



**AMPORTS Antioch Vehicle
Processing Facility Project**

**Final Initial Study / Mitigated
Negative Declaration and Response
to Comments**

August 18, 2021

Lead Agency:

City of Antioch
Community Development Department
Planning Division
200 H Street
Antioch, CA 94509

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AMPORTS Antioch Vehicle Processing Facility Project
Final Initial Study/Mitigated Negative Declaration

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1.0 INTRODUCTION

1.1 PURPOSE

This Final Initial Study (IS) and Mitigated Negative Declaration (MND; together, IS/MND) has been prepared for the AMPORTS Antioch Vehicle Processing Facility Project (“proposed project”) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The City of Antioch (“City”) is acting as the Lead Agency as defined by CEQA for the environmental review of the proposed project.

1.2 DESCRIPTION OF THE PROJECT

AMPORTS (Applicant) is proposing the AMPORTS Antioch Vehicle Processing Facility Project (proposed project) at 2301 Wilbur Avenue in the City of Antioch (City), California. The proposed project involves the construction of an automotive logistics and processing facility on an approximately 38.9-acre vacant site to store and process new automobiles shipped from overseas to be transported to dealerships throughout the San Francisco Bay Area. The project site operated as a containerboard and linerboard production facility from 1956 to 2002. It is mostly paved and developed with a 5,000 square foot metal warehouse building and a security guard station. The project site is also connected to an approximately 770-foot-long wharf located on the southern bank of the San Joaquin River. The main portion of the wharf is approximately 422 feet in length. The proposed project would involve structural upgrades to the existing wharf to accommodate vessels arriving at the site to off-load new automobiles. It would also involve the construction of a new pre-engineered metal building of approximately 25,328 square feet; grading and paving of the site for automobile storage; the demolition and construction of new utility connections; and stormwater improvements.

1.3 PROJECT LOCATION

The proposed project is located at 2301 Wilbur Avenue in the City of Antioch in Contra Costa County, California. The project site consists of two vacant parcels identified as Assessor’s Parcel Numbers (APN) 051-020-006 and 051-020-012. It is in the northeast portion of the City, adjacent to the San Joaquin River, and approximately 1.3 miles west of State Route (SR) 160.

1.4 REQUIRED PERMITS AND APPROVALS

This IS/MND would be used by the City as the Lead Agency to evaluate the potential environmental impacts of the proposed project.



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For the proposed project to be implemented, a series of actions and approvals would be required from multiple agencies. Anticipated project approvals/actions would include, but are not limited to, the following:

- Use Permit: City of Antioch
- Design Review: City of Antioch
- Variance: City of Antioch
- California State Lands Commission Lease Agreement
- Clean Water Act Section 404 Permit
- Clean Water Act Section 401 Permit
- Rivers and Harbors Act Section 10 Permit
- California Department of Fish and Wildlife Lake and Streambed Alteration Agreement

Other ministerial approvals such as building permits, grading permits, and encroachment permits are also anticipated. Additionally, all work related to improvements and project grading would be subject to the City of Antioch Municipal Code, including the Zoning Code, Building Code, and Fire Code.

1.5 PUBLIC REVIEW PROCESS

On July 2, 2021, the City circulated a Notice of Availability of the Draft IS/MND for a 30-day review and comment period by the public and responsible and reviewing agencies. The review period ended on August 2, 2021.

The Final IS/MND and Draft IS/MND are available for review at the City of Antioch, Community Development Department, located at 200 H Street Antioch, CA 94509, Monday through Friday during normal business hours by pre-scheduled appointment only, and online at:

<https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/>

1.6 ORGANIZATION OF THE FINAL IS/MND

As required by the State CEQA Guidelines, the Final IS/MND consists of the following elements:

Section 1.0: Introduction. This section introduces the proposed project and describes the purpose and organization of this document.

Section 2.0: Response to Comments. This section contains responses to the comment letters that were received during the 30-day public-comment period.

Section 3.0: Minor Revisions to the Draft IS/MND. This section includes minor modifications and clarifications made to the Draft IS/MND in response to the comments received during the 30-day public-comment period.



2.0 RESPONSE TO COMMENTS

This section contains the comment letters that were received during the 30-day public-comment period addressing the Draft IS/MND. The public comment period started on July 2, 2021 and concluded on August 2, 2021. In accordance with Section 15074(b) of the CEQA Guidelines, when considering whether to approve a project, the Lead Agency must consider the comments received during its consultation and review periods together with the Draft IS/MND. Therefore, these comments and responses are provided along with the Draft IS/MND for consideration by the City Planning Commission and City Council.

2.1 COMMENTS RECEIVED ON THE DRAFT IS/MND

The City received two comment letters during the public-comment period for the Draft IS/MND. The City also received one comment letter after the public-comment period closed and although is not required to respond to the letter, has chosen to respond herein. Table 2.1-1 indicates the numerical designation for each comment letter, the author and their associated agency, and the date of the comment letter.

Table 2.1-1: List of Commenters

Letter Number	Author and Agency of Comment Letter	Date
1	Bradley Olazo, Contra Costa County Flood Control District	July 29, 2021
2	Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board	August 2, 2021
3	Stacy Sherman, California Department of Fish and Wildlife	August 4, 2021

2.2 COMMENTS AND RESPONSES ON THE DRAFT IS/MND

The written individual comments received on the Draft IS/MND and the responses to those comments are provided below. All comments are indicated by a line bracket and an identifying number in the margin of the comment letter.



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Letter 1

From: Bradley Olazo <Bradley.Olazo@pw.cccounty.us>
Sent: Thursday, July 29, 2021 11:37 AM
To: Merideth, Zoe <zmerideth@antiochca.gov>
Cc: Michelle Cordis <michelle.cordis@pw.cccounty.us>; ben.buben@amports.com
Subject: RE: NOI to Adopt a Mitigated Negative Declaration -- Amports Antioch Vehicle Processing Facility Project (UP-20-14, AR-20-18)

Hello Zoe,

The FC District has reviewed the IS/MND for this project and have the following comments:

1. The project is located in Drainage Area 29, an unformed drainage area. Therefore, no drainage area fees are due at this time.
2. The developer should be required to submit hydrology and hydraulic calculations to the City that prove the adequacy of the in-tract drainage system and the downstream drainage system. We recommend the calculations be included in the IS/MND as a supplement.
3. We recommend that the City condition the developer to contact the appropriate environmental regulatory agencies such as the U.S. Army Corps of Engineers, State Department of Fish and Game, and State Regional Water Quality Control Board to obtain all the necessary permits for this project, or show that such permits are not necessary.

4. Section 3.19 Utilities and Service System of the IS/MND notes the following on Page 3-186:

“Stormwater collection in the City is overseen by the Contra Costa County Flood Control and Water Conservation District (Flood Control District).... The stormwater trunk lines discharge to channels owned and maintained by both the City of Antioch and the Flood Control District. The Flood Control District releases stormwater from the channels to the San Joaquin River and is the holder of a NPDES permit.”

We could like to make the following clarifications:

- The City of Antioch, and not the Flood Control District, is the main jurisdiction responsible for stormwater management within the City boundaries. The Flood Control District does maintain certain drainage facilities within the City, but none within this project site, directly next to the project site, or within the Drainage Area 29 watershed.
- The stormwater lines that go through this property run north through the State of California Parcel, and discharges to the San Joaquin River. The Flood Control District does not maintain either of these facilities.
- Since this is a project in the City of Antioch, the applicant will be required to comply with the City’s NPDES requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. The County nor the Flood Control District is responsible for administering the NPDES permit for this project.

1-3

The applicant should modify the IS/MND to reflect accuracy of the Flood Control District and City's responsibility, as outlined in the above bullet points. We can speak with the applicant if more clarification is needed.

Let me know if you have questions.

Thanks,
Brad
CCC FC District

2.2.1 Letter 1: Response to Comment from Bradley Olazo, Contra Costa County Flood Control District

Response 1-1

The email from the Contra Costa County Flood Control District provides recommendations and clarifications regarding flood control responsibilities.

The email notes that the project is in Drainage Area 29, an unformed drainage area, therefore no drainage fees are due currently. This comment is acknowledged.

The Flood Control District recommended that the developer be required to submit hydrology and hydraulic calculations to the City to prove the adequacy of the in-tract drainage system and the downstream drainage system. They recommended that the calculations be included in the IS/MND as a supplement.

