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BY EMAIL and PERSONAL DELIVERY

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Planning Commission
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RE: Hidden Canyon Industrial Park; Plot Plan 16-PP-02; Located at the western terminus of Fourth Street, south of State Highway 60, east of Jack Rabbit Trail. Request for Environmental Impact Report.

Dear Members of the Planning Commission and Director Deming:

I am writing these supplemental comments on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in and around the City of Beaumont and Riverside County (collectively "LIUNA Local Union No. 1184" or "LIUNA" or "Commenters") regarding the Hidden Canyon Industrial Park project, Plot Plan 16-0PP-02, located at the western terminus of Fourth Street, south of State Highway 60, east of Jack Rabbit Trail ("Project").

We have reviewed the CEQA documents for the Project with the assistance of:

1. Traffic Engineer, Daniel T. Smith Jr., P.E.
2. Ecologist, Shawn Smallwood, Ph.D., and
3. Hydrogeologist, Matthew Hagemann, C.Hg., MS. and Environmental Scientist Jessie Jaeger of Soil/ Water/Air Protection Enterprise (SWAPE).

These experts have prepared written comments that are attached hereto, and which are incorporated in their entirety. The City of Beaumont (“City”) should respond to the expert comments separately.

After reviewing the CEQA documents for the Project, together with our team of expert consultants, it is evident that the CEQA process to date involved was highly problematic and contained numerous errors and omissions that preclude accurate analysis of the Project’s environmental impacts. Commenters ask the City to prepare an environmental impact report (“EIR”) for the Project because there is a fair argument that the Project may have significant unmitigated impacts, including impacts on air quality, traffic, and biological resources or at least substantial evidence of new information and changed circumstances requiring substantial change to the Project’s environmental review. An EIR is required to analyze these and other impacts and to propose feasible mitigation measures to reduce the impacts to the extent feasible. Commenters request that any further CEQA analysis employ proper a baseline, acknowledging the current conditions of the Project site.

I. PROJECT BACKGROUND AND DESCRIPTION

The Beaumont Gateway Specific Plan (“BGSP”) was a residential project with 573 dwelling units proposed by the Lockheed Corporation and approved by the City of Beaumont (“City”) in 1996. CEQA compliance for the project was documented through the BGSP EIR, which was certified in 1996. The BGSP was never constructed.

In 2003, CRV-SC Beaumont Partners, LP made an application to the City for the Hidden Canyon Specific Plan (HCSP), a revised residential development of up to 426 residents, park space and a 4.8 acre commercial site located on the former site of the proposed BGSP and an additional 36.5 acres to the east. The City prepared and adopted an addendum to the BGSP EIR in 2005 (“2005 Addendum”). The HCSP was never constructed.

In 2011, yet another application was made to the City for the proposed Hidden Canyon Industrial Park Specific Plan Project (“Hidden Canyon” or “Project”). The Project proposal features 2.89 million square feet of distribution warehouse uses configured as two buildings within the 196.55 acre Specific Plan area in addition to supporting on-site improvements, including but not limited to: roadway, parking, landscaping, and stormwater management features. Despite the fact that the distribution center is a completely different project from the initial housing development plans, the City prepared yet another addendum to the BGSP EIR (“2012 Addendum”) with little further environmental review.

The Plot Plan Approval for the Project expired in 2014. The Planning Commission now considers whether to reapprove Plot Plan 10-02-PP. A Staff Report prepared on June 14, 2016 (“June 14 Staff Report”), concluded that the BGSP EIR with later Addendums “and the findings made by the City Council remain valid for use under this

current application” and recommended approval of Plot Plan 16-PP-02 for the Hidden Canyon Industrial Park.

II. STANDING

Members of Local Union No. 1184 live, work, and recreate in the immediate vicinity of the Project site and/or areas that will be affected by traffic and air pollution created by the Project. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group.

In addition, construction workers will suffer many of the most significant impacts from the Project as currently proposed, such as from air pollution emissions from poorly maintained or controlled construction equipment, exposure to contaminated soil, noise impacts during construction, etc. Therefore, LIUNA Local Union No. 1184 and its members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible.

