

Technical Memorandum
Environmental Review of Minor Changes to Proposed Project
California Health Care Facility (Stockton)



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TABLE OF CONTENTS

INTRODUCTION	1
ENVIRONMENTAL REVIEW CONSIDERATIONS AND PROCESS	1
CHANGES TO THE PROJECT DESCRIPTION	2
Treatment Plan and Housing	2
Security.....	2
Food Service.....	5
Site Plan and Building Floor Area.....	5
CHANGES TO MITIGATION MEASURES	6
ENVIRONMENTAL ANALYSIS	6
Land Use and Planning.....	6
Agricultural Resources	6
Traffic and Circulation	7
Air Quality.....	7
Noise.....	8
Hydrology and Water Quality	8
Biological Resources	8
Cultural Resources	9
Geology and Paleontology	9
Hazards and Hazardous Materials	9
Population and Housing	9
Public Services	10
Water Supply	10
Public Utilities.....	10
Visual Resources	10
Cumulative Impacts.....	12
Other CEQA Sections	12
<u>Exhibit</u>	
1 Revised Site Plan.....	3
<u>Table</u>	
1 Proposed Floor Area.....	5

TECHNICAL MEMORANDUM

INTRODUCTION

In April 2001, a class action lawsuit, *Plata v. Schwarzenegger (Plata)* was filed by prison inmates against the State of California, contending that the California Department of Corrections and Rehabilitation (CDCR) was violating the Eighth Amendment (prohibiting cruel and unusual punishment) and 14th Amendment (providing the right to due process and equal protection) to the U.S. Constitution by providing inadequate medical care to prison inmates. In the *Plata* case, the federal court found that the current state of prison infrastructure does not support a constitutionally adequate level of health care. Similar findings have been made in several other cases since 2001, including in *Coleman v. Schwarzenegger (Coleman)* (mental health care), and *Perez v. Tilton* (dental care). As a result of the *Plata* suit, the federal court established a Receivership to bring California's prison health care system up to constitutional standards.

The California Prison Health Care Receivership Corporation (CPR) was established to house the activities of the federally appointed Receiver. Following numerous studies on the existing inmate population and research regarding best practices, the CPR identified the need for 10,000 new medical and mental health care beds. In an effort to provide those beds, the CPR determined the need to build new health care facilities. On February 26, 2008, the *Plata, Coleman, Perez, and Armstrong v. Schwarzenegger (Armstrong)* (disabled inmates) courts issued a joint order which ordered, among other things, the Receiver to be "the project lead" for the construction of health care facilities for up to 10,000 beds. Planning details for the health care facilities are continually being reviewed. Proposed prison population reductions, the State of California's financial capacity, and efficiency opportunities with CDCR continue to inform CPR's decisions on how to implement the program.

The primary and fundamental objective of the new health care facilities remains: to provide, in an expeditious manner, Constitutionally adequate medical and mental health care for California prison inmates, consistent with federal district court orders. Other objectives, as they apply to each potential facility, include:

- ▶ Locate the medical and mental health facility in a geographic area which effectively serves state prisons.
- ▶ Locate the medical and mental health care facility in proximity to a metropolitan area where there is access to a large employment base to serve the facility, including areas with potential training facilities.
- ▶ Locate the medical and mental health care facility on state-owned property with priority given to existing California Department of Corrections and Rehabilitation (CDCR) facilities.
- ▶ Size the facility to provide between 1,300 and 1,800 beds to achieve the most efficient and optimal patient care while ensuring a secure facility.
- ▶ Design the facility in a manner that is conducive to optimal care, including patient access to the diagnostic and treatment center, patient support areas, and outdoor areas.
- ▶ Provide a high level of security to protect the safety of the patients, correctional and medical staff, and the surrounding community.

ENVIRONMENTAL REVIEW CONSIDERATIONS AND PROCESS

On October 24, 2008, the CPR distributed to public agencies and the general public a draft environmental impact report (DEIR) for the proposed California Health Care Facility, Stockton (CHCF Stockton) Project (proposed project). The proposed project would include up to 1,734 beds. On March 16, 2009, the CPR distributed to public

agencies a final environmental impact report (FEIR) for the proposed project. The FEIR was not certified, and the proposed project was not approved, pending additional considerations, including funding.

Minor changes to the proposed project have been proposed since distribution of the FEIR. This technical memorandum is an environmental review of these changes. As described in greater detail later in this document, these minor changes do not constitute “substantial new information” as defined by CEQA (State *CEQA Guidelines* Section 15088.5), as the changes would not result in any new direct or cumulative significant adverse impact or result in a substantial increase in the severity of an impact previously identified in the DEIR and FEIR. Therefore, re-circulation of the EIR for additional public comment is not required under CEQA. This document is being provided to those agencies who previously commented on the DEIR, and adds to the information contained in the FEIR. The CPR is providing the same review on this document as it did on the FEIR; consistent with CEQA Guidelines Section 15088(b), this document is being provided to previously commenting public agencies at least 10 days prior to the CPR’s consideration of EIR certification and project approval.

CHANGES TO THE PROJECT DESCRIPTION

Since preparation and distribution of the DEIR and FEIR for the California Health Care Facility, Stockton (CHCF Stockton), minor modifications to the proposed project have occurred that result in changes to the project description. The changes reflect a refinement in the plan for delivery of patient services in order to: 1) focus the services on patients with the greatest needs; 2) consolidate specialty services to increase efficiency; 3) consolidate the “like-type” patients to increase the cost effectiveness, and 4) modify security features to conform to standard CDCR design guidelines. These refinements in the plan result in minor modifications to the overall gross floor area of the proposed project and a consolidation of facilities on the west side of the project site, which results in more compact development and moves proposed structures further away from existing residences along Austin Road (See Exhibit 1). Security enhancements include ten additional guard towers, which would replace the parking pads described in the DEIR’s project description. A central kitchen, serving only the proposed CHCF Stockton facility, instead of a Regional Food Service Facility, serving additional facilities, is now proposed. These changes are described in detail below.

