and infrastructure. Alternative supplies from existing City supplies will be available for use within the Tracy Hills Development on a temporary basis should the introduction of BBID's non-CVP water and/or the exchanged water be subject to excess capacity or operational constraints; therefore, there will be no significant impacts to the City's water resources.

**Groundwater**

No groundwater will be pumped under the Proposed Action. The use of surface water within Tracy Hills is not expected to impact groundwater levels as it will be used to meet M&I demands. The proposed improvements at or near Pump Station 3 will not disturb soil below the water level in the intake channel; however, should any groundwater be encountered, portable sump pumps will be used in accordance with best management practices identified in the SWPPP developed for the Proposed Action. In addition, dewatering of trenches along the pipeline route or near the DMC is not anticipated; however, if needed, trenches will also be dewatered using portable sump pumps in accordance with the SWPPP. Therefore, there will be no significant impacts to groundwater resources as a result of the Proposed Action.

**Land Use**

The existing trend of land use conversion within the San Joaquin Valley from farmland to urban land uses will continue as it has in the past with or without the Proposed Action. The Proposed Action will not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use within the Proposed Action area.

The construction of the project will result in the permanent loss of 0.73 acre and temporary loss of 6.3 acres for a total of 7.03 acres. The area of disturbance for the proposed improvements at BBID's Pump Station 3 (see Section 2.2.2 of EA-09-149) is approximately 0.8 acre, of that 0.5 acre will be permanently disturbed and 0.3 will be temporarily disturbed. The laydown and stockpiling area will result in the temporary disturbance of 2.0 acres. Installation of the pipeline requires a total of 3.73 acres, of which 3.5 will be temporarily and 0.23 acre will be permanently disturbed. The access road stabilization will result in the temporary disturbance of 0.5 acre. The Proposed Action will not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use because impacts either will be temporary or will occur in areas already containing irrigation facilities. Although a portion of this area is listed under Williamson Act contracts, the construction of irrigation facilities is considered to be a compatible agricultural use and will not change its land use designation. In addition, the majority of the area impacted by construction will be restored to its original use once construction was completed. Therefore, the Proposed Action will not result in significant impacts on land use.

**Biological Resources**

Many of special-status plants and animals described in Table 3-1 of EA-09-149 are unlikely to occur within the boundaries of the disturbed land areas. However, birds protected by the Migratory Bird Treaty Act and federally-listed species and critical habitat that occur or could

occur in the vicinity of the Proposed Action area include: burrowing owl, California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox.

### ***Migratory Birds***

There is potential nesting habitat for burrowing owl in the action area. Potential impacts to burrowing owls will be avoided and or minimized by implementing the environmental protection measures described in Table 1. Therefore, there will be no take of birds protected under the Migratory Bird Treaty Act.

### ***Federally-listed Species***

The construction of the project will result in the permanent loss of 0.73 acre and temporary loss of 6.3 acres of suitable upland habitat for a total of 7.03 acres. The area of disturbance for the proposed improvements at the pump station is approximately 0.8 acre, of that 0.5 acre will be permanently disturbed and 0.3 will be temporarily disturbed. The laydown and stockpiling area will result in the temporary disturbance of 2.0 acres. Installation of the pipeline requires a total of 3.73 acres, of which 3.5 will be temporarily and 0.23 acre will be permanently disturbed. The access road stabilization will result in the temporary disturbance of 0.5 acre. In order to minimize the effects of this disturbance and to comply with the Biological Opinion issued by the Service and the commitments required in Table 1, BBID will purchase 8.49 acres of credits at the Mountain House Conservation Bank. The credits were calculated using the Standard Ratios from the East Alameda County Conservation Strategy for permanent effects and the programmatic biological opinion for the temporary effects (ICF International 2010, Service 2012).

Activities associated with the construction may result in the entombment or crushing of any wildlife located in small mammal burrows within the pipeline construction corridor, construction area associated with BBID's Pump Station 3, and laydown and stockpiling area located adjacent to BBID's Pump Station 3 (see Section 2.2.2 of EA-09-149). Crushing of burrows could also reduce the number of prey species (e.g., California ground squirrel) in the area for San Joaquin kit fox. In addition, individuals that are exposed on the surface during excavation or grading may also be crushed and killed or injured by construction activities. Likewise, individuals that take refuge under equipment or materials at night when moving across the landscape may be harmed during the day when equipment or materials are moved.