III. LEGAL STANDARDS

The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal. CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances); *See also, e.g.*, Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Comms. for a Better Env’t v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

Under CEQA, the lead agency may only rely on a prior CEQA document if it was prepared for “essentially the same project.” *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320. Even minor changes to a project can render it a “new project altogether”, subject to new CEQA review under CEQA’s “fair argument” standard. *Save our Neighborhood v. Lishman* (“Lishman”)(2006) 140 Cal.App.4th 1288. Under the fair argument test, a new EIR must be prepared whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact—even if contrary evidence exists to support the agency’s decision. 14 CCR §15064(f)(1); *See also, Stanislaus Audubon v. Stanislaus* (1995) 33 Cal.App.4th 144, 150-151 (1995); *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602. When applying the fair argument test, “deference to the agency's determination is not appropriate and its decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.” *Sierra Club*, 6 Cal. App. 4th at 1312. Thus, the “fair argument” standard creates a “low threshold” favoring

environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 928.

If it is determined that a subsequently proposed activity is the same project already addressed in an EIR, the standard for determining whether further review is required is governed by 14 CCR §15162 and Pub. Res. C. §21166. Under Section 21166, a subsequent or supplemental EIR is only required if there are "substantial changes" to the proposed project or to circumstances which will require "major revisions" in the EIR, or if "[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available." Cal. Pub. Res. Code § 21166. The agency's determination as to whether it may proceed by addendum, rather than supplemental or subsequent EIR must be "on the basis of substantial evidence" 14 CCR § 15162; Cal Pub Res. Code § 21168.5; *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 110. However, "[a]rgument, speculation, unsubstantiated opinion or narrative . . . does not constitute substantial evidence." 14 CCR §15384(a). An addendum is appropriate only if the later activity only involves "minor technical changes." 14 CCR § 15164(b). The addendum must include a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162. . . supported by substantial evidence." *Id.* at § 15164(c),(e).

Under CEQA Guidelines section 15162:

(a) When an EIR has been certified or a Negative Declaration adopted, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

(3) New information of substantial importance which was not known could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.

(B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

IV. The Hidden Canyon Industrial Park is a New Project Requiring the Preparation of an EIR.

The Hidden Canyon Industrial Park is unquestionably a new project requiring its own CEQA review. Under CEQA, the lead agency may only rely on a prior CEQA document if it was prepared for “**essentially the same project.**” *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320. Even minor changes to a project can render it a “new project altogether”, subject to new CEQA review under CEQA’s “fair argument” standard. *Lishman* (2006) 140 Cal.App.4th 1288. The Hidden Canyon Project is entirely different from the BGSP project. The BGSP project was an entirely residential project with no industrial component that was later changed to include a commercial component. The Hidden Canyon Project contains no residential component at all, and is entirely industrial. There is no overlapping use or design component between these Projects. They do not even have the same Project applicant.

In *Lishman*, the Court held that the City could not rely on an addendum to a Mitigated Negative Declaration for a prior project on the same parcel that was unrelated aside from both including hotels. (2006) 140 Cal.App.4th 1288. The Court reasoned:

Although planned for the same land and involving similar mixes of uses [the two projects] are different projects nonetheless. They have different proponents and there is no suggestion the latter project utilized any of the

drawings or other materials connected with the earlier project as a basis for the new configuration of uses.

Id. at 1300. In this case, there is even less of an argument to support the use of an addendum to analyze the environmental impacts of the Project, as there is a new project proponent from the BGSP EIR and complete overhaul of the proposed Project. Therefore, the Addendum prepared for the Project did not comply with CEQA.

Each time a lead agency makes a subsequent discretionary approval, it must ensure that it is on the basis of a valid CEQA document. Once an agency prepares a CEQA document, it can then rely on it for subsequent discretionary approvals. However, if it fails to prepare a CEQA document at the first discretionary approval, it is still required to prepare a CEQA document for subsequent discretionary approvals. *NRDC v. LA* (2002) 103 CA4th 268; *Miller v. Hermosa* (1993) 13 CA4th 1118; *Sherwin-Williams v. SCAQMD* (2001) 86 CA4th 1258 (projects often involve multiple discretionary approvals). Because the 2012 Addendum did not comply with CEQA, no proper CEQA document has been developed for the Project. Thus, under *Lishman* and *Sierra Club v. Sonoma*, the “fair argument” standard applies as to whether the City may proceed without preparation of an EIR. Here, a “fair argument” exists that the Hidden Canyon Project will have significant environmental impacts that have not been analyzed in prior CEQA documents.