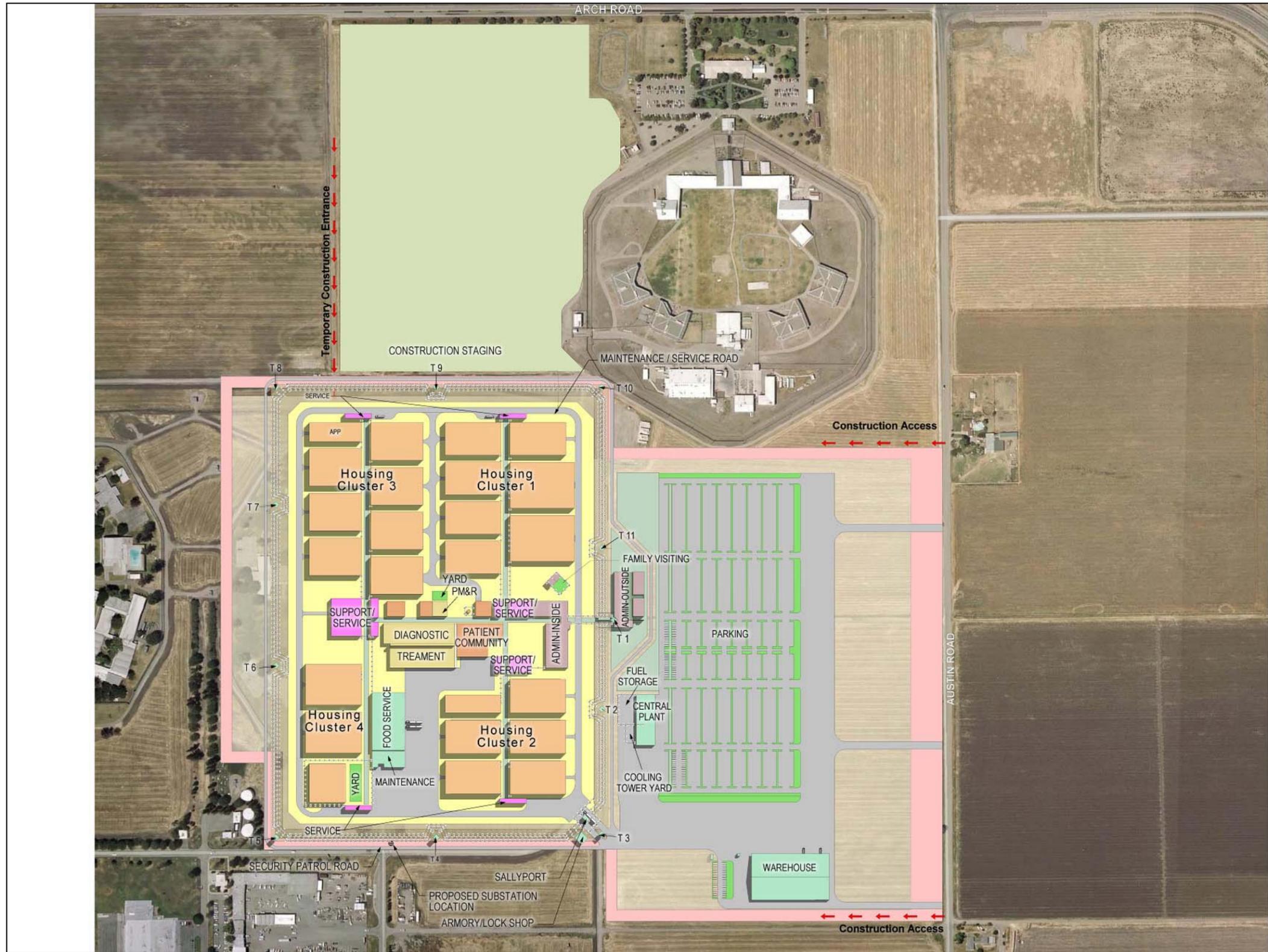
TREATMENT PLAN AND HOUSING

Refinement of the treatment plan has resulted in a change in the composition of patient medical and mental health acuity levels, which results in changes to the types of facilities provided to address patient needs. Although the total number of patients has not changed since the distribution of the FEIR, there would generally be an increased number of patients with higher levels of medical and mental health acuity. For example, a larger component of the population will require 24-hour nursing care and be unable to leave their housing units for medical treatment, dining, and therapy. The physical result is that the size of the Diagnostic and Treatment Center and the Patient Community Space (for dining, exercise and therapy) will decrease, whereas the size of housing clusters will increase. Specific floor areas are described below under “Building Floor Area.”

The proposed project also now includes on-site housing of a 100-person inmate worker crew, which is included in the proposed 1,734 beds. Inmate workers perform duties on site such as landscaping, facility maintenance and food preparation. The inmate workers would be housed in a cluster that is separate from the medical and mental health care housing clusters.

SECURITY

The DEIR indicates that the project would include one 54-foot guard tower located on the west side of the site. In order for the project to be consistent with CDCR policy guides, the number of guard towers has increased to 11 total, with one 45-foot tall guard tower placed every 700 feet along the secure perimeter, allowing correctional officers to survey the property boundaries from the guard towers, if necessary, especially during maintenance of



LEGEND

- Housing
- Diagnostic & Treatment
- Patient Community Support
- Administration
- Outside Security Facility
- Support
- Asphalt/Walkway
- Area Inside The Fence
- Public Space
- Set Back

SITE FACILITY DATA

Category	Area
Available Site	127.89 acres
Developed Area	113.30 acres
Area Inside Fence	55.98 acres
Parking Staff/Public	36.83 acres
Construction Staging	37.67 acres

0 240 480
FEET NORTH

G 08110134.02.001

Source: URS Bovis LLJV 2009

Revised Site Plan

Exhibit 1

the lethal electrified fences, consistent with current CDCR facility design and operations. Each tower would include an internal light and heating/air conditioning; no additional security lighting would be needed. With the increase in the number of towers, the previously proposed “parking pads” described in the DEIR’s project description are not necessary and are no longer part of the proposed project.

The proposed location for the secure perimeter has also changed from the description in the DEIR. The perimeter is now located primarily on the western portion of the project site; therefore, the guard towers, along with many of the originally proposed buildings, have been shifted to the west side of the site. The secure perimeter is now located approximately 1,100 feet farther away from residences along Austin Road than originally proposed.

FOOD SERVICE

The Regional Food Service Facility described in the Draft EIR is no longer included in the project description. The Regional Food Service Facility was intended to prepare food for distribution to all CPR facilities located within northern California. Instead of a regional facility, a central kitchen, located within the facility’s secure perimeter, would prepare food only for CHCF Stockton. The central kitchen would be approximately 80% smaller than the Regional Food Service Facility. Elimination of the Regional Food Service Facility results in decreased water and electrical consumption and waste generation and also reduces the number of trucks entering and departing from the facility.

SITE PLAN AND BUILDING FLOOR AREA

All of the changes described in this document would occur within the “Potential On-site Disturbance Area” identified on the site plan analyzed in the DEIR (See DEIR Exhibit 3-4). No changes to the size of the project disturbance area are proposed. As shown in the revised site plan provided in Exhibit 1, the site plan has been modified since the circulation of the DEIR and distribution of the FEIR. The primary change to the layout is the shifting of the secured perimeter, including the majority of structures, to mostly the western half of the project site closer to the existing Northern California Youth Correctional (NCYCC) facilities. Specifically, the secured perimeter (within which nearly all the structures are located) has been shifted approximately 1,100 feet to the west on the updated site plan and would now be located approximately 1,500 feet from the nearest residence on Austin Road, as opposed to approximately 400 feet as indicated on the original site plan. The parking lot, which was originally adjacent to Austin Road, is moved approximately 500 feet to the west away from Austin Road. The increased setback occurred as a result of reconfiguration of the facility and consequent movement away from Austin Road.

In addition to the site plan layout, the floor areas of many of the proposed facilities have changed. The specific changes in building floor area are outlined below in Table 1. It should be noted, however, that the proposed number of beds and employees has not changed since the distribution of the FEIR (1,734 beds and 3,000 staff).

Table 1 Proposed Floor Area		
Facility	Floor Area (square feet)	
	DEIR/FEIR	Currently Proposed
Housing and Related Support Buildings	770,000	904,000
Diagnostic and Treatment Center	105,000	63,000
Patient Community Space	100,000	55,500
Administrative Buildings	70,000	42,000
Support Structures (Central Kitchen, Support Buildings Central Plant, and ancillary support buildings)	150,000	104,000
Perimeter (Guard Towers, Armory and Sally Port)	5,000	9,600
Total	1,200,000	1,178,100
Source: URS/BLL 2009		
Note: Floor areas identified are approximate and may be redistributed.		

CHANGES TO MITIGATION MEASURES

After distribution of the FEIR, CPR staff noted that a few of the mitigation measures required clarification, especially with regard to timing. (See Appendix A) Other than a few instances of spelling out acronyms for clarification, revisions were made to two mitigation measures. The first change is to the mitigation measure for impacts to agricultural resources, which provides better timing consistency between calculation and documentation of converted farmland and coordination with the San Joaquin County Agricultural Commissioner. This change is minor and does not affect the feasibility of the mitigation measure or its effectiveness in reducing impacts related to conversion of farmland.

The second change is to the mitigation measure requiring participation in the San Joaquin Multi-Species Conservation Plan (SJMSCP). For this mitigation measure, “site preparation activities” has been clarified as “site excavation and grading of habitat land,” which is consistent with SJMSCP requirements. Furthermore, the “9 acres of raptor foraging habitat at the existing detention basin” has been removed from the total acreage for fee payment, because, as indicated in the FEIR, expansion of the detention basin was found to be unnecessary and is no longer included as part of the proposed project. This change is minor and does not affect the feasibility of the mitigation measure or its effectiveness in reducing impacts to biological resources.

The specific changes are indicated in strikethrough (for deleted text) and underline (for added text) in Appendix A of this Technical Memorandum.

ENVIRONMENTAL ANALYSIS

The purpose of this section is to review each environmental issue area covered in the DEIR and FEIR in order to evaluate whether the changes to the proposed project would result in any new impacts that were not previously described in the DEIR and FEIR or increase the severity of any impacts already identified in the DEIR and FEIR. Note that the changes to mitigation measures described above will not be discussed in this section, since they have already been determined to be minor and would not change the feasibility or effectiveness of the measures.

LAND USE AND PLANNING

The changes to the project result in a more compact development placed closer to similar institutional facilities at the existing NCYCC. In addition, the secured perimeter and the majority of the proposed structures would be moved further away from existing residences along Austin Road. The changes would not alter the proposed use of the site, and the proposed project remains consistent with the land use designation and zoning of the site. The DEIR concludes that the proposed project would result in a less-than-significant impact with respect to its potential to physically divide an established community, conflict with an applicable land use plan or regulation, or conflict with any applicable habitat or natural community conservation plan. The changes to the proposed project would not alter these conclusions.

AGRICULTURAL RESOURCES

The changes to the project would not alter the project disturbance area; therefore, the changes to the proposed project would not alter the DEIR’s conclusion that the proposed project would result in a significant and unavoidable impact related to conversion of significant farmland to a non-agricultural use; neither would the changes increase the severity of this impact. The changes to the proposed project would not alter the proposed use, and the project remains consistent with land use designation and zoning. In addition, the changes to the project layout would place the proposed housing clusters farther away from agricultural zoned land to the east, further reducing the potential for agricultural-related nuisance on the proposed housing clusters; therefore, the DEIR’s conclusion that the proposed project would result in less-than-significant impacts related to conflicts with existing agricultural zoning would not be altered by the project changes. Because the proposed project disturbance

area would remain the same, the project changes would also not alter the DEIR's conclusion that the proposed project would result in a less-than-significant impact related to conversion of off-site farmland.