California red-legged frog, California tiger salamander, and San Joaquin kit fox could fall into the trenches for the new turnout and pipeline and be killed (through desiccation, entombment, or predation) if those trenches are left open overnight. Even with the use of "amphibian-friendly" barrier fencing wildlife could become trapped.

Construction activities would result in a temporary increase in vehicle traffic on the improved and unimproved roadways that lead to the construction site. Although, the increase in traffic is likely to occur only on Bruns Road, Kelso Road, and the unimproved road into the site, an unknown number of dispersing California red-legged frog, California tiger salamander, or San Joaquin kit fox may experience roadway mortality during construction. These effects may occur during any season but would most likely occur to California red-legged frog and California tiger salamander when local, seasonal aquatic sites begin to dry down.

The proposed project is within California red-legged frog critical habitat Unit CCS-2B, but is not expected to appreciably diminish the value of the critical habitat for the California red-legged frog, or prevent the proposed critical habitat from sustaining its role in the conservation and recovery of this species.

Formal consultation was initiated with the U.S. Fish and Wildlife Service (Service) to resolve the potential for impacts to protected species. Reclamation received a non-jeopardy biological opinion from the Service on December 9, 2013, addressing impacts to the California red-legged frog, California red-legged frog critical habitat, California tiger salamander, and San Joaquin kit fox (see Appendix H of EA-09-149). As the Proposed Action will incorporate the conditions imposed by the Biological Opinion (see Table 1 and Appendix H of EA-09-149), the potential for impacts to the species has been determined to not be significant.

### **Cultural Resources**

The Proposed Action was determined to be the type of action that had the potential to cause effects to historic properties. Accordingly, Reclamation initiated the Section 106 process which included a review of existing records and literature, a field reconnaissance, and Native American consultation as documented in the report by CH2M Hill titled “Cultural Resources Assessment of a 5.9-acre Parcel for the Tracy Hills Water Supply Project, Byron Bethany Irrigation District, Alameda County, California” (August 2011). These efforts resulted in the identification of four built-environment historic cultural resources in the APE (DMC, Canal 70, Canal 120, and Canal 155), all of which are water conveyance features. Based on these efforts, Reclamation determined that there will be no significant effect to historic properties, made pursuant to 36 CFR Part 800.5(b), and initiated consultation with the State Historic Preservation Officer (SHPO) on September 7, 2011. No response to date has been received by SHPO. Due to the passage of more than 30 days for the SHPO review period, Reclamation has concluded the Section 106 process for this undertaking. See Appendix I of EA-09-149 for Reclamation’s determination.

Environmental protection measures have been included in the Proposed Action (see Table 1) should cultural resources be uncovered during construction activities. These measures will minimize any potential impacts to cultural resources should they be discovered.

### **Indian Sacred Sites**

The Proposed Action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites. There will be no impacts to Indian sacred sites as a result of the Proposed Action.

### **Indian Trust Assets**

On February 8, 2010, Reclamation determined that the Proposed Action will not impact Indian trust assets as there are none in the Proposed Action area. The nearest Indian trust asset is Lytton Rancheria approximately 42 miles northwest of the Proposed Action area. See Appendix J of EA-09-149 for Reclamation’s determination.



### **Environmental Justice**

The Proposed Action does not propose any features that will result in significant human health or environmental effects, have any physical effects on minority or low-income populations, and/or alter socioeconomic conditions of populations that reside or work in the vicinity of the Proposed Action.

### **Socioeconomic Resources**

The water associated with the Proposed Action will be used by Tracy Hills which has already been planned and approved for development by the City. Construction activities may provide temporary beneficial impacts through employment opportunities for local residents. Therefore, there may be a slight beneficial impact to socioeconomic resources as a result of the Proposed Action.

### **Air Quality**

Operation of the pipeline will not contribute to criteria pollutants as delivery of water to the DMC will be done via electrical pumps. Air quality emissions from electrical power have been considered in environmental documentation for the generating power plant and are part of the existing baseline conditions. In addition, movement of water in the DMC between MP 3.32R and MP 15.88L will be done via gravity and will not result in air quality impacts. However, construction activities such as excavation, grading, and vehicle travel will cause an increase in inhalable particulate matter between 2.5 and 10 microns in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) due to dust and exhaust emissions. In addition, exhaust emissions of nitrogen oxides and reactive organic gases from construction can contribute to ozone formation. Emissions of carbon monoxide and sulfur dioxide were also calculated for construction activities. Environmental protection measures have been incorporated into the Proposed Action in order to minimize emissions from construction activities (see Table 1). In addition, construction exhaust emissions and fugitive dust emissions were estimated using the URBEMIS Version 9.2.4 and were found to be less than the Bay Area Air Quality Management District's thresholds of significance; therefore, there will be no significant impacts to air quality as a result of the Proposed Action and a conformity analysis pursuant to the Clean Air Act is not required.