A. The BGSP EIR and Subsequent Addenda Acknowledge Potentially Significant Impacts from the Proposed Project.

The 2012 Addendum acknowledges potentially significant impacts:

The Certified EIR proposed mitigation measures for all potentially significant impacts that would result from the previously approved Beaumont Gateway Specific Plan project. However, even after the application of all feasible mitigation measures, the Beaumont Gateway Specific Plan project was found to result in significant residual significant impacts related to climate and air quality, noise, wildlife/vegetation, and land use. . . . As supported by the analysis presented herein, in certifying the Beaumont Gateway Specific Plan EIR, the City has previously adopted a relevant Statement of Overriding Considerations addressing significant impacts that could also be attributable to buildout of the subject site as proposed under the Hidden Canyon Industrial Park Specific Plan Project. That is, the analysis presented within this Addendum demonstrates that the proposed Hidden Canyon Industrial Park Specific Plan Project would not result in new significant or substantively increased or different impacts than would otherwise result from the previously approved Beaumont Gateway Specific Plan project.

2012 Addendum p. 3-5. Given that the City acknowledges significant impacts related to climate and air quality, noise, wildlife/vegetation, and land use arising from the project in

the 2012 Addendum, there is clearly a fair argument that the Project will result in significant impacts.

B. Potentially Significant Air Impacts Have Not Been Analyzed in Prior CEQA Documents.

In addition to the admission of significant impacts in the 2012 Addendum, SWAPE found additional evidence of significant impacts overlooked in the 2012 Addendum. See, SWAPE Comment, attached hereto as **Appendix A**. Specifically, SWAPE found that the 2012 Addendum failed to adequately evaluate construction emissions by assuming that the construction-related emissions of PM₁₀ and NO_x would follow the same scope as the construction activities outlined in the BGSP EIR. There is no reason to assume that the construction of a series of residential and commercial projects would be in anyway similar to the proposed warehouse distribution center given that they are completely different types of development. SWAPE opines that the construction of high-cube distribution warehouses will be much more intensive when compared to a mixed-use project and will require additional grading and paving activities not accounted for in the BGSP EIR. *Id.* at 8. A DEIR should be prepared to calculate emissions from this new Project and properly compare them to the significance thresholds.

Similarly, the mitigation measures for the Project are ill-fitting as a result of the use of an Addendum for a completely new Project. For example, SWAPE pointed out that the operational measures proposed in the Certified EIR to mitigate air pollution impacts were appropriate for mixed-used developments, not high cube warehouse. SWAPE Comment, p. 16. For example, many measures were intended to encourage the use of alternative transportation, such as providing mass transportation options. *Id.* SWAPE explains that this type of mitigation measure is inappropriate for a high cube warehouse project and is merely a vestige of the prior project being analyzed. *Id.* A new EIR is necessary to properly consider the environmental impacts of the Project and feasible mitigation measures.

C. Potentially Significant Biological Impacts have Not Been Adequately Analyzed in Prior CEQA Documents.

Wildlife expert Shawn Smallwood reviewed the CEQA documents at issue and found that the Biological Resources analysis prepared for the 2012 Addendum incorrectly determined that the biological impacts from the Hidden Canyon Industrial Park would not be substantively different from those impacts analyzed in the BSGP EIR and 2005 Addendum. See, Comment of Shawn Smallwood, attached hereto as **Appendix B**. Mr. Smallwood explains in his comment letter that, the industrial park will result in more truck traffic than the residential proposal, as opposed to passenger vehicles. *Id.* at p.6. Large shipping trucks create an increased risk of collision risk for birds and terrestrial wildlife because of their larger size and reduced capacity to brake or swerve. *Id.* Thus, even though the industrial park was estimated to result in less daily

trips, it will actually result in increased collision risks from increased frontal impact surface and cumulative tire surface of trucks associated with the Project. *Id.* Mr. Smallwood concluded that an EIR is necessary to properly address the impacts of increased truck traffic associated with the proposed Project on biological resources. *Id.*

Moreover, Mr. Smallwood pointed out that the project site is located at an obvious juncture for wildlife movement in the region, given that multiple streams converge on the Project site, which is located at the northern edge of the Badlands. Because wildlife movement at the site is likely intensified by these factors, the impacts of increased trucks must receive due consideration through a properly prepared EIR.