TRAFFIC AND CIRCULATION

The changes to the proposed project do not include changes to the number of beds and employees as proposed in the DEIR (1,734 beds and 3,000 employees). Therefore, the trip generation and traffic patterns would remain the same as analyzed in the DEIR and FEIR. (Trip generation may be slightly reduced due to the elimination of truck trips from the Regional Kitchen). The traffic analysis was reevaluated with a different traffic model in the FEIR, in response to comments. Because the trip generation and traffic patterns would remain the same as analyzed in the FEIR (as modified by mitigation measure TRAF-4), the changes to the proposed project would not affect the FEIR's conclusions or increase the severity of impacts related to substantial increases in traffic in relation to the existing traffic load and capacity of the street system or exceedance, either individually or cumulatively, of a level of service standard established for designated roads or highways; or changes. As stated in mitigation measure TRAF-4, CPR is committed to shift schedules that eliminate any trips during peak travel hours (7:00 a.m. to 9:00 a.m.; 4:00 p.m. to 6:00 p.m.). Examples of existing CDCR facilities that operate with different shifts schedules to avoid peak hours include Kern Valley State Prison, California Correctional Center (Susanville), and several other facilities.

Although the proposed project includes ten additional guard towers, these towers would be 9 feet shorter than the originally proposed single 54-foot guard tower. Therefore, no impacts related to air traffic patterns would result from the changes.

The access points remain the same as those analyzed in the DEIR and FEIR; therefore, the changes would not substantially increase hazards from a design feature or result in inadequate emergency access. And, although the parking lot has been moved, adequate parking would be provided to serve the project. The modifications to the site plan would not result in any impacts related to conflicts with policies, plans, or programs supporting alternative transportation. No new impacts related to circulation design, parking, or alternative transportation programs/policies would result from the changes to the proposed project.

Finally, the FEIR assumed the project would begin construction in March 2009, and construction now would not begin until 2010. This shift in the construction schedule would not affect any of the traffic impacts. The economy of the region continues to be sluggish, and projects that substantially increase traffic on local roadways have not been completed and placed in operation since completion of the FEIR.

AIR QUALITY

The project disturbance area remains the same as indicated in the FEIR, with minor modifications to the proposed structures floor area. The changes to the proposed project would not require additional construction area, intensity, duration, equipment, or activities beyond what was analyzed in the DEIR and FEIR. Therefore, the DEIR and FEIR conclusions related to short-term construction-related emissions of criteria air pollutants or precursors, as well as localized affects to sensitive receptors related to emissions of toxic air contaminants (TACs), would not change as a result of the changes to the proposed project, and the changes would not increase the severity of the significant and unavoidable impact.

No changes to the number of beds and employees proposed in the DEIR (1,734 beds and 3,000 employees) are included in the changes to the proposed project. Consequently, the trip generation and traffic patterns would remain the same as analyzed in the DEIR and FEIR. (Trip generation may be slightly reduced due to the elimination of truck trips from the Regional Kitchen). Furthermore, the changes to the proposed project do not include any additional or increased output of stationary sources. Therefore, the conclusions of the DEIR and FEIR related to mobile- and stationary-source long-term operational emissions of criteria air pollutants, including Carbon Monoxide and TAC emissions, would not be affected by the changes to the proposed project.

NOISE

Although there are minor modifications to the floor area of proposed structures, the project disturbance area remains the same. The changes to the proposed project would not require additional construction area, intensity, duration, equipment, or activities beyond what was analyzed in the DEIR and FEIR. Therefore, the DEIR and FEIR conclusions related to the generation of short-term construction-related noise and vibration levels would not change. Furthermore, because the number of construction-related worker and truck trips would not change, the DEIR's conclusion that the proposed project would result in a significant and unavoidable impact related to increases in off-site construction-related traffic noise would not change, and the severity of the impact would not increase, due to the changes to the proposed project.

No changes to the number of beds and employees proposed in the DEIR (1,734 beds and 3,000 employees) are included in the changes to the proposed project. Consequently, the trip generation and traffic patterns would remain the same as analyzed in the DEIR and FEIR. (Trip generation may be slightly reduced due to the elimination of truck trips from the Regional Kitchen). Therefore, the conclusions of the DEIR and FEIR related to long-term operational noise with respect to exposure of sensitive receptors would remain significant and unavoidable and the proposed changes would not increase the severity of the impact.

The changes to the proposed project, including the addition of ten new guard towers, do not include any additional or increased output of stationary noise sources, and the conclusion of the DEIR would remain less-than-significant with the project changes.

The changes to the proposed project would not result in any impacts related to noise generated by an airport or air strip.

HYDROLOGY AND WATER QUALITY

The project disturbance area remains the same as indicated in the FEIR. The floor area of proposed structures is slightly modified, but the changes to the proposed project would not require additional construction area, intensity, duration, equipment, or activities beyond what was analyzed in the DEIR and FEIR. Therefore, the DEIR and FEIR analysis of construction-related water quality impacts would remain the same. In addition, the proposed project would have similar or decreased impervious surface area; therefore, no increases in impacts associated with creation or contribution of stormwater runoff that would exceed capacity of existing or planned stormwater drainage systems would result. The project changes would also not affect the DEIR's conclusion related to placement of housing or structures within a flood hazard area or exposure of people to flood risk.

BIOLOGICAL RESOURCES

The changes to the proposed project would not change the area of disturbance analyzed in the DEIR and FEIR (as mentioned above, the FEIR discusses the elimination of a detention basin expansion that was previously proposed and analyzed in the DEIR, but later found to be unnecessary after completion of additional engineering studies on the existing volume of the basin); therefore, the changes would not alter the conclusions in the DEIR related to substantial adverse effects on special-status species or their habitat, waters of the United States, or movement of wildlife species. The project changes would also not change the DEIR's conclusions regarding potential conflict with an HCP or local biological resource protection policies. In addition, the lethal electrified fence would remain substantially unchanged (except for the specific placement on the project site, which still lies within the overall area of disturbance as described in the DEIR); therefore, the conclusions in the DEIR and FEIR related to impacts to species resulting from the electrified fence would not change.

CULTURAL RESOURCES

The changes to the project would not alter the project disturbance area; therefore, the changes to the project would not alter the DEIR's conclusion regarding substantial adverse changes in the significance of a unique archaeological resource or a historical resource as defined in Section 21083.2 of CEQA and Section 15064.5 of the State *CEQA Guidelines*, respectively, or the DEIR's conclusion regarding disturbance of human remains, including those interred outside formal cemeteries.

GEOLOGY AND PALEONTOLOGY

No changes are proposed to the project disturbance area; therefore, the project changes would not result in changes to the DEIR's conclusion regarding direct or indirect effects to a unique paleontological resource or site. Furthermore, the placement of structures on the site, although somewhat different from the original site plan in the DEIR, would remain on the same types of soils (See DEIR Exhibit 4.9-1) and general construction activities would not change; therefore, the DEIR's conclusions and mitigation regarding expansive soil and soil erosion would remain the same with the changes to the proposed project. Because the proposed project would be located on the same site relative to the existing fault system, and because the size and type of proposed structures would remain substantially the same, the changes to the proposed project would not alter the DEIR's conclusion regarding increased exposure to people or structures to potential substantial adverse effects from seismic hazards. Mineral resources would not be affected as a result of the project changes.

HAZARDS AND HAZARDOUS MATERIALS

The changes to the proposed project do not include alteration to the proposed land uses, and no new use that would routinely transport, use, or dispose of hazardous materials is proposed. It is anticipated that the type of treatment to patients will remain the same, but the patients will be less mobile, requiring modifications to their housing. Therefore, the DEIR's conclusion related to impacts associated with creation of a hazard due to hazardous materials emission or handling in proximity to a school would not change as a result of the project changes. Because the project disturbance area would remain the same and the same structures would be proposed for demolition, the changes to the proposed project would not require additional construction area, intensity, duration, equipment, or activities beyond what was analyzed in the DEIR and FEIR. Therefore, the DEIR's conclusions regarding exposure of construction workers to hazardous materials and contaminated groundwater would not change. Furthermore, the proposed changes would not affect the proposed project's participation in NCYCC's disaster emergency plan or the coordination with the County's Office of Emergency Services (OES); therefore, the DEIR's conclusions regarding interference with an adopted emergency response plan would not change.

Although the proposed project includes 10 additional guard towers, these towers would be 9 feet shorter than the originally proposed single 54-foot guard tower. Therefore, no impacts related to proximity to a public or private airport or air strip would result from the changes. No impacts related to wildland fires would result from the project changes.

POPULATION AND HOUSING

The proposed project site location, the proposed disturbance area, and the proposed number of employees identified in the DEIR and FEIR (3,000) would not change. Consequently, the DEIR and FEIR conclusions related to direct or indirect population growth and displacement of people or housing would not change as a result of the project changes. Furthermore, the proposed land use remains the same since the release of the DEIR and distribution of the FEIR; therefore, the DEIR's conclusion that impacts associated with physical deterioration of the community as a result of the project's patient population would remain less than significant.

PUBLIC SERVICES

No changes to the number of beds and employees proposed in the DEIR (1,734 beds and 3,000 employees) are included in the changes to the proposed project. The changes to the proposed site plan layout and addition of 10 guard towers would not alter the conclusions of the DEIR and FEIR regarding the potential for the project to result in environmental impacts associated with a project-driven need for new or expanded police protection facilities, fire protection facilities, or school facilities.