### **Global Climate**

As described above, operation of the proposed pipeline is done via electrical pumps which are part of baseline conditions. However, construction under the Proposed Action would involve short-term impacts due to construction-related emissions. Construction emissions of carbon dioxide (CO<sub>2</sub>) were estimated using the URBEMIS Version 9.2.4 as 139 metric tons (see Appendix G of EA-09-149). This amount has been converted to CO<sub>2e</sub> using the EPA's GHG Equivalencies Calculator as 147 metric tons of CO<sub>2e</sub>. Although, operation of BBID's Pump Station 3 is part of baseline conditions, estimated annual emissions for the maximum (8 month) pump-in schedule would be about 752 metric tons per year of CO<sub>2e</sub> (Table 3-5 in EA-09-149), which is negligible compared to the EPA's 25,000 metric tons per year threshold for annually reporting GHG emissions. Accordingly, construction and operations under the Proposed Action will result in below *de minimis* impacts to global climate change.

## Cumulative Impacts

Cumulative impacts result from incremental impacts of the Proposed Action or No Action alternative when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. To determine whether cumulatively significant impacts are anticipated from the Proposed Action or the No Action alternative, the incremental effect of both alternatives were examined together with impacts from past, present, and reasonably foreseeable future actions in the same geographic area.

As in the past, hydrological conditions and other factors are likely to result in fluctuating water supplies which drives requests for water service actions. Water districts aim to provide water to their customers based on available water supplies and timing, all while attempting to minimize costs. A myriad of water service actions are approved and executed each year to facilitate water needs. Each water service transaction involving Reclamation undergoes environmental review prior to approval.

Existing or foreseeable projects, in addition to the proposed long-term contract and license with BBID, which could affect or could be affected by the Proposed Action or No Action alternative, include the following:

**Delta-Mendota Canal/California Aqueduct Intertie** A 500 linear feet intertie has been constructed by Reclamation and DWR in an unincorporated area of the San Joaquin Valley in Alameda County, west of the city of Tracy. The intertie is a shared federal-state water system improvement that connects the DMC (federal facility) and the California Aqueduct (state facility) via two 108-inch-diameter pipes and pumping capacity of 467 cfs. The Intertie addresses DMC conveyance conditions that had restricted use of the Jones Pumping Plant to less than its design capacity, potentially restoring as much as 35,000 AF of average annual deliveries to the CVP. Reclamation and DWR prepared an EIS/EIR for the intertie and a Record of Decision (ROD) was completed December 28, 2009.

**South-of-Delta Accelerated Water Transfer Program** The Central Valley Project Improvement Act (CVPIA) was signed into law in 1992 to mandate changes in management of the CVP. In addition to protecting, restoring, and enhancing fish and wildlife, one of the other purposes of the CVPIA is to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation. To assist California urban areas, agricultural water users, and others in meeting their future water needs, Section 3405(a) of the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.

After enactment of the CVPIA, Reclamation has historically acknowledged water transfers and/or exchanges between CVP contractors geographically situated within the same region and

who are provided water service through the same CVP facilities under an Accelerated Water Transfer Program. In 2010, Reclamation approved the continuation of the South-of-Delta Accelerated Water Transfer Program through February 29, 2016. Reclamation prepared EA-10-051, *Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors 2011-2015* and a FONSI was signed on February 14, 2011.

**Exchange Contractors 25-Year Water Transfer Program** The San Joaquin River Exchange Contractors are currently transferring up to 130,000 AF of their substitute water to Reclamation under a 10-year (March 1, 2005, through February 28, 2014) water transfer program. Under the current program, the San Joaquin River Exchange Contractors develop sources of water to temporarily reduce the need for delivery of substitute water by Reclamation. The sources of water developed by the San Joaquin River Exchange Contractors include a maximum of 80,000 AF from conservation, tailwater recapture, and groundwater as well as a maximum of 50,000 AF from voluntary temporary land fallowing. For each AF of water developed by the San Joaquin River Exchange Contractors, an in-kind amount of water is considered acquired and left within the CVP for Reclamation to deliver to CVP contractors or wildlife areas. Reclamation and the San Joaquin River Exchange Contractors prepared an EIS/EIR for the 10 year program and a ROD was completed March 23, 2005. As the program will expire soon, Reclamation and the San Joaquin River Exchange Contractors have proposed extending the program for another 25 years. Reclamation prepared an EIS for the transfer program and a ROD was completed July 30, 2013.