The above discussion makes clear that the June 14 Staff Report's finding that the BGSP EIR with subsequent addenda constitute a valid CEQA document for use under this current application is incorrect. The Hidden Canyon Industrial Park is a new project with no semblance to the prior residential developments proposed on the site. Thus, it was improper for the City to consider the environmental impacts of the Project by way of addendum. Given the fact that there is a fair argument that the Project will result in significant environmental impacts, a new EIR must be prepared and certified prior to approval of the Plot Plan.

D. Potentially Significant Traffic Impacts have Not Been Adequately Analyzed in Prior CEQA Documents.

The 2012 Addendum failed to adequately evaluate traffic impacts from the Project by assuming that the nature of the truck traffic produced by a high cube warehouse development would be the same as that of a mixed-use residential and commercial development. First, the traffic trip distribution pattern of a residential and commercial project would concentrate on local street facilities. Traffic from a warehouse project, on the other hand, would be concentrated on regional road facilities. Thus, traffic expert Dan Smith concluded that "there is every reason to conclude that the two very different projects might have significant traffic impacts at different locations irrespective of their relative trip generation totals." Smith Comment, p.4, attach hereto as **Appendix C**.

In addition, for a mixed-use development, truck traffic would comprise only 4-5% of total traffic, whereas traffic from a high cube warehouse complex would be almost 40% truck traffic. Smith Comment, p.4. Thus, Hidden Canyon would produce 7.6 to 9.5 times as much trucks as the BGSP would have. *Id.* Mr. Smith explains that because of the different volume-to-capacity and level-of-service issues, in addition to other unique characteristics of trucks, such as their slower acceleration rates, the suggestion that the scope of traffic impacts for Hidden Valley was considered in the BGSP EIR is unreasonable. *Id.* For example, Mr. Smith notes that an existing turning lane for the Jack Rabbit intersection with SR-60 is grossly deficient in terms of providing safe deceleration within the lane for trucks. While this issue may have been negligible for a

mixed-use development, the concentration of truck traffic generated from the Project makes this issue significant and in need of consideration. *Id.*

V. A Supplemental EIR is Required Because New Information Is Available and the Circumstances Surrounding the Project have Changed Requiring Substantial Changes to the Environmental Analysis.

Even if the City determines that the Project properly fell within the scope of the BGSP (which it clearly does not), it must still conduct further environmental impact review. A supplemental EIR (“SEIR”) is required if: “(1) ‘[s]ubstantial changes’ are proposed in the project, requiring ‘major revisions’ in the EIR; (2) substantial changes arise in the circumstances of the project’s undertaking, requiring major revisions in the EIR; or (3) new information appears that was not known or available at the time the EIR was certified.” *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 796 (citing § 21166; see also Guidelines, 14 CCR § 15162). New information can be in the form of better information with regards to calculating impacts, the nature and extent of those impacts, and new technologies available for the purposes of mitigation. *See Security Environmental Systems, Inc. v. South Coast Air Quality Management Dist.*, 229 Cal. App. 3d 110, 119-25 (1991)(requiring the preparation of an EIR prior to repermitting where new information revealed that initial assumptions and estimates greatly underestimated air pollution impacts and new technological controls had become available.); *Meridian Ocean Sys. v. State Lands Com.*, 222 Cal. App. 3d 153, 164 (1990)(finding it proper to require EIR before repermitting where new information about the Project’s impacts on marine wildlife became available removing the Project from exempt status).

“[S]ection 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired (§ 21167, subd. (c)), and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process.” *Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 54–55. Agencies are given substantial deference in their determination as to whether to conduct a SEIR. *See Santa Teresa Citizen Action Grp. v. City of San Jose* (2003) 114 Cal.App.4th 689, 703. The “agency’s determination not to require a subsequent EIR must be based on substantial evidence in the record,” although conflicts in evidence will be resolved in favor of the agency. *Sierra Club*, 6 Cal.App.4th at 1317. This deferential standard is a reflection of the fact that in-depth review has already occurred. *Id.* Although the standard under Section 21166 is deferential, it does not allow an agency to evade meaningful review of a proposed new activity by relying on an outdated EIR. The June 2016 Staff Report provides that no further environmental document or analysis is required for the proposed project because the BGSP EIR and subsequent addenda accurately assessed the environmental impacts for the proposed Project and those findings remain valid under the current application. However, this conclusion is flawed, and no substantial evidence supports this conclusion, in that it fails to acknowledge the

considerable new information and change in circumstances that have occurred since the prior CEQA documents were prepared.