WATER SUPPLY

The changes to the proposed project do not include changes to the number of beds and employees proposed in the DEIR (1,734 beds and 3,000 employees). Changes in the type of care at the proposed facility do not alter the DEIR's assumption of using an average day demand factor of 227 gallons per day per bed. Therefore, the proposed project's water demand would not be increased. The elimination of the Regional Food Service Facility would reduce the project's water demand. The changes to the proposed project would not alter the DEIR and FEIR conclusions regarding impacts associated with a lack of sufficient water supplies available to serve the project from existing entitlements or resources.

PUBLIC UTILITIES

The number of beds and employees proposed in the DEIR (1,734 beds and 3,000 employees) would not change and modifications to the type of care will not result in a greater demand for services. Therefore, wastewater treatment demand would be the same as described in the DEIR, and the project changes would not result in alterations to the DEIR's conclusions related to wastewater treatment impacts (including capacity, RWQCB treatment requirements, and the need for expansion of wastewater treatment facilities). Furthermore, impervious surfaces would not increase (and would likely decrease) as a result of the changes to the site plan; therefore, no changes to the DEIR's conclusions related to impacts to stormwater drainage facilities would occur. No increased solid waste would be generated above and beyond the level analyzed in the DEIR. The elimination of Regional Food Service Facility would reduce the project's energy demand and more than offset energy demands associated with the increase of ten additional guard towers, which demand very little energy, as electricity for each tower is needed primarily to power interior lights and a small air conditioner.

VISUAL RESOURCES

Because ten additional guard towers are proposed and would be visible, the evaluation of visual resources is more detailed than other analyses. The following discussion includes a separate discussion for each threshold of significance used in the DEIR to analyze impacts to visual resources. Each threshold is stated as a bullet point followed by a discussion of whether the changes to the proposed project would result in any new significant impacts or any changes in the severity of a significant impact already identified in the DEIR and FEIR (note that two of the DEIR's thresholds are combined in the second bullet point).

- ▶ **Substantially damage scenic resources, including but not limited to trees (particularly heritage oaks or unusually large trees), rock outcroppings, and historic buildings within a state scenic highway;**

As stated in the DEIR (p. 4.15-9), because no state scenic highways are within view in the project area and no scenic resources would be affected by the proposed project, the proposed project would not substantially damage scenic resources, including but not limited to unusual trees or oaks, rock outcroppings, and historic buildings within a state scenic highway. For this reason there would be no impact. The shift in site plan layout and the additional guard towers would not result in any changes to the DEIR's conclusion.

► **Have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings; or**

As stated in the DEIR (p. 4.15-9), state and locally designated scenic corridors or scenic vistas are not located within the project area and that the existing institutional structures on and generally surrounding the project site are unremarkable and detract from the overall visual character of the area. As further described in the DEIR, agricultural land on the project site and the surrounding area is unremarkable, in that the farmland is not expansive and is surrounded substantially by institutional development and a landfill and therefore does not constitute a scenic vista. A small number of people may consider agricultural land on the project site to be scenic, and this group could be affected by visual changes on the project site; however, this would be a limited number of people, and the limited effects of a new facility are consistent with the surrounding context (the current view includes a number of multi-story institutional facilities). The DEIR concludes that, for these reasons, construction-related and operational impacts on scenic vistas and the existing visual character of the site and its surroundings would be less than significant.

From an aesthetics perspective, the most notable changes to the proposed project since release of the DEIR and distribution of the FEIR include the changes to the layout of the site plan and the 10 additional guard towers (one guard tower was proposed previously and analyzed in the EIR). It is important to note that the DEIR indicates the residents east of the project site (those along Austin Road) would be the most visually sensitive (moderately sensitive) in the project area. The changes to the site plan layout place nearly all development further from these residents than the site plan analyzed in the DEIR. In fact, the changes to the site plan shift the majority of the structures to the western half of the site, closer to the existing NCYCC facilities and away from existing residents along Austin Road. Specifically, the secured perimeter (within which nearly all the structures are located) has been shifted approximately 1,100 feet to the west on the updated site plan and would now be located approximately 1,500 feet from the nearest residence on Austin Road, as opposed to approximately 400 feet as indicated on the original site plan. The only major structure remaining on the east side of the project site would be the warehouse facility.

Although the project now includes 10 additional guard towers, because the secured perimeter (and therefore nearly all the proposed structures) would be moved 1,100 feet (nearly 4 football fields) further from the existing residences along Austin Road, the changes to the site plan layout and the additional guard towers would not substantially affect the views from these residences, as described in the DEIR. Furthermore, the proposed project remains consistent with the surrounding context, as described in the DEIR. Therefore, the changes to the project would not alter the conclusion of the DEIR and FEIR.

► **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.**

The DEIR concludes (p. 4.5-11) that because of the proximity and extent of proposed lighting and potential glare near visually sensitive residents east of the project site, light and glare impacts on residents east of the project site would be significant. The DEIR includes mitigation measures to reduce this impact, including downward-facing construction lighting and shielded operational lighting; however, the DEIR concluded that the mitigation measures would not reduce impacts below the threshold of significance and impacts associated with light and glare would remain significant and unavoidable.

Whereas the DEIR's site plan indicated a parking lot immediately across Austin Road from the existing residences, the changes to the site plan now indicate over 500 feet between the closest residence and the edge of the parking lot. This increased distance would substantially reduce the amount of project-generated light and glare experienced at these residences. Because a lighting plan is not available, it is not known whether the distance of 500 feet, in combination with the DEIR's mitigation measures, would reduce impacts to a less-than-significant level; consequently, the impact remains significant and unavoidable. However, although the light and glare generated by the project cannot be demonstrated to be below the threshold of significance with

implementation of mitigation measures, it is certain that the severity of the impact would be reduced with the increased distance from the residences along Austin Road.

CUMULATIVE IMPACTS

The changes to the proposed project would not alter the number of beds or the number of staff proposed and analyzed in the DEIR and FEIR; therefore, no changes in project trip generation or trip distribution would occur (a slight decrease in trip generation would occur with the elimination of the Regional Food Service Facility). Since completion of the FEIR, a Notice of Preparation for an EIR for the 500-bed Northern California Re-entry Facility (NCRF) adjacent to the site has been released. This is the same 500-bed facility included in the cumulative impact analysis in the CHCF DEIR. There are no changes to the NCRF, including the timing of shifts that would combine with project impacts to alter the conclusion of the CHCF EIR. CPR remains committed to shift schedules that eliminate any trips during peak travel hours as describe in the Traffic and Circulation section discussed earlier in this document. The changes to the CHCF also do not include any alteration to the project disturbance area; therefore, no increased construction area, activities, intensity, or duration would occur due to project changes, and the project changes would not result in any additional conversion of vacant land, and associated resources, than analyzed in the DEIR and FEIR. The changes to the project would result in a similar amount of impervious surface area. It should also be noted that elimination of the Regional Food Service Facility also reduced the project's water demand and energy demand.

As described above for each individual issue area, the changes to the proposed project would not alter any of the conclusions in the EIR's environmental analysis and would not increase the severity of any project-related significant impact. Likewise, because the changes do not increase the operational intensity of the proposed project (and in fact decrease the energy and water demand) and do not consume any additional resources associated with the project site (i.e., important farmland, special-status species habitat, etc.) the changes would also not result in considerable increased contribution to an existing cumulative impact, such as global climate change or conversion of important farmland, above and beyond the project-related contributions described in the DEIR and FEIR.

OTHER CEQA SECTIONS

The project changes would not result in any additional significant and unavoidable impacts to the environment; neither would the project increase the severity of any significant and unavoidable impacts to the environment (conversely, the project changes would decrease the severity of the significant impact related to light and glare). In addition, because the project changes would not require any additional construction materials, no changes would result to the DEIR's conclusion that the proposed project would not result in the irreversible and irretrievable commitment of resources or the permanent loss of resources for future or alternative purposes. Finally, because the project changes include no additional beds or employees and also does not include any upsizing or extension of utilities or services beyond what was analyzed in the DEIR and FEIR, the project changes would not alter the DEIR's conclusion regarding growth inducement.

APPENDIX A

Revisions to Mitigation Measures

Agricultural Resources

1. At the time that final design is completed, CPR will complete the following:
 - Calculate and document the number of acres of Important Farmland that will be converted for CHCF Stockton improvements, including all facilities, roads, and other rights-of-way.
 - ~~Before initial ground disturbing activities, CPR will~~ Coordinate with the San Joaquin Agricultural Commissioner to locate Important Farmland (as determined by the Land Evaluation and Site Assessment [LESA] Model) where an agricultural conservation easement could be recorded.

Before operation of CHCF Stockton, a perpetual agricultural conservation easement or deed shall be recorded on land that meets the LESA Model score for Important Farmland equal in acreage to the number of Important Farmland converted by the proposed project at a minimum 1:1 ratio.