As discussed in Section 3.10 Hydrology and Water Quality of the IS/MND the proposed Project provided a preliminary Stormwater Control Plan (included as Appendix D of the IS/MND) where hydrology and hydraulic calculations were provided, thus a supplement was already circulated, and no new supplement or circulation is required. The proposed project currently contains approximately 31.3 acres (1,363,920 square feet) of impervious surface and approximately 7.6 acres of pervious surface. The proposed project would not create new impervious surface, which would increase on- or off-site flooding at the project site. Currently, stormwater at the project site flows northwest to an onsite stormwater detention facility, which is connected to a stormwater outfall pipe that discharges into the San Joaquin River. The proposed project would construct a new storm drain line and stormwater inlet in the central portion of the project site to tie into the existing onsite storm drain system. In accordance with the Contra Costa County C.3 Stormwater Standards, the proposed project would also provide two bioretention areas on the eastern and western portions of the project site totaling approximately 12,200 square feet. The bioretention areas would collect impervious surface runoff prior to entering the piped storm drain system and control the volume of stormwater at the project site to reduce the potential for flooding. The Stormwater Control Plan would be submitted to the City for review and approval.

The commenter also recommended that the City condition the developer to contact the appropriate environmental regulatory agencies such as the U.S. Army Corps of Engineers, State Department of Fish and Gate, and State Regional Water Quality Control Board to obtain all necessary permits for the project or show that such permits are not necessary.

As discussed in Section 1.0 Introduction of the IS/MND the proposed Project is subject to additional permitting from various regulatory agencies. The following are the list of permits that are anticipated from various regulatory agencies, but the IS/MND notes that permitting may not be limited to these permits:

- Use Permit (City of Antioch)
- Design Review (City of Antioch)



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- California State Lands Commission Lease Agreement (California State Lands)
- Clean Water Act Section 404 Permit (U.S. Army Corps of Engineers)
- Clean Water Act Section 401 Permit (State Regional Water Quality Control Board)
- Rivers and Harbors Act Section 10 Permit (U.S. Army Corps of Engineers)
- Lake and Streambed Alteration Agreement (California Department of Fish and Wildlife)

After circulation of the Draft IS/MND, the City determined that a variance was needed to reduce the required 30-foot front landscaping setback and place a fence over three feet in height with the required setback. This clarification is provided in Section 3 Minor Revisions to the Draft IS/MND of this Final IS/MND.

The proposed Project will be conditioned to show compliance with all regulatory requirements. No further response is required.

Response 1-2

The commenter requests the following clarifications to the IS/MND in Section 3.19 Utilities and Service System on page 3-186.

- The City of Antioch, and not the Flood Control District, is the main jurisdiction responsible for stormwater management within the City boundaries. The Flood Control District does maintain certain drainage facilities within the City, but none within this project site, directly next to the project site, or within the Drainage Area 29 watershed.

The City will note this clarification in the Final IS/MND (see Section 3.0 Revisions to the Draft IS/MND).

- The stormwater lines that go through this property run north through the State of California Parcel, and discharges to the San Joaquin River. The Flood Control District does not maintain either of these facilities.

The City will note this clarification in the Final IS/MND (see Section 3.0 Revisions to the Draft IS/MND).

- Since this is a project in the City of Antioch, the applicant will be required to comply with the City's NPDES requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. The County nor the Flood Control District is responsible for administering the NPDES permit for this project.

The City will note this clarification in the Final IS/MND (see Section 3.0 Revisions to the Draft IS/MND).



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Response 1-3

The commenter requested that the applicant modify the IS/MND to reflect the accuracy of the Flood Control District and City's responsibilities as they outlined in their comment. The commenter also noted that the District was available to speak with the applicant if more clarification is required.

The Final IS/MND includes Section 3.0 Minor Revisions to the Draft IS/MND where the requested clarifications are noted. These clarifications are minor modifications to the Draft IS/MND document and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND and recirculation is not required.



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Central Valley Regional Water Quality Control Board

2 August 2021

Zoe Merideth
City of Antioch
200 H Street
Antioch, CA 94509
zmerideth@antiochca.gov

2-1

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, AMPORTS ANTIOCH VEHICLE PROCESSING FACILITY PROJECT, SCH#2021070030, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 1 July 2021 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the AMPORTS Antioch Vehicle Processing Facility Project, located in Contra Costa County.

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

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Total Maximum Daily Load – Planning and Assessment

To minimize sediment movement that could trigger algal blooms, the Central Valley Water Board recommends the project activities occur outside of the timeframe of June through September.

Portions of the Delta waterways are within the project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters due to chlorpyrifos, DDT (dichlorodiphenyltrichloroethane), diazinon, electrical conductivity, Group A pesticides, invasive species, mercury, and toxicity. Central Valley Water Board staff recommends referencing the most current 303(d) list and requirements contained in existing TMDLs for the Delta within the ISMND, discussing any potential short- and long-term effects of these pollutants from project activities or program level impacts, and discussing mitigation measures and/or best management practices to reduce potential effects.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

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

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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

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

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-0335 or Angela.Nguyen-Tan@waterboards.ca.gov.



Angela Nguyen-Tan
Environmental Scientist

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

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2.2.2 Letter 2: Response to Comments from Angela Nguyen-Tan, Central Valley Regional Water Quality Control Board

Response to 2-1

The comment letter provides general information regarding the Central Valley Regional Water Quality Control Board's regulations, required permits, and compliance with required permits. No specific environmental concerns relating to the Draft IS/MND analysis were provided. As discussed in Section 3.10, Hydrology and Water Quality, of the Draft IS/MND the proposed project would comply with all applicable regulations, required permits, and requirements associated with protecting the quality of groundwater and surface water. Mitigation Measures HYD-1 and HYD-2 were incorporated into the project to address water quality concerns.

MM HYD-1 Prepare and Implement a SWPPP. Coverage shall be obtained for the project under the Construction General Permit (Order No. 2009-009-DWQ, as amended by 2010-0014-DWQ and 20152-006-DWQ). Per the requirements of the State Water Resources Control Board, a SWPPP shall be prepared for the project to reduce the potential for water pollution and sedimentation from proposed project activities. The SWPPP shall address site runoff, assuring that project runoff shall not affect or alter the drainage patterns on the project site. The SWPPP shall comply with the Waste Discharge Requirements of the Central Valley RWQCB Permit.

MM HYD-2 Obtain Industrial General Permit. Prior to operation, the Applicant shall obtain coverage under the Industrial General Permit (Order No. 2014-0057-DWQ). Per the requirements of the State Water Resources Control Board, the Applicant and facility operators would be required to prepare an operational SWPPP, eliminate unauthorized non-stormwater discharges, and perform monitoring of stormwater discharges and authorized non-stormwater discharges. The operational SWPPP shall comply the City's sewer discharge requirements, as specified in Chapter 6-4, of the Antioch Municipal Code, and the Waste Discharge Requirements of the Central Valley RWQCB Permit.

Additional mitigation measures for biological resources and hazards and hazardous materials have the co-benefit of protecting water quality through additional regulatory compliance.

MM BIO-1 Special-Status Fish – Pile Driving. Prior to initiation of construction, the Applicant will consult with regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS to obtain appropriate permits, recommendations for mitigation measures and habitat mitigation recommendations for project impacts. In addition, the Applicant shall provide evidence of compliance with the permits to the City prior to start of project construction activities. This series of consultations will provide a comprehensive list of measures, which will be required to be implemented by the project. Any



such measures will be incorporated into the project, but at a minimum, the following measures will be implemented during the driving of all piles:

- Pile driving will be limited to the period between July 1 and November 30 for concrete and high-density polyethylene (HDPE) piles, and from August 1 and November 30 for steel piles.
- A Worker Environmental Awareness Program will be developed which will inform project personnel about the ecology, and protection of special-status species, as well as any project specific measures to be implemented for the protection of aquatic species. A sign-in sheet documenting all onsite project personnel have attended the Worker Environmental Awareness Program will be kept onsite and a copy will be sent to the City's Community Development Department and appropriate agencies.
- A Spill Prevention, Control, and Countermeasure Plan will be developed in advance of the project initiation (Mitigation Measure HAZ-2).
- Any wildlife encountered within the work area will be allowed to leave the area unharmed.
- A "soft start" shall be used during vibratory pile driving to give marine mammals, birds, and nearshore fish species an opportunity to move out of the area away from the sound source. Soft starts would be implemented at the start of each day's pile driving and at any time following the cessation of pile driving for a period of 30 minutes or longer.
- For vibratory pile drivers, the sound shall be initiated for 15 seconds at reduced energy followed by a 30-second waiting period; this procedure shall then be repeated two additional times.