A. The 2012 Addendum Did Not Consider New Information Then Available About Hazards on the Project Site.

The Project site is atop the former Lockheed Propulsion Company facility, called the Beaumont Site 2 facility, which was historically used for processing, testing, and disposal of solid rocket propellant in support of space and defense programs until operations ceased in 1974. SWAPE Comment, p. 2. The 1996 DEIR identified the status of the Beaumont Site 2 facility, but determined that no testing, handling of processing of any hazard materials occurred within the project site, only nearby. BGSP EIR p.IV-75. The EIR concluded that the off-site testing activities did not result in hazards to the proposed Project. *Id.* at p.IV-78.

SWAPE, however, discovered that investigations of the Beaumont Site 2 facility subsequent to 1995 have revealed otherwise. Indeed, the site is currently included on the California Department of Toxic Substances Control (DTSC) “Envirostor” website and the “Cortese” List of facilities, which lists where hazardous materials releases have occurred prepared by the DTSC pursuant to Government Code § 69562.5(a). *Id.* at 2. In fact, the site is currently being investigated for the presence of explosives, given evidence of an ammunition storage facility previously on-site. *Id.* at 5-6. The subsequent 2005 and 2012 Addenda and June 14 Staff Report relied on the findings of the BGSP EIR without any discussion of more recent reports. According to SWAPE, high explosives on the Project site pose a detonation hazard to construction crews (such as members of LIUNA) and a health hazard to employees who may touch contaminated soil or breathe contaminated dust. *Id.* at p.6. A DEIR must be prepared to analyze the new information surrounding hazard risks on-site and mitigate health and explosion risks.

B. New Information about the Project’s Air Pollution Impacts and Feasible Mitigation is Now Available.

New information is also available with respect to the extent of air pollution likely to be emitted from the Project. Since the 2012 Addendum was adopted, the South Coast Air Quality Management District (SCAQMD) has released new guidance on calculating air pollution emissions from warehouse distribution centers. SWAPE reviewed the 2012 Addendum and determined that several of the values inputted into the model are inaccurate and out of date resulting in substantial underestimation of the air pollution impacts. *Id.* at 7. Such assumptions included truck trips generated from the Project, projected fleet mix, trip length and unrefrigerated storage.

First, the 2012 Addendum underestimated the number of truck trips likely to be generated. The 2012 Addendum relied on a trip rate of 1.44 trips per thousand square feet (TSF) per the 2008 8th Edition ITE Trip General Manual. SWAPE Comment, p. 9.

The 9th Edition of the ITE Trip General Manual became available in 2012 and provides for an updated trip rate of 1.68 trips/TSF. In addition, SCAQMD has since conducted extensive research finding that traditional methods result in a great underestimation of emissions and published guidance on how to properly estimate the emissions from high-cube warehouse projects. *Id.* at p.10. The 2012 Addendum, thus relies on outdated truck trip estimations that failed to take into account the full extent of air pollution likely to be emitted as a result of the Project.

Second, new SCAQMD guidance reveals that the 2012 Addendum underestimated air impacts from the Project by assuming an improper fleet mix. The 2012 Addendum's Trip Generation Analysis relied on the August 2009 City of Fontana *Truck Trip Generation Study* in adopting a truck fleet mix of approximately 20% trucks. *Id.* SCAQMD has since criticized the use of the Fontana Study for high cube warehouses. *Id.* at 11. In 2014, SCAQMD recommended that agencies use a truck fleet mix of 40% trucks, double the figure used for the 2012 Addendum. Relying on a fleet mix comprised mostly of smaller vehicles results in lower emission levels because smaller vehicles are less fuel-intensive to operate. By failing to utilize the warehouse-specific truck trip fleet mix, the 2012 Addendum underestimates the total number truck trips the Project will generate during operation, and as a result, the Project's operational emissions are underestimated.