Traffic and Circulation

2. CPR will hire a qualified traffic consultant to prepare a Construction Traffic Mitigation Plan (CTMP) for the proposed project.

The CTMP will eliminate construction traffic in each peak traffic hour during which construction would occur. The CTMP shall require all construction workers to be on the site prior to 6 a.m. or after 10 a.m. and they shall not leave the site between the hours of 4 p.m. and 6 p.m. In addition, to reduce construction traffic in the off-peak hours, the CTMP shall include a combination of the following measures, so there are no more than 333 vehicles that access/exit the site in any single hour:

- ▶ Encourage construction workers to carpool with a goal of 3.40 average vehicle occupancy at all times during the construction period.
- ▶ Instruct construction employees to (equally) utilize three separate east-west routes to the project site: 1) Mariposa Road; 2) Arch Road; and 3) French Camp Road. This would disperse construction trips from Arch Road and SR 99 north and south of Arch Road.
- ▶ Provide shuttle buses (seating capacity = 40) to pick up construction workers from four remote locations. These four pick up locations would ideally be located in north Stockton, two in central Stockton and one in the south towards the City of Modesto.

In addition to these measures, the CPR will include the following to improve operations near the site:

- ▶ A flagman or other traffic control will be placed at the intersection of Arch Road/Austin Road and the project access driveway during peak arrival/departure whenever there is significant congestion at this intersection.
3. The Receiver shall schedule staff shift changes to occur outside of the weekday peak commute periods (7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m.). Deliveries and visitors to the site shall also be restricted through purchasing contracts or other binding agreements to the hours of 9 a.m. to 3 p.m. and after 6:00 p.m. to minimize project-generated traffic during the a.m. peak hour. Some examples of the off-peak hour staff shift changes could be as follows:
 - ▶ *8-hour shift*: 5:00 a.m. to 2:00 p.m. and/or 9:00 a.m. to 6:00 p.m.; and late evening/early morning shifts
 - ▶ 12-hour shift: 6:00 a.m. to 6:00 p.m.

Table 4.3-17 presents the revised project trip generation with the implementation of this measure.

Table 4.3-17 Trip Generation with Off-Peak Shift Timing Mitigation Measure							
Variable	Daily Trips	A.M. Peak-Hour Trips			P.M. Peak-Hour Trips		
		In	Out	Total	In	Out	Total
Staff	3,292	0	0	0	0	0	0
Deliveries	42	0	0	0	0	0	0
Visitors	232	0	0	0	0	0	0
Total Trip Generation	3,566	0	0	0	0	0	0
Source: Data compiled by DKS Associates in 2009							

Air Quality

4. **Reduction of Emissions of Ozone Precursors during Construction.** CPR will comply with San Joaquin Valley Air Pollution Control District’s (SJVAPCD’s) Rule 9510, “Indirect Source Review,” as required by SJVAPCD based on the project’s specifications. Rule 9510 applies to any applicant that seeks to gain a final discretionary approval for a development project, or any portion thereof, that upon full buildout would include 50 residential units, 2,000 square feet of commercial space, 25,000 square feet of light-industrial space, or 9,000 square feet of any space, as well as similar minima for other land use types.

CPR will submit an air impact assessment (AIA) application to SJVAPCD prior to initiating construction. Nothing in Rule 9510 precludes CPR from submitting an AIA application before final discretionary approval of the project. CPR will submit the AIA application as early as possible in the process. The AIA application will be submitted on a form provided by SJVAPCD and will contain, at a minimum, the contact name and address for CPR, a detailed project description, an on-site emission reduction checklist, a monitoring and reporting schedule, and an AIA. The AIA will quantify NO_x and PM₁₀ emissions associated with project construction. This assessment will include the estimated construction baseline emissions, and the mitigated emissions for each applicable pollutant for project construction, or each phase thereof, and will quantify the off-site fee, if applicable. CPR will comply with the following general mitigation requirements for construction emissions, as contained in the Indirect Source Review (ISR) rule:

- ▶ Exhaust emissions for construction equipment greater than 50 horsepower used or associated with the development project shall be reduced by 20% of the total NO_x and by 45% of the total PM₁₀ exhaust emissions from the statewide average as estimated by ARB.
- ▶ An applicant may reduce construction emissions on-site by using less polluting construction equipment, which can be achieved by utilizing add-on controls, cleaner fuels, or newer lower emitting equipment.
- ▶ Additional strategies for reducing construction emissions may include, but are not limited to:
 - providing commercial electric power to the project site in adequate capacity to avoid or minimize the use of portable electric generators and the equipment;
 - substitution of electric-powered equipment for diesel engine–driven equipment; and
 - limiting the hours of operation of heavy duty equipment and/or the amount of equipment in use at any one time.

- ▶ The requirements listed above can be met through any combination of on-site emission reduction measures or off-site fees. The ISR rule provides a method of calculating fees to be paid to offset any NO_x and PM₁₀ emission reductions that would not be achieved by selection of construction equipment and fuels.

CPR will implement the following SJVAPCD-recommended additional control measures to further reduce exhaust emissions:

- ▶ Minimize idling time (e.g., 10-minute maximum).
- ▶ Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

Reduction of Particulate Emissions during Construction. CPR will comply with SJVAPCD's Regulation VIII, "Fugitive Dust PM₁₀ Prohibitions," and will implement all applicable control measures. Regulation VIII contains the following required control measures, among others:

- ▶ Pre-water site sufficient to limit visible dust emissions (VDE) to 20% opacity.
- ▶ Phase work to reduce the amount of disturbed surface area at any one time.
- ▶ During active operations, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity.
- ▶ During active operations, construct and maintain wind barriers sufficient to limit VDE to 20% opacity.
- ▶ During active operations, apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20% opacity and meet the conditions of a stabilized unpaved road surface.
- ▶ Limit the speed of vehicles traveling on uncontrolled unpaved access/haul roads within construction sites to a maximum of 15 miles per hour.
- ▶ Post speed limit signs that meet state and federal Department of Transportation standards at each construction site's uncontrolled unpaved access/haul road entrance. At a minimum, speed limit signs shall also be posted at least every 500 feet and shall be readable in both directions of travel along uncontrolled unpaved access/haul roads.
- ▶ When handling bulk materials, apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20% opacity.
- ▶ When handling bulk material, construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity.
- ▶ When storing bulk materials, comply with the conditions for a stabilized surface as listed above.
- ▶ When storing bulk materials, cover bulk materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action.
- ▶ When storing bulk materials, construct and maintain wind barriers sufficient to limit VDE to 20% opacity and with less than 50% porosity. If utilizing fences or wind barriers, apply water or

chemical/organic stabilizers/suppressants to limit VDE to 20% opacity or utilize a three-sided structure with a height at least equal to the height of the storage pile and with less than 50% porosity.

- ▶ Load all haul trucks such that the freeboard is not less than 6 inches when material is transported across any paved public access road sufficient to limit VDE to 20% opacity.
- ▶ Apply water to the top of the load sufficient to limit VDE to 20% opacity.
- ▶ Cover haul trucks with a tarp or other suitable cover.
- ▶ Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site.
- ▶ Prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more from the nearest unpaved surface exit point of a site.
- ▶ Cleanup of carryout and trackout shall be accomplished by manually sweeping and picking up; or operating a rotary brush or broom accompanied or preceded by sufficient wetting to limit VDE to 20% opacity; or operating a PM₁₀-efficient street sweeper that has a pickup efficiency of at least 80%; or flushing with water, if curbs or gutters are not present and where the use of water would not result as a source of trackout material or result in adverse impacts on storm water drainage systems or violate any National Pollutant Discharge Elimination System permit program.
- ▶ Submit a dust control plan to the air pollution control officer (APCO) prior to the start of any construction activity on any site that will include 5 acres or more of disturbed surface area, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least 3 days. Construction activities shall not commence until the APCO has approved or conditionally approved the dust control plan. Provide written notification to the APCO within 10 days prior to the commencement of earthmoving activities via fax or mail.

CPR will implement the following SJVAPCD-recommended enhanced and additional control measures for all construction phases to further reduce fugitive PM₁₀ dust emissions:

- ▶ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1%.
- ▶ Suspend excavation and grading activity when winds exceed 20 mph.

5. CPR will comply with SJVAPCD's Rule 9510, "Indirect Source Review." Although NO_x emissions would be below the 10-tons per year (TPY) threshold for 2012 and beyond, compliance with Rule 9510 is required for projects where NO_x emissions would exceed 2 TPY. CPR will submit an AIA application to SJVAPCD prior to initiating construction, as described in the mitigation measure "Reduction of Emissions of Ozone Precursors during Construction" for Impact AIR-1. The AIA will quantify operational emissions of NO_x and PM₁₀ exhaust associated with the project. The AIA will include the estimated operational baseline emissions and the mitigated emissions for each applicable pollutant for the project and will quantify the off-site fee, if applicable. CPR will comply with the following general mitigation requirements for operations emissions, as contained in SJVAPCD Rule 9510:

- ▶ Applicants shall reduce 50% of the project's operational baseline PM₁₀ emissions over a period of 10 years as quantified in the approved AIA.
- ▶ Applicants shall reduce 33.3% of the project's operational baseline NO_x emissions over a period of 10 years as quantified in the approved AIA.