The following measures will also be included for times when work involves driving steel piles:

- To the extent feasible, pile driving for steel piles will be conducted with a vibratory hammer.
- When installation with an impact hammer is required for steel piles, the following additional measures will be employed:
 - Underwater sound monitoring will be performed during pile driving activities, according to the details of a sound attenuation and monitoring plan accepted by the regulatory agencies.
 - Use of a bubble curtain.



- Use of a slow start (gradually increasing energy and frequency).
- To protect general water quality for special-status fish species, Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Business Plan (Section 3.9, Hazardous Materials) and Mitigation Measure HYD-1: Prepare and Implement a SWPPP (Section 3.10, Hydrology and Water Quality) would be required.

MM HAZ-1 Prepare and Implement a Hazardous Materials Business Plan. The Applicant shall prepare a HMBP in accordance with CFR, Title 40. The HMBP shall include inventory of any individual hazardous materials or mixture in excess of any of the following quantities: 55 gallons (liquid); 500 pounds (solid); or 200 cubic feet (gases). The HMBP would include measures for safe storage, transportation, use, and handling of hazardous materials. The HMBP shall also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release. The HMBP shall be submitted to Contra Costa Health Services prior to occupancy and operation. The Applicant will provide documentation of submittal to the City's Community Development Department.

MM HAZ-2 Prepare and Implement a Spill Prevention, Control and Countermeasure Plan. A Spill Prevention, Control, and Countermeasure Plan (SPCC) shall be prepared in accordance with Section 311(j)(1)(C) of the Clean Water Act. The Applicant will develop and implement an SPCC Plan that describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines. The SPCC Plan must describe and include the following elements:

- Operating procedures at the facility to prevent oil spills;
- Control measures (such as secondary containment) installed to prevent oil spills from entering navigable waters or adjoining shorelines; and
- Countermeasures to contain and cleanup the effects of an oil spill that has impacted navigable waters and adjoining shorelines.

The SPCC shall be submitted to Contra Costa Health Services prior to occupancy and operation. The Applicant will provide documentation of the submittal to the City's Community Development Department.



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Letter 3

August 4, 2021

Ms. Zoe Merideth
City of Antioch
200 H Street
Antioch, CA 94509
zmerideth@antiochca.gov

Subject: AMPORTS Antioch Vehicle Processing Facility, Initial Study/Mitigated
Negative Declaration, SCH No. 2021070030, City of Antioch,
Contra Costa County

Dear Ms. Merideth:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Antioch (City) for the AMPORTS Antioch Vehicle Processing Facility (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant or wildlife resources. CDFW is also considered a Responsible Agency if a project requires discretionary approval, such permits issued under the California Endangered Species Act (CESA) and the Native Plant Protection Act (NPPA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: AMPORTS

3-3

Location: The Project is located at 2301 Wilbur Avenue in the City of Antioch in Contra Costa County. The Project site consists of two vacant parcels identified as Assessor's Parcel Numbers (APN) 051-020-006 and 051-020-012. It is in the northeast portion of the City, adjacent to the San Joaquin River, and approximately 1.3 miles west of State Route 160.

Objective: The Project consists of the development of an automotive logistics and processing facility on an approximately 38.0-acre vacant site to store and process new automobiles shipped from overseas to be transported to dealerships throughout the San Francisco Bay Area. The Project would involve structural upgrades to the existing wharf to accommodate vessels arriving at the site to off-load new automobiles. It would also involve the construction of a new pre-engineered metal building of approximately 25,328 square feet; grading and paving of the site for automobile storage; the demolition and

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construction of new utility connections; and construction of a new storm drain line and stormwater inlet.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Special-Status Plants

3-4

The IS/MND states that the Project site consists mostly of urban habitat with annual grassland occurring along the western project limits and two small portions at the east and west ends of the slope between the two concrete pads. Due to the disturbed nature of the site, the IS/MND concludes that the Project site does not provide potential habitat for special-status plant species. A reconnaissance survey of the site conducted in March 2021 did not identify any special-status plant species on-site. While disturbance can decrease the likelihood of special-status plant species occurring on-site, it does not necessarily preclude the presence of such species. Furthermore, a single survey conducted once outside of the appropriate blooming period is insufficient to determine a species' absence from the survey area. CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities," which can be found online at <https://wildlife.ca.gov/Conservation/Survey-Protocols>. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. The IS/MND should be revised and recirculated to include the reporting elements and results from protocol-level surveys and the impact analysis revised to incorporate and disclose these results to the public and CDFW as a Trustee Agency.

If a state-listed or state Rare² plant is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of take authorization through an ITP issued by CDFW pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq is necessary to comply with Fish and Game Code CESA and the NPPA.

3-5

Swainson's Hawk (*Buteo swainsoni*)

The IS/MND notes that there are no potential nest trees for Swainson's hawk on the Project site. However, there are suitable nest trees on neighboring properties and

² In this context, "Rare" means listed under the California Native Plant Protection Act.

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records of Swainson's hawks nesting approximately one mile from the Project site. CDFW recommends that a qualified biologist conduct surveys prior to any construction activities that may impact Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000), available on CDFW's webpage at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>. Survey methods should be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys should be conducted: 1) within a minimum 0.25-mile radius of the Project area or a larger area if necessary to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys should occur annually for the duration of the Project. The qualified biologist should have a minimum of two years of experience implementing the TAC survey methodology. If an active nest is identified, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If take of Swainson's hawk cannot be avoided, the Project proponent should be required to obtain a CESA ITP as a condition of Project approval.

The IS/MND for the Project should also include measures to avoid or minimize loss of Swainson's hawk foraging habitat, and mitigation for loss of habitat that cannot be fully avoided. Foraging habitat should be mitigated if Swainson's hawk activity (foraging, not just nests) is identified on or near the Project site. Mitigation lands should be protected in perpetuity under a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. The easement should be held by a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. As the state's trustee for fish and wildlife resources, CDFW should be named as a third-party beneficiary under the conservation easement.

If active Swainson's hawk nests are discovered within 0.25 miles of the Project site and cannot be avoided, the City should pursue further mitigation and incidental take coverage prior to the initiation of Project construction.

California Endangered Species Act-Listed Fish Species

3-6

The IS/MND identifies potentially significant impacts to CESA-listed fish species, including Central Valley spring-run Chinook salmon, Sacramento River winter-run Chinook salmon, Delta smelt and longfin smelt. Activities associated with the wharf repair (e.g., pile driving) have the potential to result in take of these species. The IS/MND indicates that the Project proponent has consulted with the U.S. Fish and

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Wildlife Service and the National Marine Fisheries Service, and has received a Biological Opinion for Project activities. Due to the potential presence of these listed species and the potential for Project-related take, CDFW advises that the Project proponent include an analysis for the potential of take of special-status fish species and consult with CDFW to evaluate impacts to state endangered and threatened fish. If take of CESA-listed fish species cannot be avoided, CDFW advises that the Project proponent seek incidental take authorization pursuant to Fish and Game Code Section 2080 et seq. in advance of Project implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and fully describe a mitigation, monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

Giant Garter Snake

3-7

The project is located less than one mile from an extant record of giant garter snake, yet the IS/MND does not contemplate potentially significant impacts to giant garter snake, up to and including take. An IS/MND should be prepared with sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences (CEQA Guidelines §15151). CDFW recommends revising the IS/MND to identify all impacts to giant garter snake, provide quantifiable and enforceable measures to mitigate impacts to giant garter snake to less-than-significant, and recirculating for public review.

If take of giant garter snake cannot be avoided, CDFW advises that the Project proponent seek incidental take authorization pursuant to Fish and Game Code Section 2080 et seq. in advance of Project implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and fully describe a mitigation, monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

3-8

Migratory and Nesting Birds

Mitigation Measure BIO-3 notes that exclusion zones around active nests may be as small as 25 feet or as large as 250 feet. Depending on the species, nest stage, and site conditions, 250 feet may not be sufficient to prevent disturbance-related nest failure.

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3-8 – cont.