Third, the 2012 Addendum substantially underestimated the length of truck trips by relying on figured inconsistency with recent SCAQMD guidance. The model employed for the 2012 Addendum assumed truck trip lengths of a mere 7.4 miles. *Id.* at 12. This trip length, however, is both inconsistent with recent recommendations set forth by the SCAQMD and other recently proposed projects within the air district. *Id.* SCAQMD has found that most industrial land use types haul consumer goods from the Ports of Long Beach and Los Angeles, which a simple Google map search reveals are approximately 87 miles from the City of Beaumont. *Id.* at 13. SCAQMD now generally recommends a 40-mile one way trip length. *Id.* SWAPE also noted recently proposed warehouse projects within the nearby County of San Bernardino adopted proposed trip lengths of 50 and 24.11 miles. *Id.* In fact, SCAQMD took issue with the 24.11 proposal, a number that is three times that utilized in the 2012 Addendum. *Id.* at 13-14. SCAQMD guidance makes clear that the 2012 Addendum's estimated trip lengths were outdated and grossly unrealistic resulting in the underestimation of the Project's air pollution impacts.

Finally, the 2012 Addendum underestimated operational emissions by failing to consider any cold-storage warehouse uses even though the specific tenants remain unknown. *Id.* at p. 8. Refrigerated storage requires more energy and thus releases more air pollutants and greenhouse gas (GHG) emissions when compared to unrefrigerated warehouses. *Id.* at 9. In addition, Refrigerated trucks tend to idle much longer than typical hauling trucks, even up to an hour. *Id.* Finally, according to the July 2014 SCAQMD Warehouse Truck Trip Study Data Results and Usage presentation, trucks that require refrigeration resulted in greater truck trip rates when compared to

non-refrigerated trucks. (*Id.*) By relying exclusively on unrefrigerated land use emissions, the air quality analysis greatly underestimates the Project's potential air quality and climate change impacts. (*Id.*) SCAQMD requires the use of "conservative analysis" to afford the fullest possible protection of the environment.¹ Because it is reasonably foreseeable that one or more of the warehouse tenants will require refrigeration, the calculations should have taken into account for the effects from refrigerated warehouse buildings. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396. SWAPE recommends an assumption of 15% refrigerated storage based on SCAQMD studies on composite warehouses in the region and CEQA evaluations for similar projects. SWAPE Comment, p.14.

SWAPE conducted an updated modeling analysis using input parameters consistent with recent SCAQMD guidance and determined that the 2012 Addendum substantially underestimated the Project's likely emissions. Projected maximum daily construction emissions of Reactive Organic Gases (ROG), precursors to Ozone and smog also called VOCs, spiked from 5 lbs/day in the 2012 Addendum to a staggering 609 lbs/day in the SWAPE model, far surpassing the pollutant's significance threshold of 75 lbs/day. *Id.* at p.15. Thus, the Project's construction-related ROG emissions would result in a significant air quality impact, which was not previously identified in CEQA documentation for the Project. *Id.* Even short-term exposure to ROG can cause a host of symptoms, including headaches, dizziness, visual disorders, allergic skin reactions, memory impairment. *Id.* at 17.

In addition, SWAPE found that the significance of the Project's operational emissions was also substantially underestimated. When corrected input parameters were used, all operational criteria air pollutant emissions increased by a minimum of 30% compared to the estimates in the 2012 Addendum. Contrary to the 2012 Addendum, SWAPE's model revealed that maximum daily operation emissions from carbon monoxide (CO) and PM₁₀ emissions would exceed the SCAQMD significance threshold. *Id.* at 15. In addition, SWAPE's model revealed that the 2012 Addendum also underestimated the extent to which the maximum daily operation emissions from ROG and NO_x exceeded significance thresholds. In sum, new SCAQMD guidance demonstrates that Hidden Canyon is likely to result in significant air quality impacts that were not previously identified in past CEQA evaluations.

CEQA requires public agencies to implement all "feasible" mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The City may not approve the Project unless it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B).

¹ http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2

Because the 2012 Addendum failed to acknowledge that ROG emissions from construction and operational CO and PM₁₀ emissions would be significant and underestimated the significance of PM₁₀ and NO_x emissions, new mitigation measures must be identified and incorporated to abate these impacts. *Id.* at 17.

For ROG, SWAPE identifies several feasible measures “routinely identified in other CEQA matters,” including the use of zero-VOC emission paints, materials that do not require paint, and spray equipment with greater transfer efficiencies. *Id.* For PM₁₀ and NO_x, SWAPE lists a number of mitigation measures that SCAQMD has recommended for a similar high cube warehouse project, mostly related to reducing emissions from truck activity. *Id.* at 18. Finally, SWAPE suggests a number of mobile source mitigation measures to reduce NO_x emissions including installation of solar energy panels and energy efficient appliances. *Id.* at 18-19.