The requirements listed above can be met by implementing any combination of on-site emission reduction measures or payment of off-site fees. SJVAPCD Rule 9510 provides a method of calculating fees to be paid to offset any NO_x and PM₁₀ emission reductions that would not be achieved by selection of construction equipment and fuels.

Mitigation of potential impacts, especially emissions of ozone precursors and PM₁₀, is best achieved in the project design stage. CPR will implement, at a minimum, the following SJVAPCD-recommended mitigation measures to further reduce operational emissions from mobile sources:

- ▶ Rideshare Operational: Implement carpool/vanpool program such as carpool ride matching for employees, assistance with vanpool formation, provisions of vanpool vehicles, and others.
- ▶ Parking Operational: Provide preferential parking for carpool and vanpool vehicles, implement parking fees for single occupancy vehicle commuters, implement parking cash-out program for employees.
- ▶ Include as many clean alternative energy features as possible to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines).

CPR will implement the following SJVAPCD-recommended mitigation measures, as feasible, to further reduce operational emissions from area sources:

- ▶ Provide electrical outlets at building exterior areas and electric powered landscape maintenance equipment.
- ▶ Increase wall and attic insulation beyond Title 24 requirements (residential and commercial).
- ▶ Orient buildings to take advantage of solar heating and natural cooling and use passive solar designs.
- ▶ Provide highly reflective roofing materials and radiant heat barriers.
- ▶ Utilize day lighting systems such as skylights, light shelves, and interior transom windows.

Noise

6. CPR will implement the following mitigation measures to reduce noise levels generated by on-site construction-equipment:

- ▶ Construction equipment will be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All impact tools will be shrouded or shielded and all intake and exhaust ports on power equipment will be muffled or shielded.
- ▶ Construction equipment will not be idled for extended periods of time in the vicinity of noise-sensitive receptors.
- ▶ Fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) will be located as far as possible from noise-sensitive receptors.
- ▶ A disturbance coordinator will be designated by CPR, which will post contact information in a conspicuous location near the entrance so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator will manage complaints resulting from the construction noise. Reoccurring disturbances will be evaluated by a qualified acoustical consultant retained by CPR to ensure compliance with applicable standards. The disturbance coordinator will contact nearby noise-sensitive receptors, advising them of the construction schedule.

- ▶ Where feasible, project construction and related activities will occur between 6 a.m. and 9 p.m., the operational hours outlined in the San Joaquin County Development Code's Noise Ordinance.
- ▶ Where construction operations and related activities occur during more sensitive evening and nighttime hours (9 p.m. to 6 a.m.), CPR will notify the three residences along Austin Road 24 hours in advance of nighttime construction activities, and temporary noise barriers will be erected to minimize noise disturbances at nearby noise-sensitive land uses. Temporary barriers will be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor. Acoustical barriers will be constructed of material with a minimum surface weight of 2 pounds per square foot or greater, and a demonstrated Sound Transmission Class (STC) rating of 25 or greater as defined by American Society for Testing and Materials (ASTM) Test Method E90. Placement, orientation, size, and density of acoustical barriers will be specified by a qualified acoustical consultant (when specific equipment configurations, locations, and operational details become available) such that noise generated by construction activities occurring after 9 p.m. would not exceed applicable County standards at the single-family residences. Alternatively, contingent upon agreement by the occupants, CPR may pay to temporarily relocate occupants of the residences during periods of nighttime construction.
- ▶ Pile holes shall be pre-drilled to the maximum feasible depth. Pre-drilling pile holes shall reduce the number of blows required to completely seat the pile, and shall concentrate the pile driving activity closer to the ground where pile driving noise can be shielded more effectively by a noise barrier/curtain.

7. CPR will ensure that the mitigation measures described below are implemented to reduce exposure of noise-sensitive receptors to excessive off-site construction-generated traffic noise levels:

- ▶ All heavy trucks will be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.
- ▶ All haul trucks will be inspected before use and a minimum of once per year to ensure proper maintenance and presence of noise-control devices (e.g., lubrication, nonleaking mufflers, and shrouding).
- ▶ Construction entrances and heavy truck haul routes will be located as far as possible from nearby noise-sensitive receptors.
- ▶ Reduced heavy-truck speed limits will be established and enforced within 600 feet of noise-sensitive receptors.

8. For the proposed project, CPR will implement one of the following two mitigation measures to reduce the effect of noise levels generated by on-site stationary noise sources located within 1,200 feet from a sensitive receptor:

- ▶ Routine testing and preventive maintenance will be conducted during the less sensitive daytime hours (i.e., 7:00 a.m. to 6:00 p.m.). All electrical generators will be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

OR

- ▶ Electrical generators will be located within equipment rooms or enclosures that incorporate noise-reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures will be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

Hydrology and Water Quality

9. Before any construction-related ground disturbance, CPR will consult with County Public Works staff members to ensure that project construction procedures are consistent with County stormwater requirements. CPR will also contact the State Water Resources Control Board (SWRCB) and the Central Valley RWQCB to obtain Section 401 water quality certification, a statewide National Pollutant discharge Elimination System (NPDES) stormwater permit for general construction activity, and any other necessary site-specific waste discharge requirements (WDRs) or waivers under the Porter-Cologne Act. CPR will prepare and submit the appropriate notices of intent and prepare the Storm Water Pollution Prevention Plan (SWPPP) and any other necessary engineering plans and specifications for pollution prevention and control. The SWPPP and other appropriate plans will identify and specify:

- ▶ BMPs to be used for erosion and sediment control, including construction techniques to reduce the potential for runoff as well as other measures to be implemented during construction (e.g., sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences);
- ▶ approved local plans and nonstormwater-management controls to be implemented, permanent postconstruction BMPs to be followed, and responsibilities associated with inspection and maintenance;
- ▶ the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, and other types of materials used to operate equipment;
- ▶ spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used to operate equipment, and emergency procedures for responding to spills;
- ▶ personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- ▶ the appropriate personnel responsible for supervising implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition and will be used in all subsequent site development activities. BMPs may include such measures as the following:

- ▶ Implementing temporary erosion-control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- ▶ Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- ▶ Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff from accumulating at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

All construction contractors will retain a copy of the approved SWPPP on the construction site.

Biological Resources

10. Prior to the site preparation activities excavation and grading of habitat land, CPR will, as encouraged in the letter dated August 15, 2008 from San Joaquin Council of Governments (SJCOG), request from the SJMSCP Joint Powers Authority (under SJCOG) concurrence that the proposed project qualifies for third-

party participation in the SJMSCP because the project is consistent with permitted activities as defined in SJMSCP Section 8.2.2.c, “Major Impact Projects.” Upon receipt of the concurrence letter, CPR will pay the Natural Lands and Agricultural Habitat Lands Fee (adjusted for inflation annually by the Joint Powers Authority) as defined in SJMSCP Section 7.4.1.2, “Agricultural Habitat Lands, Non-Vernal Pool Natural Lands, and Multipurpose Open Space Lands.” Site ~~grading and excavation preparation activities~~ may commence upon payment of the fees. The SJMSCP Joint Powers Authority will determine the fee amount to be paid based on the acreage of disturbance. The total amount could be up to ~~153.2~~144.2 acres (up to: 70 acres of farmland raptor foraging habitat ~~and the~~; 74.2 acres of raptor nesting habitat at the existing Karl Holton Youth Correctional Facility; ~~and 9 acres of raptor foraging habitat at the existing detention basin~~).

In addition, the following avoidance and minimization measures for Swainson’s hawk and other tree-nesting raptors and burrowing owl will be implemented.

Swainson’s Hawk and Other Tree-Nesting Raptors. Consistent with the avoidance and minimization measures in the SJMSCP, CPR will implement the following measures to reduce impacts on Swainson’s hawk and other tree-nesting raptors:

- ▶ If trees and floodlights are removed between September 1 and February 15, then no further mitigation will be required.
- ▶ If trees and floodlights are removed between February 16 and August 31, then a qualified biologist will be retained to conduct preconstruction surveys for active raptor nests on and within 0.5 mile of the project site no more than 14 days and no less than 7 days before tree and floodlight removal. Surveys for Swainson’s hawks will follow the guidelines provided in the *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley* (DFG 2000). If no active nests are found, then no further mitigation will be required.
- ▶ If active nests are found, the qualified biologist will establish a buffer around the tree or floodlight where the active nest is located. No project activity will commence within the buffer area until the qualified biologist confirms that the nest is no longer active or that the young have fully fledged. For Swainson’s hawk nests, DFG guidelines recommend implementation of 0.25- or 0.5-mile buffers, but the size of the buffer may be adjusted if a qualified biologist and DFG determine that it would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest.