**Meyers Farms Groundwater Banking Program** The Meyers Family Farm Trust pursued development of the Meyers Farm Water Bank to store water in above-normal and wet years for later use during below-normal, dry, and critically-dry years. Under the banking program, CVP and non-CVP water to be banked flows from the Mendota Pool into five recharge ponds. Banked water is later extracted and pumped into Mendota Pool for exchange with Reclamation. The original project was analyzed in EA-05-09 *Meyers Farm Water Banking Project – Mendota, California* and a FONSI signed May 9, 2005. Two supplemental EAs and FONSIs for the project were prepared to increase the annual extraction rate and to add Banta-Carbona Irrigation District's non-CVP surface water to the banking program. In addition, Reclamation has recently received a request to increase the rate of extraction from Meyers Bank from 6,316 AFY to 10,526 AFY, to amend the cumulative total amount of CVP water banked from 35,000 AF to 60,000 AF at any given time, to increase the amount of Banta Carbona Irrigation District's non-CVP water conveyed in the DMC for banking from 5,000 AFY to 10,000 AFY, to approve the annual transfer of up to 5,000 AFY of Banta Carbona Irrigation District's CVP water in-lieu of their non-CVP water for banking at Meyers Bank, and to deliver banked water via exchange to other areas within the service area of San Luis Water District. The requested changes to the exchange agreement were analyzed in EA-11-013 entitled *Amendment to the Meyers Groundwater Banking Exchange Agreement* and a FONSI was signed on September 16, 2013.

**Groundwater Pump-in Programs for San Luis Unit and Delta Division Contractors** Under this project, participating CVP contractors within the Delta Division and San Luis Unit of the CVP could pump up to 50,000 AF total of groundwater into the DMC between March 1, 2012 through February 28, 2014 (Contract Years 2012 and 2013). The project was analyzed in EA-12-005 *Two-Year Exchange Agreements and/or Warren Act Contracts for Conveyance of*

*Groundwater in the Delta-Mendota Canal – Contract Years 2012 through 2014 (March 1, 2012 – February 28, 2014)* and a FONSI was completed on May 8, 2012. The action was previously conducted between March 1, 2010 through February 28, 2012 (Contract Years 2010 and 2011) and analyzed in EA-09-169. It is likely that these actions will be requested in the future.

**Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District** Reclamation has received a request from Mercy Springs and Fresno Slough to approve the annual transfer up to 1,300 AFY of Mercy Springs' CVP water and up to 4,000 AFY of Fresno Slough's CVP water over a nine-year period to Angiola Water District. The proposed transfers were analyzed in EA-12-021 entitled *Mercy Springs Water District and Fresno Slough Water District Multi-Year Transfers to Angiola Water District* and a FONSI was signed on August 23, 2012.

**Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District** Reclamation has executed five-year Warren Act contracts with Banta-Carbona Irrigation District, BBID, Patterson Irrigation District, and West Stanislaus Irrigation District for the conveyance and storage per contractor of up to 10,000 AFY of non-CVP surface water in the DMC through February 28, 2016. The project was analyzed in EA-09-156, *Five-year Warren Act Contracts for Banta-Carbona Irrigation District, Byron Bethany Irrigation District, Patterson Irrigation District, and West Stanislaus Irrigation District* and a FONSI was signed on March 8, 2010. In April 2012, Reclamation received a request from BBID to approve delivery of up to 5,000 AFY of their non-CVP water to Westlands Water District via the San Luis Canal. The additional points of delivery were analyzed in supplemental EA-12-052 *Additional Point of Delivery for Byron Bethany Irrigation District's non-Central Valley Project Water to Westlands Water District* and a FONSI was signed on June 15, 2012.

**Byron Bethany Irrigation District Long-term Water Transfer to Zone 7** BBID has entered into a long-term water transfer agreement with Zone 7 of the Alameda County Flood Control and Water Conservation District. Under the agreement, Zone 7 may purchase up to 5,000 AF of surplus water, with a minimum delivery of 2,000 AF from BBID for use within Zone 7. Surplus water is made available from BBID through temporary fallowing, permanent conversion of farmland, and water conservation. The Zone 7 water transfer was accounted for in a water supply study conducted by BBID prior to the 1999 annexation of 2,006 acres of Tracy Hills into BBID's RWSA2.