New information is also available in the form of new technological innovation allowing for improved mitigation of air pollution impacts. For example, SWAPE noted the development of construction equipment equipped with Tier 1, 2, 3, and 4 engines. *Id.* In addition, technological advancement may allow for the incorporation of mitigation measures that would have been infeasible at prior stages of CEQA review. *Id.* Thus, the mitigation measures incorporated to the Certified BGSP EIR and subsequent Addenda fail to include all feasible mitigation measures as required under CEQA. *Id.* at 16.

Because new SCAQMD guidance and new mitigation technologies have become available since the preparation of the 2012 Addendum, it constitutes new information warranting the preparation of a new EIR. See *Security Environmental Systems, Inc. v. South Coast Air Quality Management Dist.*, 229 Cal. App. 3d 110, 119-25 (Cal. App. 2d Dist. 1991). Where the 2012 Addendum constitutes a substantial underestimation of significant air pollution impacts, the City should require the project applicant to prepare a supplemental EIR prior to approving the plot plan for the Project.

C. New Greenhouse Gas Emissions Reduction Goals Necessitate Further Review of the Project’s Climate Change Impacts.

SWAPE also points out that new information has become available since the preparation of the 2012 Addendum with respect to GHG emissions impacts. SWAPE Comments, p. 22. In 2015, three years after the 2012 Addendum was prepared, Governor Brown adopted Executive Order B-30-15, which calls for statewide emissions reductions of 40 percent below their 1990 levels by 2030. Based on 1990 emissions, SWAPE calculated that this Executive Order requires California to reduce statewide emissions by 49 percent below the “business-as-usual” levels. *Id.* at 23. This 49 percent reduction target, once adjusted to be applicable at project-level, should be considered as a threshold of significance against which to measure Project impacts. *Id.* A subsequent EIR should be prepared to consider the Project’s compliance with the

more aggressive measures specified in Executive Order B-30-15 by demonstrating a reduction of 49 percent below “business-as-usual” levels. *Id.*

D. There Is New Information Regarding the Number of Trips Resulting from the Project.

In addition, there is new information regarding the Project’s traffic impacts. Mr. Smith noted that the City’s June 14 Staff Report indicates that the Project would generate approximately 8,400 trips, a considerable increase from the 5,438 trips estimated in the 2012 Addendum. 2015 Staff Report, p.3. There is no indication where this new figure came from or the basis for the increase. This “new and radically changed” information necessitates a SEIR to fully analyze the Project’s traffic impacts and identify all feasible mitigation measures. Smith Comment, p. 5.

This increase in truck trips of almost 3,000 trips per day constitutes evidence that, “Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.” CEQA Guidelines 15162. A Supplemental EIR is therefore required.

E. A Supplemental EIR is Required to Conduct a Proper Cumulative Impacts Analysis Accounting for Changed Conditions Since 1993.

Finally, a SEIR is necessary to make up for the obsolete and irrelevant cumulative impacts analysis conducted to date for the Project. The cumulative impacts analysis in the Certified BGSP EIR was based on anticipated development in 1995.² Where the above discussion has made clear that the environmental impacts of a high cube warehouse Project are not equivalent in their scope or quantity to a mixed-use development the cumulative impacts analysis conducted for the BGSP EIR is completely irrelevant. However, even if the analysis was on point, the landscape surrounding the Project has dramatically changed in the 23 years since the analysis was conducted. See Smallwood Comment, p.9, Fig. 2. The 2012 Addendum fails to provide an updated cumulative impact analysis, simply stating that the Project will not result in any new cumulatively considerable impact. 2012 Addendum, p. 135.