The no-disturbance buffer should be determined by a CDFW approved Qualified Biologist. Nests should be monitored daily during project-related activities by a Qualified Biologist to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions to an individual bird's natural nesting behaviors.

ENVIRONMENTAL DATA

3-9

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

CONCLUSION

3-10

CDFW appreciates the opportunity to comment on the IS/MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or Jennifer.Rippert@wildlife.ca.gov; or Ms. Melissa Farinha, Environmental Program Manager, at (530) 351-4801 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:

6B2DD010B1CA4F7
Stacy Sherman
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

2.2.3 Letter 3: Response to Comment from Stacy Sherman, California Department of Fish and Wildlife

Response 3-1

The commenter provided introductory remarks to open the letter and acknowledged receipt of the Notice of Intent to Adopt a Mitigated Negative Declaration (MND). The commenter also provided an overview of the California Department of Fish and Wildlife's (CDFW) role as a Trustee Agency and a Responsible Agency. The City acknowledges that CDFW will be a responsible agency for the AMPORTS Project because of regulatory permitting requirements under the California Endangered Species Act (CESA) and the Native Plant Protection Act (NPPA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. No further response is required.

Response 3-2

The commenter stated that: (1) California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in the take of plant or animal species listed under CESA; and (2) an LSA Notification is required for project activities affecting lakes or streams and associated riparian habitat. The comment also notes that if a Findings of Overriding Consideration is required, that it does not eliminate the project proponent's obligation to comply with section 2080 of the Fish and Game Code. This comment is noted. Consultation with CDFW, as well as other resource agencies, will be initiated during the permitting phase of the project and prior to construction as needed to ensure any impacts relating to resources under their jurisdiction remain less than significant.

Response 3-3

The commenter provided a summary of the Project Description including location and objective and stated that CDFW would offer comments and recommendations to assist the City in adequately identify and/or mitigating the Project's significant, or potentially significant direct and indirect impacts on fish and wildlife (biological) resources and that other editorial comments may be provided to help improve the IS/MND. The comment is noted. The City appreciates CDFW's input and no further response is required.

Response 3-4

The commenter restated the findings in the IS/MND that the site consisted mostly of urban habitat with annual grassland occurring along the western project limits and two small portions at the east and west ends of the slope between the two concrete pads and the conclusion that that the project site did not provide potential habitat for special-status plant species because of the disturbed nature of the site. The commenter noted that a reconnaissance survey of the site occurred in March 2021 outside the appropriate blooming period. The commenter opined that while disturbance can decrease the likelihood of special-status plant species occurring onsite, it does not necessarily preclude the presence of such species and that a single survey outside the



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appropriate blooming period was insufficient to determine a species absence from the survey area. The commenter recommended that the project area be surveyed for special-status plants by a qualified botanist following the “Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities” The commenter recommended that the IS/MND be revised and recirculated to include the reporting elements and results from the protocol-level surveys and the impact analysis be revised to incorporate and disclose these results to the public and CDFW as a trustee agency. The commenter noted that if state-listed or state Rare plant are identified during botanical surveys, consultation with CDFW would be warranted to determine if the Project can avoid take. If take cannot be avoided the commenter noted that an ITP issued by CDFW pursuant to Fish and Game Code Section 2081(b) and/or Section 1900 et seq would be necessary to comply with the Fish and Game Code CESA and NPPA.

As noted in the IS/MND, project construction on the landside would occur in December 2021 and continue through September 2022. Construction on the landside would be limited to previously disturbed areas comprised of previously paved uplands with no open ground or natural soil present to support special-status plants. Impact BIO-1 will be updated to note that annual grasslands identified on the project are in areas that will not have any project improvements and will remain as previous undisturbed areas. As such focused botanical surveys are not warranted because the project components are located on entirely developed/disturbed areas (i.e., paved areas). As discussed in the Section 3.4 Biological Resources and evaluated in Table 1 in Appendix B-1, special status plants have a low potential to occur due to the disturbed nature and high amount of non-native and invasive plants growing within the grassland habitat. The highly disturbed grassland habitat also occurs outside proposed improvements on the project site.

The proposed Project would not result in a potentially significant impact to special status plants. Therefore, there is no nexus to require the project to include the suggested mitigation measure for special status plants. The findings and conclusion in the IS/MND remain unchanged and there is no cause to recirculate the IS/MND.

Response 3-5

The commenter restated the IS/MND’s conclusion that the project site had no potential nest trees for Swainson’s hawk but noted that there are suitable nest trees on neighboring properties and there are records of Swainson’s hawk nests approximately one mile from the project site. The commenter recommended that the Project proponent conduct surveys for Swainson’s hawk in accordance with the Swainson’s Hawk Technical Advisory Committee’s (TAC) Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California Central Valley (2000). The commenter also recommended that the project include measures to avoid or minimize loss of Swainson’s hawk foraging habitat and that mitigation be provided through a permanent conservation easement.

The Biological Constraints Analysis prepared for the Project and included as Appendix B-1 determined that no suitable nesting or foraging habitat is present in the project area so there is no potential to occur. Almost all surrounding uses around the project site are industrial thus any



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potential Swainson's hawks that would nest in adjacent properties would be presumed to be acclimated to urban uses and noise, thus potential impacts to nesting hawks would be less than significant. Because the project site has been used for decades as an industrial site and has paved parking storage areas and roadways, it provides no foraging or nesting opportunities for Swainson's hawks, thus there would be no loss of foraging habitat. There is no nexus to require mitigation.

Response 3-6

The commenter restates potential impacts to CESA-listed fish species identified in the IS/MND and notes that the Project proponent has consulted with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) and has received a Biological Opinion for project activities. The commenter advises that since CESA-listed fish species have the potential to be impacted by project activities that the Project proponent include an analysis for the potential take of special status fish species and evaluate impacts to state endangered and threatened fish. The commenter also advises that the Project proponent seek incidental take authorization pursuant to Fish and Game Code Section 2080 et seq. in advance of project implementation if take of CESA-listed fish species cannot be avoided. The commenter notes that issuance of a CESA Permit is subject to CEQA documentation and therefore, the CEQA document should specify impacts, mitigation measures, and fully describe mitigation, monitoring and reporting program. The commenter notes that early consultation is encouraged and provided a web address for further information.

The Draft IS/MND evaluated project impacts to CESA-listed, state endangered and threatened fish species in Section 3.4 Biological Resources on page 3-52 through 3-53. The Biological Constraints Analysis included as Appendix B-1 of the Draft IS/MND provided additional details on the species and impacts. The Draft IS/MND included Mitigation Measure BIO-1 to protect special status fish species. As noted in Mitigation Measure BIO-1, prior to initiation of construction, the Applicant will consult with regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS to obtain appropriate permits, recommendations for mitigation measures and habitat mitigation recommendations for project impacts. In addition, the Applicant shall provide evidence of compliance with the permits to the City prior to start of project construction activities.

The Draft IS/MND concluded that compliance with regulatory measures and incorporation of mitigation would reduce potential impacts to special status fish species to a less than significant level; the project would not result in take of CESA-listed fish species.

As noted in the Draft IS/MND additional permitting from Responsible Agencies such as CDFW is required. Mitigation Measure BIO-1 provides a list of anticipated measures to be protective of special status fish species and also allows for refinement of measures or incorporation of additional measures. The Project Applicant has been provided with a copy of CDFW's letter and recommendations. The Applicant will be required to demonstrate all regulatory permits have been obtained and conditions met prior to initiation of construction.



Response 3-7

The commenter noted that the project is located less than one mile from an extant record of giant garter snake, but the IS/MND does not contemplate potentially significant impacts to giant garter snake. The commenter notes that an IS/MND should be prepared with sufficient degree of analysis and recommends revising the IS/MND to identify all impacts to giant garter snake. The commenter states that if take of giant garter snake cannot be avoided the project proponent would need to seek incidental take authorization.

The main body of the IS/MND focused on special status species with potential to occur on site. The Biological Constraints Analysis provided as Appendix B-1, included Table 2 wherein special status animal species were evaluated for potential to occur on site. As stated on page 23 of Appendix B-1, Table 2, regarding giant garter snake, there is no suitable aquatic habitat present in the project area. As such, there is no potential to impact giant garter snake. Additionally, a previously prepared Biological Resources Assessment for a larger project that encompassed the project site and included as Appendix B-2 had the same conclusion regarding the lack of suitable habitat to support giant garter snake. The IS/MND does not need to be revised or recirculated.