Reclamation's Proposed Action is the execution of a long-term contract and license with BBID for introduction of up to 4,500 AF, including up to 225 AFY to cover conveyance losses, of their non-CVP water to the DMC at MP 3.32R for exchange with Reclamation. Exchanged water will either be delivered to MP 15.88L or stored within San Luis Reservoir for later delivery as described previously. Introduction and storage of non-CVP water or exchanged water, including the Proposed Action, is subject to available capacity and operation constraints.

BBID's non-CVP water under the Proposed Action is approximately 9 percent of their pre-1914 water rights entitlement. Combined with the five year Warren Act contract described above, BBID has proposed to introduce for transfer or exchange up to 9,725 AFY of their pre-1914

entitlement into the DMC which is approximately 19 percent of their entitlement and will not impact BBID's ability to service other agricultural or urban water users; therefore, the Proposed Action will not cumulatively impact surface water resources within BBID.

Water service actions, like those described above, do not result in increases or decreases of water diverted from rivers or reservoirs. Each water service transaction involving CVP and non-CVP water undergoes environmental review prior to approval. The Proposed Action and No Action alternative and other similar projects will not interfere with the projects listed above, nor will they hinder the normal operations of the CVP and Reclamation's obligation to deliver water to its contractors or to local fish and wildlife habitat. Neither alternative, when added to other water service actions, will result in cumulative effects to water resources beyond historical fluctuations and conditions.

In recent years, land use changes within the San Joaquin Valley have involved the urbanization of agricultural lands. These types of changes are typically driven by economic pressures and are as likely to occur with or without the Proposed Action. In addition, land use within the Proposed Action area will be returned to its current use once construction was complete. Accordingly, no cumulative significant impacts on land use are anticipated.

Numerous activities continue to eliminate habitat for listed and proposed threatened and endangered species in the San Joaquin Valley. Habitat loss and degradation affecting both animals and plants continue as a result of urbanization, oil and gas development, road and utility right-of-way management, flood control projects, climate change, grazing by livestock, and agricultural practices. Listed and proposed animal species are also affected by poisoning, shooting, increased predation associated with human development, and reduction of food sources. All of these nonfederal activities are expected to continue to affect listed and proposed species in the San Joaquin Valley. The Proposed Action will temporarily disturb 6.3 acres of California red-legged frog and California tiger salamander uplands dispersal habitat during construction activities. This habitat will be returned to its preexisting condition once construction is complete. However, the Proposed Action will eliminate 0.73 acres of non-native grassland habitat that is considered suitable habitat for San Joaquin kit fox and which could also be utilized by California red-legged frog and California tiger salamander. BBID will implement the appropriate avoidance and minimization measures, including compensatory habitat, to address impacts to habitat as needed to minimize potential cumulative impacts.

The only cultural resources identified within the APE are four water conveyance features (DMC, Canal 70, Canal 120, and Canal 155). As none of these will be impacted by the Proposed Action and environmental protection measures have been included in the Proposed Action to minimize impacts should any cultural resources be uncovered during construction, there will be no cumulative significant impacts to cultural resources.

The Proposed Action, when added to other existing and proposed actions, may have a slight beneficial contribution to socioeconomics as it will help support and maintain jobs; however, these will be within historical variations and will not contribute to cumulative impacts.

The Proposed Action, when added to other existing and proposed actions, will not contribute to cumulative impacts to air quality since construction activities are short-term and well below *de minimis* thresholds. In addition, BBID has incorporated control measures in order to reduce any potential cumulative air quality impacts associated with the Proposed Action.

GHG impacts are considered cumulative impacts. Estimated annual CO<sub>2e</sub> emissions for operation of BBID's Pump Station 3 are 752 metric tons per year, which is well below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute cumulative significant impacts to global climate change. CVP water allocations are made dependent on hydrologic conditions and environmental requirements. Since Reclamation operations and allocations are flexible, any changes in hydrologic conditions due to global climate change will be addressed within Reclamation's operation flexibility and therefore water resource changes due to climate change will be the same with or without the Proposed Action.

As there will be no indirect or direct impacts to Indian Sacred Sites, Indian Trust Assets, or minority or disadvantaged populations, there will be no cumulative impacts to these resources.