Burrowing Owl. Consistent with the avoidance and minimization measures in the SJMSCP, CPR will implement the following measures to reduce impacts on burrowing owl:

- ▶ Retain a qualified biologist to conduct focused surveys for burrowing owls in areas of suitable habitat on and within 250 feet of the project site. Surveys will be conducted before project activity and in accordance with DFG protocol (DFG 1995).
- ▶ If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings will be submitted to DFG, and no further mitigation is necessary. If occupied burrows are found, to the extent feasible, establish a buffer of 165 feet around the occupied burrow during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that adjusting the buffer size would not be likely to have adverse effects. No project activity will commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow will be preserved until the breeding season is over.

- ▶ If occupied burrows cannot be avoided, during the nonbreeding season conduct on-site passive relocation techniques, approved by DFG, to encourage owls to move to alternative burrows outside of the impact area. No burrows found by the survey to be occupied will be disturbed during the breeding season.
- ▶ After burrowing owls have been confirmed absent or removed from the site, the burrows may be destroyed.

11. Surveys for roosting bats on the project site will be conducted by a qualified biologist. Surveys will consist of a daytime pedestrian survey looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. The type of survey will depend on the condition of the buildings. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the number and species of bats using the roost will be determined. Bat detectors may be used to supplement survey efforts, but are not required.

If roosts of pallid bats are determined to be present and must be removed, the bats will be excluded from the roosting site before the facility is removed. A mitigation program addressing compensation, exclusion methods, and roost removal procedures will be developed in consultation with DFG before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with DFG and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the building may be removed.

12. CPR will consult with USFWS and DFG regarding the proposed project and anticipated wildlife mortality and will take appropriate actions to minimize wildlife electrocutions to the extent feasible and compensate for impacts on native wildlife species. It is anticipated that this will be accomplished by seeking coverage under the Statewide Electrified Fence HCP in agreement with USFWS and DFG, with concurrence from CDCR. The proposed project will replace the Northern California Women's Facility (NCWF) site which is currently covered under the HCP. The tiered mitigation approach used by the HCP to offset potential adverse effects on birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code is outlined below. If coverage under the Statewide Electrified Fence HCP is not authorized, then avoidance and minimization measures in Tier 1 and Tier 2 will be implemented as described below and habitat compensation commensurate with Tier 3 mitigation will be developed in consultation with USFWS and DFG.

- ▶ *Tier 1:* These mitigation measures are designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife will frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures will include:
 - *Minimization of vegetation in the vicinity of the electrified fence perimeter.* This will include removal of vegetation growing between and adjacent to chain link fences that surround electrified fences and keeping the first 100 feet of vacant land outside the perimeter and patrol road free of vegetation. Landscaping vegetation near the electrified fence will be minimized and will be trimmed or mowed to reduce its attractiveness to wildlife. Facility landscaping will be designed to provide as little cover and as few foraging and nesting opportunities as possible. Detailed information, including recommended landscape plantings that are less attractive to wildlife, can be found in the *Handbook to Reduce Wildlife Use* (MBA 1996).

- *Minimization of standing water near the fence perimeter.* Rainwater will not be allowed to stand in or near the perimeter for more than 24 hours after a storm. Localized recontouring, excavation of ditches, and placement of gravel will occur to prevent ponding. Weeds, grasses, or emergent vegetation will be removed from ditches regularly.
 - *Timely correction of erosion gaps and spaces under fencing.* Inner and outer chain link fences will be inspected weekly to ensure that no gaps or spaces have formed. All eroded areas will be filled with soil or gravel as soon as feasible to prevent animals from entering electrified-fence areas.
 - *Proper storage of materials and waste.* To the extent feasible, equipment, supplies, rubble, or pallets will not be stored (temporarily or permanently) within 200 feet of either side of the fence perimeter. Garbage cans and dumpsters will be covered at all times and emptied as often as required to prevent overflow. The area within 200 feet of the fence perimeter will be kept free of all trash, litter, and loose food waste.
- ▶ *Tier 2:* These mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed electrified fence are listed below.
- *Vertical netting.* Past analysis of the locations of carcasses has shown that wildlife kills were typically the result of animals contacting the lowest nine wires, because wires are vertically closer together, resulting in more opportunities for birds to contact two lethal wires or a wire and a ground. Install three-quarter-inch mesh vertical netting enveloping both sides of the lower section of the electrified fence, which will prevent most birds from contacting the fence.
 - *Anti-perching wire.* Several birds have been electrocuted as a result of contacting electrified wires while perching, or attempting to perch, on the grounding brackets and fence posts of the electrified fence. Anti-perching wires, which consist of 2- to 4- inch pieces of stiff wire connected to an aluminum base, will be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire will reduce the ability of birds to perch near the electrified fence, thus reducing exposure to accidental electrocutions.
- ▶ *Tier 3:* These mitigation measures compensate for residual wildlife mortality impacts. Habitat compensation for residual wildlife impacts associated with operation of the electrified fence at this site was provided in the HCP for the Statewide Electrified Fence Project. Collectively, the HCP is providing 2,565 acres of mitigation at 10 sites to offset the loss of individuals from electrified-fence mortality by improving reproductive success elsewhere in the state. The compensatory mitigation for the Statewide Electrified Fence Project's HCP includes habitat acquisition, restoration, management, and creation of 71 acres of riparian woodland, 1,162 acres of scrub/savanna, 700 acres of grassland/agriculture, 250 acres of mixed oak/pine woodland, 202 acres of emergent wetland/open water, and 180 acres of montane/coastal forest. Therefore, if USFWS and DFG agree to use the Statewide Electrified Fence Project's HCP for this project, no additional compensatory mitigation is required.

Alternatively, if the project does not receive coverage under the HCP, CPR will contribute funds to an existing non-profit organization that creates and manages habitat enhancement areas that would improve opportunities for reproductive success of birds likely to be adversely affected by the project. Birds likely to be adversely affected will be predicted based on the results of mortality monitoring at comparable CDCR facilities and based on birds expected to occur in the project vicinity based on surrounding habitat. Mechanisms for implementing the mitigation will be similar to those previously utilized by CDCR for the Statewide and Six Prison Electrified Fence Projects and may include additional funding for a project to which CDCR has already contributed as part of these existing projects. The San Joaquin Valley will be

targeted, but mitigation could be implemented at federal, state, or private lands located anywhere in California if the lands support a large percentage of the species at risk of electrocution at the project site. The amount of funding contributed would depend on the acreage of habitat that would benefit from the mitigation. The mitigation acreage required would be determined based on the anticipated annual mortality of native birds and the area required to support an equivalent number of individuals of the species at greatest risk of electrocution.

Cultural Resources

13. A qualified professional archaeologist will train construction personnel who will perform ground-disturbing activities, such as grading and excavation, on how to identify cultural materials. The archaeologist will train construction personnel on the nature of subsurface cultural resources that may be present, based on his or her knowledge of the relevant prehistoric and historic archaeology of the region. If cultural materials are inadvertently discovered during project-related construction activities, ground disturbances in the area of the find will cease immediately and the archaeologist will be notified of the discovery. The archaeologist will evaluate the find to determine whether it constitutes a unique archaeological resource or a historical resource within the meaning of CEQA (Sections 15064.5[a][1] through 15064.5[a][4] of the State CEQA Guidelines). If the archaeologist determines that the find is not a unique archaeological resource or historical resource as defined in the State CEQA Guidelines, construction may commence, and a memorandum shall be prepared documenting the factual basis for this decision. No public circulation or notice is required.

If the archaeologist determines that the discovery is a unique archaeological resource or historical resource, then one of the following actions will occur, in order of priority as described below:

- ▶ If possible, the resource will be avoided and preserved in place. This is the preferred treatment under CEQA (California Public Resources Code, Section 21083.2[b][3]).
- ▶ If preservation in place is not feasible, CPR shall retain a qualified archaeologist (with qualifications determined by training and experience in the region and relevant research domains) to prepare and implement an excavation plan. This plan will involve retrieving a suitable sample of the physical materials that make the resource significant and qualify the site as a unique archaeological resource or a historical resource under CEQA. The excavation plan will also specify a program of analysis to retrieve and convey the information that makes the resource significant. This plan will specifically refer to the relevant eligibility criteria for listing on the California Register of Historical Resources (CRHR) or the criteria for a unique archaeological site in the State CEQA Guidelines. The plan will summarize the findings of this program of research in an excavation report, which shall be filed at the local information center for the California Historical Resources Information System upon completion, so that the findings inform future archaeological and historical research. This plan will specify how the program of excavation and analysis will recover and convey the portions of the site that convey its significance before project implementation may materially alter or demolish those physical characteristics, as provided in Section 15064.5(b)(2) of the State CEQA Guidelines.

Ground-disturbing activities may commence again after the excavation required to implement the plan has occurred. Ground-disturbing work may commence before the completion of the analysis and preparation of a report documenting the findings of the excavation plan.

14. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find will be halted immediately and CPR or its designated representative will be notified. CPR will immediately notify the county coroner and a qualified professional archaeologist. The coroner will examine all discoveries of human remains within 48 hours of receiving notice of the discovery. If the coroner determines that the remains are those of a Native American, he or she will contact the NAHC by phone within 24 hours of making that

determination. CPR or its appointed representative and the professional archaeologist will consult with a Most Likely Descendant (MLD) designated by the NAHC regarding the removal or preservation and avoidance of the remains and determine whether additional burials could be present in the vicinity.

Geology and Paleontology

15. CPR will retain a licensed geotechnical or soils engineer to prepare a soils report for each area of proposed development. The report will identify the site-specific engineering limitations of soils and provide engineering recommendations to reduce potential damage to planned improvements from shrink-swell potential. Recommendations may include actions such as structural enforcement, soil treatment, or replacement of existing soil with engineered fill. CPR will implement all feasible engineering and design recommendations contained in the report consistent with the standards identified in the California Building Code.

All earthwork in each phase of project development will be monitored by a geotechnical or soils engineer retained by CPR. The geotechnical or soils engineer will provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on the project site.

16. CPR will implement the mitigation measure for Impact HYDRO-1, "Implementation of the project could result in short-term, construction-related impacts on water quality," as described in Section 4.6, "Hydrology and Water Quality."
17. CPR will implement the following measures to minimize potential adverse impacts on unique, scientifically important paleontological resources:
- ▶ Before the start of grading, excavation, or demolition, CPR will retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
 - ▶ If paleontological resources are discovered during earthmoving activities, the construction crew will be directed to immediately cease work in the vicinity of the find and notify CPR. CPR will retain a qualified paleontologist to evaluate the resource and prepare a mitigation plan in accordance with SVP guidelines (1996). The mitigation plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by CPR to be necessary and feasible will be implemented before construction or demolition activities can resume at the site where the paleontological resources were discovered.

Hazards and Hazardous Materials

18. **Additional Investigation of Soil Contamination and Preliminary Soil Excavation Plan.** CPR will implement the following measures to remediate existing soil contamination on the project site:
- ▶ CPR will complete the additional investigation of contaminated soil before excavation to further define the extent of contaminated soil near borings E-4 and E-5. The scope of that work will include soil sampling at 8–16 "step-out" borings in the vicinity of the affected areas. Those borings will be placed approximately 20 feet from borings E-4 and E-5 to assess the lateral extent of contaminated soil. Selected soil samples will be analyzed for TPHd, TPHmo, SVOCs, and chlorinated pesticides.
 - ▶ Based on the results of the additional investigation, CPR will hire a qualified technician to create a preliminary plan of soil excavation and disposal that includes the entire area of contamination (an area approximately 70 feet by 100 feet and 8 feet deep, encompassing the locations of both borings E-

4 and E-5, with a preliminary in-place soil volume of approximately 2,100 cubic yards). The goal of the soil excavation plan and disposal plan will be to remove all the soils containing chemical concentrations in excess of the California human health screening levels and render excavated soil suitable for disposal as a nonhazardous waste, subject to additional testing as required by the appropriate landfill.

- ▶ Soil removal activities will be completed in accordance with state and local regulatory requirements. As recommended in the final hazardous materials investigation report, CPR will contact DTSC to discuss the findings and approach for remediation discussed herein. Typically, DTSC will require a contractual arrangement (voluntary cleanup agreement) to fund their oversight costs during the removal action. If required by DTSC, CPR will prepare a work plan for conducting additional investigations and will prepare a remedial action work plan before affected soil is excavated.

Abatement of Lead Paint Hazards Related to Existing Buildings. If loose and peeling paint is encountered during demolition, CPR will conduct sampling and analysis for leachable lead content to characterize the waste. Because most paints at the on-site buildings were found to contain lead, and for the purpose of complying with the California Occupational Safety and Health Administration's (Cal/OSHA's) lead in construction regulation (Title 8, Section 1532.1 of the California Code of Regulations [8 CCR 1532.1]), all coated surfaces will be considered to contain some lead. As required by 8 CCR 1532.1, CPR will provide monitoring of lead in the air, adaptive work practices, and respiratory protection to avoid exposure to the presence of even very low levels of lead where the lead is loose and peeling.

Asbestos Abatement. Before demolition, materials to be removed will be tested for the presence of asbestos. Also, CPR will perform a survey of building materials at the portable trailers near the educational buildings to assess the presence of paint containing lead and ACM; any lead-containing paint and ACM encountered in the trailers will be removed according to federal, state, and local regulations, including appropriate notification, equipment, handling, and disposal. Consistent with the requirements of the San Joaquin Air Quality Management District, friable ACM with greater than 1% asbestos will be properly disposed of as asbestos waste in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations.

Visual Resources

19. **Minimizing of Construction Lighting Impacts.** To minimize the construction light that could spill onto the residential properties immediately east of the project site, the flood or area lighting needed for construction activities will be directed downward toward work activities and shielded from adjacent residences. Portable construction lights will be operated at the lowest allowable height and in the smallest number feasible to maintain adequate night lighting.

Redirecting Lighting from Project Operations Downward and Away from Residences to the East. To minimize the light from operation of the proposed project that could spill and glare onto residential properties immediately east of the project site, lights will be shielded such that direct lighting does not spill onto the residences. Further, light fixtures will not use reflective surfaces.

Cumulative Traffic

20. Prior to initiating construction, CPR shall coordinate, as appropriate, with the County of San Joaquin's and City of Stockton's departments of public works and Caltrans for implementation of the following measures:
 - ▶ **Intersection of Arch Road and SR 99 Northbound Access:** The CPR shall fully fund the installation of a traffic signal at the intersection of Arch Road and the northbound SR 99 SPUI off-ramp. (Caltrans and City of Stockton jurisdictions)

- ▶ **Southbound SR 99 Off-ramp:** The CPR shall fully fund the expansion of the northbound SR 99 off-ramp to add 131 feet of capacity by widening the two-lane segment of the off-ramp to three lanes prior to where the off-ramp splits into two lefts and one right turn lane.(Caltrans jurisdiction)
- ▶ **Intersection of Arch Road and Austin Road:** The addition of an additional eastbound left-turn lane (to create triple eastbound left-turn lanes) would offset the project’s impact in the year 2035. Because of right-of-way constraints and the City’s design standards, these improvements would not be feasible. The project would contribute 10.0% of the new (cumulative) traffic that affects this intersection. CPR shall pay its fair share, based on the estimated (10 %) contribution into the City’s Regional Transportation Improvement Program (RTIP). (City of Stockton jurisdiction)
- ▶ **Intersection of the Proposed Project Driveway and Austin Road:** CPR will install a traffic signal on Austin Road at the proposed project driveway to offset the project’s impact. The project results in this impact and is fully responsible for mitigation. (County of San Joaquin jurisdiction)

Cumulative Climate Change

21. Implementation of the mitigation measure for Impact AIR-2, which would reduce operational emissions of criteria air pollutants and precursors, would also act to reduce GHG emissions associated with project operation. This mitigation measure is relevant to Impact AIR-2 because emissions of both criteria air pollutants and GHGs are frequently associated with combustion byproducts. In addition, CPR will implement where feasible the following measures to reduce direct and indirect GHG emissions associated with the proposed project. Certain measures could already be considered components of the project, but are provided here for purposes of completeness.

A. Energy Efficiency

- ▶ Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- ▶ Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. LED lights, or a similar low energy use alternative, shall be used for outdoor lighting except in places where use of such lights is not consistent with applicable security lighting standards.
- ▶ Install light-colored “cool” roofs, cool pavements, and strategically placed shade trees (consistent with mitigation requirements for biological resources in connection with operation of the electrified fences).
- ▶ Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.

B. Renewable Energy

- ▶ Install solar and wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning.
- ▶ Improve the thermal integrity of buildings, and reduce the thermal load with automated time clocks or occupant sensors.
- ▶ Install solar panels over parking areas.

C. Water Conservation and Efficiency

- ▶ Create water-efficient landscapes with native, drought-resistant species.
- ▶ Install water-efficient irrigation systems and devices, such as soil moisture–based irrigation controls.
- ▶ Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- ▶ Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.
- ▶ Restrict the use of water for cleaning outdoor surfaces and vehicles.
- ▶ Provide education about water conservation and available programs and incentives.

D. Solid Waste Measures

- ▶ Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).
- ▶ Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.

E. Transportation and Motor Vehicles

- ▶ Limit idling time for commercial vehicles to five minutes, including delivery and construction vehicles.
- ▶ Promote ridesharing programs, e.g., by designating a certain percentage of parking spaces for ridesharing vehicles, designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and providing a Web site or message board for coordinating rides.
- ▶ Create car-sharing programs. Accommodations for such programs include providing parking spaces for the car-share vehicles at convenient locations.
- ▶ Implement a low carbon emission vehicle incentive program and provide the necessary facilities and infrastructure to encourage the use of low- or zero-emission vehicles (e.g., electric-vehicle charging facilities).
- ▶ Use low or zero emission construction vehicles to the extent practicable.
- ▶ Provide shuttle service to public transit.
- ▶ Provide public transit incentives such as free or low-cost monthly transit passes.
- ▶ Join a local transportation management association and prepare employer-based trip reduction plans.