Response 3-8

The commenter noted the exclusion zones described in the IS/MND and stated that depending on the species, nest state, and site conditions that 250 feet may not be sufficient to prevent disturbance-related nest failure. The commenter recommended that a CDFW approved Qualified Biologist determine the no-disturbance buffer zone and that nests be monitored on a daily basis by a Qualified Biologist to determine the sufficiency of the buffer and whether it should be expanded to protect disruptions to an individual bird's natural nesting behavior.

Impact BIO-1 on page 3-55 evaluates project impacts on nesting birds. Mitigation Measure BIO-3 on page 3-57 through 3-58 in the Draft IS/MND would reduce impacts to nesting birds to a less than significant level by requiring pre-construction surveys for species protected by the Migratory Bird Treaty Act and Fish and Game Code. The mitigation includes specific measures for the timeframe of construction activities, buffer distances, and protocol in the event active nests are found. While the exclusion distances provided by Mitigation Measure BIO-3 should be protective of migratory bird species and are recognized to be standard distances in the professional practice, CDFW's recommendations are incorporated into Mitigation Measure BIO-3 to make the measure more protective.

The revision of Mitigation Measure BIO-3 represents a minor revision and serves to strengthen the protection of migratory bird species. The revision does not constitute new information and the impact finding of less than significant remains unchanged; as such, recirculation of the IS/MND is not required.



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Response 3-9

The commenter provided information on CEQA requirements to incorporate information developed in the preparation of draft CEQA documents into CNDDDB. The CNDDDB links will be provided to the biological resource consultant Monk & Associates to submit the appropriate data. No further response is required.

Response 3-10

The commenter provided closing remarks and provided contact information for questions and further coordination. The contact information has been noted and no further response is required.



3.0 MINOR REVISIONS TO THE DRAFT IS/MND

The following are minor revisions to the Draft IS/MND. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND, as such recirculation of the Draft IS/MND is not required. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

SECTION 1: INTRODUCTION

After circulation of the Draft IS/MND, the City determined that a variance was needed to reduce the required 30-foot front landscaping setback and place a fence over three feet in height with the required setback. The City did note that the list of actions and approvals would not be limited to those listed in the Draft IS/MND, therefore the following revision represents a minor clarification.

SECTION 1.12: REQUIRED PERMITS AND APPROVALS

For the proposed project to be implemented, a series of actions and approvals would be required from multiple agencies. Anticipated project approvals/actions would include, but are not limited to, the following:

- Use Permit: City of Antioch
- Design Review: City of Antioch
- Variance: City of Antioch
- California State Lands Commission Lease Agreement
- Clean Water Act Section 404 Permit
- Clean Water Act Section 401 Permit
- Rivers and Harbors Act Section 10 Permit
- California Department of Fish and Wildlife Lake and Streambed Alteration Agreement

Other ministerial approvals such as building permits, grading permits, and encroachment permits are also anticipated. Additionally, all work related to improvements and project grading would be subject to the City of Antioch Municipal Code, including the Zoning Code, Building Code, and Fire Code.



SECTION 3.4: BIOLOGICAL RESOURCES

Impact BIO-1, Page 3-52

Impact BIO-1	Have a substantial adverse effect, either directly or through habitat modifications on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
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Impact Analysis

Special-Status Plants Species

There is no potential habitat within the project area for special-status plants to have any moderate or high potential to occur. The project site consists of mostly urban habitat with annual grassland occurring along the western project limits and two small portions at the east and west ends of the slope between the two concrete pads. The annual grassland identified on the project site is located in pervious undisturbed areas and are not identified for any project improvements.

Multiple special-status plant species within 5 miles of the project area occur within grassland habitats (Appendix B1, Table 1). However, these species have a low potential to occur due to the disturbed nature and high amount of non-native and invasive plants growing within the grassland habitat. In addition, species with low potential to occur were not observed during the reconnaissance survey. In a previous survey conducted by Arcadis in 2008 (Arcadis 2008), Antioch Dunes evening primrose (*Oenothera deltoides* ssp. *howellii*) and Contra Costa wallflower (*Erysimum capitatum* ssp. *angustatum*) were found on the property directly east of the project site. These two species occur on inland dune habitat and this habitat type is absent from the project site. Also, these two species were not observed during the reconnaissance survey. Based on the lack of suitable habitat, the project site does not provide potential habitat for special-status plant species to occur, and there would be no impacts to special-status plants.

Impact BIO-1, Page 3-53

Avoidance and minimization measures would be incorporated into the proposed project to avoid direct and indirect effects to special-status fish species and their habitat. In-water work associated with wharf improvements may cause direct effects (e.g., pile driving) and indirect effects (e.g., noise and vibration) to these fish species. Mitigation Measure BIO-1 would require pile driving to occur from July 1 to November 30 4, a Worker Environmental Awareness Program to inform project personnel about the protection of special-status species and specific measures to protect aquatic species, measures to protect water quality, and additional requirements for pile driving operations. Based on potential suitable aquatic habitat in and adjacent to the project site, there is moderate to high potential for special-status fish species to occur; however, with the implementation of Mitigation Measure BIO-1, impacts to special-status fish species would be less than significant.



Impact BIO-1, Mitigation Measures, Page 3-55 through 3-56

MM BIO-1 Special-Status Fish – Pile Driving. Prior to initiation of construction, the Applicant will consult with regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS to obtain appropriate permits, recommendations for mitigation measures and habitat mitigation recommendations for project impacts. In addition, the Applicant shall provide evidence of compliance with the permits to the City prior to start of project construction activities. This series of consultations will provide a comprehensive list of measures, which will be required to be implemented by the project. Any such measures will be incorporated into the project, but at a minimum, the following measures will be implemented during the driving of all piles:

- Pile driving will be limited to the period between July 1 and November 30 4 for concrete and high-density polyethylene (HDPE) piles, and from August 1 and November 30 for steel piles.
- A Worker Environmental Awareness Program will be developed which will inform project personnel about the ecology, and protection of special-status species, as well as any project specific measures to be implemented for the protection of aquatic species. A sign-in sheet documenting all onsite project personnel have attended the Worker Environmental Awareness Program will be kept onsite and a copy will be sent to the City's Community Development Department and appropriate agencies.
- A Spill Prevention, Control, and Countermeasure Plan will be developed in advance of the project initiation (Mitigation Measure HAZ-2).
- Any wildlife encountered within the work area will be allowed to leave the area unharmed.
- A "soft start" shall be used during vibratory pile driving to give marine mammals, birds, and nearshore fish species an opportunity to move out of the area away from the sound source. Soft starts would be implemented at the start of each day's pile driving and at any time following the cessation of pile driving for a period of 30 minutes or longer.
- For vibratory pile drivers, the sound shall be initiated for 15 seconds at reduced energy followed by a 30-second waiting period; this procedure shall then be repeated two additional times.

The following measures will also be included for times when work involves driving steel piles:



- To the extent feasible, pile driving for steel piles will be conducted with a vibratory hammer.
- When installation with an impact hammer is required for steel piles, the following additional measures will be employed:
 - Underwater sound monitoring will be performed during pile driving activities, according to the details of a sound attenuation and monitoring plan accepted by the regulatory agencies.
 - Use of a bubble curtain.
 - Use of a slow start (gradually increasing energy and frequency).
- To protect general water quality for special-status fish species, Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Business Plan (Section 3.9, Hazardous Materials) and Mitigation Measure HYD-1: Prepare and Implement a SWPPP (Section 3.10, Hydrology and Water Quality) would be required.

Page 3.57 through 3-58, Impact BIO-1, Special-Status Migratory Birds

Mitigation Measures

MM BIO-3 Migratory Nesting Birds. If initial construction activities commence during the nesting season (February 15 through September 15) a survey for active bird nests will be conducted by a qualified biologist no more than 5 days prior to the start of project activities. The survey will be conducted to the extent feasible for all areas within 250 feet around the project area in order to identify the location and status of any nests that could potentially be directly or indirectly affected by construction activities.

If active nests of MBTA or FGC protected species are found within the project area or close enough to the area to affect nesting success, a work exclusion zone will be established around each nest. Established exclusion zones will remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 25 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. The no-disturbance buffer zone shall be determined by a qualified biologist. Nests shall be monitored daily during project-related activities by a qualified biologist to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions to an individual bird's natural nesting behavior.



Exclusion zone size may also be reduced from established levels if supported by nest monitoring by a qualified biologist indicating that work activities are not adversely impacting the nest.

SECTION 3.11: UTILITIES AND SERVICE SYSTEMS

Page 3-186, Stormwater Management

~~Stormwater collection in the City is overseen by the Contra Costa County Flood Control and Water Conservation District (Flood Control District). The City has over 110 miles of trunk lines to collect stormwater (City of Antioch 2003b). These trunk lines are independent from the wastewater collection system. The stormwater trunk lines discharge to channels owned and maintained by both the City of Antioch and the Flood Control District. The Flood Control District releases stormwater from the channels to the San Joaquin River and is the holder of a NPDES permit. Contra Costa County Clean Water Program staff monitors the quality of the released water to comply with the specifications of the NPDES permit. The project is within Drainage Area 29. The Central Valley RWQCB regulates stormwater discharged from the City. The City of Antioch is the main jurisdiction responsible for stormwater management within the City limits. The Contra Costa County Flood Control and Water Conservation District (Flood Control District) maintains certain drainage facilities within the City, but none within the project site, directly next to the project, or within Drainage Area 29 watershed. The stormwater lines that go through this property run north through the State of California Parcel, and discharges to the San Joaquin River. The Flood Control District does not maintain either of these facilities. The applicant will be required to comply with the City's NPDES requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. Neither the County nor the Flood Control District is responsible for administering the NPDES permit for this project.~~

As shown in Figure 8, there is an outfall on the west side of the project site discharging from the stormwater detention facility (with no connection to City or County systems) directly into the river. The NPDES for the outfall would be regulated by the Regional Water Quality Control Board/EPA. The outfall on the project site previously was permitted through a facility Waste Discharge permit under NPDES for the Gaylord Facility and a renewal was filed in 2002. Given the closure of the facility a new NPDES permit will need to be secured by the Applicant. Compliance with NPDES is mandatory as a regulatory measure, thus prior to operations, the Applicant will be required to undergo new permitting for this outfall and provide compliance to the City and the California State Lands Commission as a condition of approval under their respective permitting/lease agreement. Compliance with NPDES will ensure that the proposed project implements appropriate measures to be protective of water quality.



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**APPENDIX A:
MITIGATION MONITORING AND
REPORTING PROGRAM**



**AMPORTS Antioch Vehicle
Processing Facility Project**

**Mitigation Monitoring and
Reporting Program**

August 18, 2021

Lead Agency:

City of Antioch
Planning Division
200 H Street
Antioch, CA 94509

Technical Assistance:

Stantec Consulting Services Inc.
1340 Treat Boulevard, Suite 300
Walnut Creek, CA 94597

**AMPORTS Antioch Vehicle Processing Facility Project
Mitigation, Monitoring, and Reporting Program**

ACRONYMS AND ABBREVIATIONS

Applicant	AMPORTS
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Antioch
CRHR	California Register of Historical Resources
DPR	Department of Parks and Recreation
HDPE	High-density polyethylene
HMBP	Hazardous Materials Business Plan
ISMND	Initial Study Mitigated Negative Declaration
MLD	Most Likely Descendant
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
PRC	Public Resources Code
proposed project	AMPORTS Antioch Vehicle Processing Facility Project
RWQCB	Regional Water Quality Control Board
SPCC	Spill Prevention, Control and Countermeasure Plan
SWPPP	Stormwater Pollution Prevention Program
USFWS	U.S. Fish and Wildlife Service



**AMPORTS Antioch Vehicle Processing Facility Project
Mitigation, Monitoring, and Reporting Program**

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1.0 MITIGATION MONITORING AND REPORTING PROGRAM

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to provide the City of Antioch (City) Community Development Department and AMPORTS (Applicant) with a comprehensive list of the mitigation measures identified in the Initial Study Mitigated Negative Declaration (ISMND) for the AMPORTS Antioch Vehicle Processing Facility Project (proposed project).

1.1 INTRODUCTION

The City is acting as the Lead Agency, as defined by the California Environmental Quality Act (CEQA). In accordance with Public Resources Code (PRC) section 21081.6, a Lead Agency that approves or carries out a project with potentially significant environmental effects shall adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.”

The CEQA Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures and the monitoring, compliance, and reporting activities by the City and any monitors it may designate. If the City adopts the ISMND for the proposed project, it will adopt the MMRP.

1.2 OVERVIEW OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP is presented in the following table and includes the following components:

- The list of mitigation measures contained in the ISMND, as adopted by the City;
- The party responsible for implementing the mitigation measure;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring implementation of the mitigation measure; and
- The monitoring action and frequency.

The City and its contractors will be required to comply with this MMRP in all respects. In any instance where non-compliance occurs, the City-designated environmental monitors will issue a warning to the construction supervisor and the City’s Project



**AMPORTS Antioch Vehicle Processing Facility Project
Mitigation, Monitoring, and Reporting Program**

Manager. Any decisions to halt work due to non-compliance will be made by the City. The City's designated environmental monitors will keep records of any incidents on non-compliance with mitigation measures. Copies of these documents will be supplied to the City.

Once construction has begun and is underway, the City will carry out monitoring of the mitigation measures associated with construction. The MMRP will be maintained in the City's files for use in construction and operation of the proposed project.



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Mitigation, Monitoring, and Reporting Program

Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.3: Air Quality						
MM AIR-1: Implement Construction Best Management Practices. The Applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate: a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; b) All haul trucks transporting soil, sand, or other loose material offsite will be covered; c) All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d) All vehicle speeds on unpaved roads will be limited to 15 miles per hour; e) All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations. Clear signage shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator. h) Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD’s phone number will also be visible to ensure compliance with applicable regulations.	<div><input type="checkbox"/> The Applicant</div> <div><input type="checkbox"/> Construction Contractor</div>	Prior to issuance of grading permit and during construction.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm best management practices (BMPs) are included in project specifications and grading plan.Confirm BMPs are implemented throughout the construction phase.	Prior to issuance of grading permit and throughout the construction phase as needed.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
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MM AIR-2: Implement Early California Air Resources Board At-Berth Regulations. The Applicant shall provide either shore power or a California Air Resources Board (CARB)-approved control technology to auto carrier vessels docking at the wharf to reduce NOx emissions. Alternatives to shore power may include what is known as capture-and-control technology that employs a “bonnet” to cover a ship’s exhaust stacks, both containing and treating harmful emissions. The Applicant shall notify the City’s Community Development Department which compliance mechanism they have selected prior to issuance of a grading permit.	<input type="checkbox"/> The Applicant	Prior to issuance of grading permit and during operation of the proposed project.	Monitoring Party: <input type="checkbox"/> City of Antioch Community Development Department Monitoring Action: <input type="checkbox"/> Confirm shore power or a CARB-approved control technology is provided to auto carrier vessels docking at the wharf.	Throughout operation of proposed project.		
MM AIR-3: Reduce Annual Vessel Calls, Provide Emissions Offsets, or Otherwise Demonstrate a Reduction in Emissions. To reduce operation phase NOX emissions to below the BAAQMD annual and daily mass emissions thresholds, the Applicant shall limit vessel calls to no more than eight (8) vessel calls per year; or incorporate additional emission reduction measures which may include but are not limited to the following: <ul style="list-style-type: none">• Secure and surrender NOx emissions offsets for NOx emissions over the BAAQMD threshold of significant; or,• Truck fleet electrification• Truck fleet alternative fuels (natural gas, hydrogen, etc.)• Truck model year restrictions, e.g., 2018 or newer• Truck idling restrictions The Applicant shall be responsible for the preparation of documents demonstrating revised operational characteristics are below BAAQMD annual and daily mass thresholds of significance for NOx, and shall also be responsible for a third-party verification on behalf of the City, if required by the City’s Planning Manager.	<ul style="list-style-type: none">• The Applicant	During operation of the proposed project.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm no more than eight (8) vessel calls occur per year unless given approval from City Planning Manager.• Confirm operational phase NOx emissions are below the BAAQMD emission threshold.	Throughout operation of the proposed project.		
Section 3.4: Biological Resources						
MM BIO-1: Special-Status Fish – Pile Driving. Prior to initiation of construction, the Applicant will consult with regulatory agencies with jurisdiction over the project activities, such as CDFW, NMFS, and USFWS to obtain appropriate permits, recommendations for mitigation measures and habitat mitigation recommendations for project impacts. In addition, the Applicant shall provide evidence of compliance with the permits to the City prior	<ul style="list-style-type: none">• The Applicant• Construction Contractor	Prior to pile driving activities and during the construction phase.	Monitoring Party: <ul style="list-style-type: none">• City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">• Confirm appropriate permits are obtained from CDFW, NMFS, and USFWS.	Prior to pile driving activities and throughout the construction phase as needed.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
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<p>to start of project construction activities. This series of consultations will provide a comprehensive list of measures, which will be required to be implemented by the project. Any such measures will be incorporated into the project, but at a minimum, the following measures will be implemented during the driving of all piles:</p> <ul style="list-style-type: none">• Pile driving will be limited to the period between July 1 and November 30 for concrete and high-density polyethylene (HDPE) piles, and from August 1 and November 30 for steel piles.• A Worker Environmental Awareness Program will be developed which will inform project personnel about the ecology, and protection of special-status species, as well as any project specific measures to be implemented for the protection of aquatic species. A sign-in sheet documenting all onsite project personnel have attended the Worker Environmental Awareness Program will be kept onsite and a copy will be sent to the City's Community Development Department and appropriate agencies.• A Spill Prevention, Control, and Countermeasure Plan will be developed in advance of the project initiation (Mitigation Measure HAZ-2).• Any wildlife encountered within the work area will be allowed to leave the area unharmed.• A "soft start" shall be used during vibratory pile driving to give marine mammals, birds, and nearshore fish species an opportunity to move out of the area away from the sound source. Soft starts would be implemented at the start of each day's pile driving and at any time following the cessation of pile driving for a period of 30 minutes or longer.• For vibratory pile drivers, the sound shall be initiated for 15 seconds at reduced energy followed by a 30-second waiting period; this procedure shall then be repeated two additional times. <p>The following measures will also be included for times when work involves driving steel piles:</p> <ul style="list-style-type: none">• To the extent feasible, pile driving for steel piles will be conducted with a vibratory hammer.			<ul style="list-style-type: none">• Confirm the Applicant implements recommendations of permits issued by CDFW, NMFS, and USFWS.			



AMPORTS Antioch Vehicle Processing Facility Project
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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
<ul style="list-style-type: none">When installation with an impact hammer is required for steel piles, the following additional measures will be employed:<ul style="list-style-type: none">Underwater sound monitoring will be performed during pile driving activities, according to the details of a sound attenuation and monitoring plan accepted by the regulatory agencies.Use of a bubble curtain.Use of a slow start (gradually increasing energy and frequency).To protect general water quality for special-status fish species, Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Business Plan (Section 3.9, Hazardous Materials) and Mitigation Measure HYD-1: Prepare and Implement a SWPPP (Section 3.10, Hydrology and Water Quality) would be required.						
MM BIO-2: Special-Status Marine Mammals – Pile Driving. To prevent impacts to marine mammals during the driving of steel piles which require use of an impact hammer, a biological monitor will be present to observe for marine mammals within 500 meters of the project area, which is the safety zone established around the work area based on pile driving estimates. If the monitor observes a marine mammal within the 500-meter disturbance zone, they will direct work to halt until the animal has left the area on its own and passed beyond the zone of influence for acoustic impacts or 15 minutes has elapsed since the last sighting.	<ul style="list-style-type: none">The ApplicantConstruction ContractorBiological monitor	During steel pile driving activities using an impact hammer.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm biological monitor is present on project site during pile driving activities.	Throughout the construction phase as needed.		
MM BIO-3: Migratory Nesting Birds. If initial construction activities commence during the nesting season (February 15 through September 15) a survey for active bird nests will be conducted by a qualified biologist no more than 5 days prior to the start of project activities. The survey will be conducted to the extent feasible for all areas within 250 feet around the project area in order to identify the location and status of any nests that could potentially be directly or indirectly affected by construction activities. If active nests of MBTA or FGC protected species are found within the project area or close enough to the area to affect nesting success, a work exclusion zone will be established around each nest. Established exclusion zones will remain in place until all young in the nest have	<ul style="list-style-type: none">The ApplicantConstruction ContractorQualified biologist	Nesting bird survey will be conducted no more than 5 days prior to the start of project construction activities during nesting season.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm selection of qualified biologistConfirm nesting bird surveys are conducted within 5 days of starting construction work during nesting season.Confirm pre-construction clearance by qualified biologist	Prior to issuance of grading permit and throughout the construction phase as needed.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
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fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 25 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. The no-disturbance buffer zone shall be determined by a qualified biologist. Nests shall be monitored daily during project-related activities by a qualified biologist to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions to an individual bird's natural nesting behavior. Exclusion zone size may also be reduced from established levels if supported by nest monitoring by a qualified biologist indicating that work activities are not adversely impacting the nest.			<ul style="list-style-type: none">If active nests of protected species are found, confirm exclusion zone has been established.			
MM BIO-4: Fill Below the Water Line and Shading of Open Waters of the San Joaquin River. The project will mitigate for the lost aquatic resource function resulting from permanent fill consisting of new piles and shading of open waters in the San Joaquin River by purchasing shallow freshwater habitat credits from an agency-approved mitigation or conservation bank at a ratio of no less than 1:1. The Applicant will provide proof of purchase for these credits to the City's Community Development Department in order to show compliance with agency permits.	<ul style="list-style-type: none">The Applicant	Prior to issuance of regulatory permits for in-water work.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm purchase of shallow freshwater habitat credit from an agency approved mitigation or conservation bank.	Prior to issuance of regulatory permits for in-water work..		
Section 3.5: Cultural Resources						
MM CUL-1: Cultural Materials Discovered During Construction. If any cultural resource is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential archeological, historical, or tribal resource shall cease until an archaeologist who meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history evaluates the resource for its potential significance and determines whether the resource requires further study. If the qualified archaeologist determines that the cultural resource does not appear to be eligible for inclusion on the CRHR and is not identified as a tribal cultural resource, it will be appropriately documented on	<ul style="list-style-type: none">Construction ContractorQualified archaeologist	During the construction phase.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.If cultural resources are discovered during construction, confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
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<p>Department of Parks and Recreation (DPR) 523 series forms and project activity may resume. If the qualified archaeologist determines that the cultural resource appears eligible for inclusion on the CRHR, the archaeologist shall make recommendations to the City of Antioch on the measures to be implemented to protect the discovered resources. The measures may include avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in PRC Section 21083.2. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria. The Applicant shall be responsible for the costs of retaining a qualified archaeologist, and for the recording of resources on DPR forms.</p> <p>Title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission. Commission staff shall be notified of any cultural resources or paleontological specimens discovered on lands under the jurisdiction of the California State Lands Commission. The final disposition of archaeological and historical resources or paleontological specimens from such lands must be approved by the California State Lands Commission.</p> <p>No further grading shall occur within a 50-foot radius of the discovery until the City of Antioch approves the measures to protect these resources. Any archaeological artifacts recovered because of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.</p>						
<p>MM CUL-2: Worker Awareness Training. Prior to the start of any ground disturbance, all field personnel shall receive worker’s environmental awareness training on cultural resources. The training, which may be conducted with other environmental or safety trainings, will provide a description of cultural resources that may be encountered during construction and outline the steps to follow in the event that a discovery is made. Documentation of training shall be submitted to the City’s Community Development Department.</p>	<ul style="list-style-type: none">• Construction Contractor• Qualified archaeologist	<p>Pre-construction: Prior to ground disturbing activities.</p>	<p>Monitoring Party:</p> <ul style="list-style-type: none">• City of Antioch Community Development Department <p>Monitoring Action:</p> <ul style="list-style-type: none">• Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.• Confirm a qualified archaeologist provides worker awareness	<p>Prior to issuance of grading permit and throughout the construction phase as needed.</p>		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
			training prior to start of any ground disturbing activities.			
<p>MM CUL-3: Human Remains Discovered During Construction. If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:</p> <p>There shall be no further excavation or disturbance of the area where the human remains were found or within 50 feet of the find until the Contra Costa County Coroner and the appropriate City representative are contacted. Duly authorized representatives of the Coroner and the City shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found or within 50 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines that the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of the human remains and any associated grave goods with appropriate dignity, as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD’s recommendations, the owner or the MLD may request mediation by NAHC.</p>	<ul style="list-style-type: none">• Construction Contractor• Qualified archaeologist	During the construction phase.	<p>Monitoring Party:</p> <ul style="list-style-type: none">• City of Antioch Community Development Department <p>Monitoring Action:</p> <ul style="list-style-type: none">• Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities.• Confirm a qualified archaeologist is onsite monitoring during ground disturbing activities• If human remains are discovered during construction, confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		
Section 3.7: Geology and Soils						
<p>MM GEO-1: Prepare and Implement Dewatering Plan. If groundwater is expected to be encountered during construction activities, a dewatering plan will be submitted to the City for approval prior to issuance of a grading permit. At a minimum, the dewatering plan will detail dewatering methods, location of dewatering activities, equipment, groundwater sampling, disposal,</p>	<ul style="list-style-type: none">• The Applicant	Prior to issuance of grading permits.	<p>Monitoring Party:</p> <ul style="list-style-type: none">• City of Antioch Community Development Department <p>Monitoring Action:</p>	Prior to issuance of grading permits and throughout the construction phase as needed.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
and discharge point in accordance with the applicable waste discharge requirements of the Central Valley Regional Water Quality Control Board (RWQCB). In the event that shoring methods are implemented for any excavations, shoring plans shall be prepared in accordance with the requirements of the final geotechnical investigation report and submitted to the City for approval prior to issuance of a grading permit. All shoring plans shall be prepared in accordance with the California Division of Occupational Safety and Health regulations and the City's engineering standards and specifications.			<ul style="list-style-type: none">Confirm all dewatering and shoring plans have been submitted to the City.Confirm plans are implemented during construction phase.			
MM GEO-2: Procedures for Paleontological Resources Discovered During Construction. If any paleontological resources are encountered during ground-disturbing or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified resource shall cease and the City shall immediately be notified. The Applicant shall retain a qualified paleontologist (as approved by the City) to evaluate the find and recommend appropriate treatment of the inadvertently discovered paleontological resource. The appropriate treatment of an inadvertently discovered paleontological resource shall be implemented to ensure that impacts to the resource are avoided. The title to all paleontological resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission. California State Lands Commission staff shall be notified of any cultural resources or paleontological specimens discovered on lands under the jurisdiction of the California State Lands Commission. The final disposition of archaeological and historical resources or paleontological specimens from such lands must be approved by the California State Lands Commission.	<ul style="list-style-type: none">Construction ContractorQualified paleontologist	During the construction phase.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm selection of qualified paleontologist.If paleontological resources are encountered during construction, confirm construction activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout the construction phase as needed.		
Refer to Mitigation Measure HYD-1: Prepare and Implement a Stormwater Pollution Prevention Plan in Section 3.10, Hydrology and Water Quality.						
Section 3.9: Hazards and Hazardous Materials						
MM HAZ-1: Prepare and Implement a Hazardous Materials Business Plan. The Applicant shall prepare a HMBP in accordance with CFR, Title 40. The HMBP shall include inventory of any individual hazardous materials or mixture in excess of any of the following quantities: 55	<ul style="list-style-type: none">The Applicant	Prior to occupancy and operation.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action:	Once prior to occupancy.		



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Mitigation Measures	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
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gallons (liquid); 500 pounds (solid); or 200 cubic feet (gases). The HMBP would include measures for safe storage, transportation, use, and handling of hazardous materials. The HMBP shall also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release. The HMBP shall be submitted to Contra Costa Health Services prior to occupancy and operation. The Applicant will provide documentation of submittal to the City's Community Development Department.			<ul style="list-style-type: none">Confirm HMBP was submitted to Contra Costa Health Services.			
MM HAZ-2: Prepare and Implement a Spill Prevention, Control and Countermeasure Plan. A Spill Prevention, Control, and Countermeasure Plan (SPCC) shall be prepared in accordance with Section 311(j)(1)(C) of the Clean Water Act. The Applicant will develop and implement an SPCC Plan that describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines. The SPCC Plan must describe and include the following elements: <ul style="list-style-type: none">Operating procedures at the facility to prevent oil spills;Control measures (such as secondary containment) installed to prevent oil spills from entering navigable waters or adjoining shorelines; andCountermeasures to contain and cleanup the effects of an oil spill that has impacted navigable waters and adjoining shorelines. The SPCC shall be submitted to Contra Costa Health Services prior to occupancy and operation. The Applicant will provide documentation of the submittal to the City's Community Development Department.	<ul style="list-style-type: none">The Applicant	Prior to occupancy and operation.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm SPCC was submitted to Contra Costa Health Services.	Once prior to occupancy.		
Refer to Mitigation Measures HYD-1: Prepare and Implement a Stormwater Pollution Prevention Plan and HYD-2: Obtain General Industrial Permit in Section 3.10, Hydrology and Water Quality.						
Section 3.10: Hydrology and Water Quality						
MM HYD-1: Prepare and Implement a Stormwater Pollution Prevention Plan. Coverage shall be obtained for the project under the Construction General Permit (Order No. 2009-009-DWQ, as amended by 2010-0014-DWQ and 20152-006-DWQ). Per the requirements of the State Water Resources Control Board, a SWPPP shall	<ul style="list-style-type: none">The ApplicantConstruction Contractor	Prior to issuance of grading permits and during construction.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action:	Once at the time of contractor specifications review and throughout the construction phase as needed.		



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be prepared for the project to reduce the potential for water pollution and sedimentation from proposed project activities. The SWPPP shall address site runoff, assuring that project runoff shall not affect or alter the drainage patterns on the project site. The SWPPP shall comply with the Waste Discharge Requirements of the Central Valley RWQCB Permit.			<ul style="list-style-type: none">Confirm requirements of the approved SWPPP are included in project specifications and implemented throughout the construction phase.			
MM HYD-2: Obtain Industrial General Permit. Prior to operation, the Applicant shall obtain coverage under the Industrial General Permit (Order No. 2014-0057-DWQ). Per the requirements of the State Water Resources Control Board, the Applicant and facility operators would be required to prepare an operational SWPPP, eliminate unauthorized non-stormwater discharges, and perform monitoring of stormwater discharges and authorized non-stormwater discharges. The operational SWPPP shall comply the City’s sewer discharge requirements, as specified in Chapter 6-4, of the Antioch Municipal Code, and the Waste Discharge Requirements of the Central Valley RWQCB Permit.	<ul style="list-style-type: none">The ApplicantFacility Operators	Prior to operation of the proposed project.	Monitoring Party: <ul style="list-style-type: none">City of Antioch Community Development Department Monitoring Action: <ul style="list-style-type: none">Confirm requirements are met and implemented prior to operation.	Once prior to operation.		
Refer to Mitigation Measure BIO-1: Special-Status Fish – Pile Driving in Section 3.4, Biological Resources and Mitigation Measure GEO-1: Prepare and Implement Dewatering Plan in Section 3.7, Geology and Soils.						
Section 3.13: Noise						
Refer to Mitigation Measure BIO-1: Special-Status Fish – Pile Driving in Section 3.4, Biological Resources.						
Section 3.16: Recreation						
Refer to Mitigation Measure TRANS-1: Advanced Notice to Mariners in Section 3.17, Transportation.						
Section 3.17: Transportation						
MM TRANS-1: Advanced Notice to Mariners. All offshore operations shall be described in a Local Notice to Mariners to be submitted to the U.S. Coast Guard at least 15 days prior to mobilization and decommissioning activities. The Notice shall include: <ul style="list-style-type: none">Type of operationLocation of operation, including latitude and longitude and geographical position, if applicableDuration of operation, including start and completion dates (if these dates change, the U.S. Coast Guard needs to be notified)Vessels involved in the operationVery High Frequency-FM radio frequencies monitored by vessels on the scene	<ul style="list-style-type: none">Construction Contractor	Prior to start of construction activities.	Monitoring Party: <ul style="list-style-type: none">U.S. Coast Guard Monitoring Action: <ul style="list-style-type: none">Confirm Local Notice to Mariners has been submitted at least 15 days prior to mobilization and decommissioning activities.	Once prior to start of construction.		



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<ul style="list-style-type: none">Point of contact and 24-hour phone numberChart Number for the area of operation						
Section 3.18: Tribal Cultural Resources						
Refer to Mitigation Measures CUL-1: Cultural Materials Discovered During Construction, CUL-2: Worker Awareness Training, and CUL-3: Human Remains Discovered During Construction in Section 3.5, Cultural Resources.						