Even if the 2012 Addendum’s cumulative impacts analysis had been up-to-date, changes subsequent to the Addendum would warrant further cumulative impacts analysis. According to the City of Beaumont Planning Department, as of February 2016, six projects are under development in the City and eight, excluding the proposed Project, are still being reviewed. SWAPE Comment, p. 19. SWAPE located at least four

² Even if this analysis was still relevant, the BGSP EIR relied on an improper cumulative impacts analysis. The EIR determined that although extensive development was expected throughout the area, mitigation for individual projects could offset cumulative impacts. This flawed analysis undermines the purpose of the cumulative impacts assessment. If cumulative impacts could be mitigated by considering each project separately, the analysis would have no purpose.

additional industrial projects currently being built to the east of the Project, as well as one commercial and one residential infill project. *Id.* at 20. Also, in August 2015, the city of Moreno Valley approved the World Logistic Center project, a 40 million square foot industrial park that will generate approximately 14,000 daily truck trips relying on State Route-60 (SR-60). *Id.* None of these projects were evaluated in the Certified EIR or in any of the subsequent addendums.

The cumulative impacts analysis is so lacking for the Project that in December 9, 2011 and again in March of this year, the California Department of Transportation (Caltrans) formally requested that the City conduct a traffic impact analysis of the Project using current traffic data. Smith Comment, p. 5. The request of an expert agency such as Caltrans further underscores the need for full review of the Project's potential environmental impacts in light of current conditions and expected development in its vicinity. A DEIR should be prepared that adequately addresses the Project's cumulative impacts.

With respect to biological impacts, the extensive development since 1993 means there is less natural habitat left resulting in proportionally greater impacts per unit of development. Dr. Smallwood pointed out that it is unlikely that the Western Riverside County Multi-species Habitat Conservation Plan anticipated the proliferation of distribution warehousing and renewable energy development resulting from the Desert Renewable Energy Conservation Plan (DRECP) in the region. The project's impacts on biological resources must be considered in light of these unexpected developments. Smallwood Comments, p.8-9. For example, Dr. Smallwood explained that the DRECP could result in reduction of the burrowing owls in California by half. In addition, Dr. Smallwood explained that impacts to mountain lions would be particularly cumulative and considerable, but impacts to these species would have been unaccounted for in the BGSP EIR, as mountain lions were not yet afforded special status. *Id.* at 8. Such dramatic impacts must be considered as part of a cumulative impacts analysis.

VI. Even If the City Were Permitted to Consider the New Project through an Addendum, the Addendum was Flawed. The City Should Prepare a New CEQA Document to Properly Consider the Project's Potential Impacts.

A. The 2012 Addendum Adopted a Flawed Baseline To Evaluate Greenhouse Gas Impacts.

Establishing an accurate baseline is the *sine qua non* to adequately analyzing and mitigating the significant environmental impacts of a project. See 14 C.C.R. § 15125(a); *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 121-23 ("*Save Our Peninsula.*") Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. Section 15125(a) of the CEQA Guidelines states in pertinent part that a lead agency's environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (Emphasis added.)

14 C.C.R. § 15125(a); *See also, Save Our Peninsula Committee* (2001) 87 Cal.App.4th at 124-25. As the Court of Appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground,’” and not against hypothetical permitted levels. *Save Our Peninsula Committee* (2001) 87 Cal.App.4th at 121-23. Therefore, CEQA analysis may not use previously permitted levels as an analytical baseline, but must instead rely on actual existing physical conditions at the time of analysis. *Cmtys. for a Better Env’t v. S. Coast Air Quality Mgmt. Dist.* (2010) 226 P.3d 985, 990.

The 2012 Addendum adopted an improper baseline, thereby underestimating the Project’s greenhouse gas (GHG) impacts. SWAPE Comment, p. 22. Because GHG reporting was not required under CEQA until 2010, the 1995 Certified EIR did not evaluate the Project’s GHG impacts. 2012 Addendum, p. 105. The 2012 Addendum did analyze GHG emissions for the Hidden Canyon Industrial Park, projecting GHG emissions of 12,448.51 MT CO₂e/year. *Id.* at p.106. SCAQMD has established a 10,000 MT CO₂e/year significance threshold. Instead of finding that the Project’s GHG emissions were significant, the 2012 Addendum compared the projected emissions of the Project to that of the BGSP. It concluded that since the project’s emissions were significantly below what they estimated the Certified BGSP EIR’s emissions would have been, the project would not result in any new or more significant impacts compared to the Certified BGSP EIR. This adoption of the BGSP projected emissions as the baseline, was in contravention of CEQA, which requires that the impacts be projected based on “real conditions on the ground.” *Save Our Peninsula Committee* (2001) 87 Cal.App.4th at 121-23. The BGSP Project was never constructed. Thus, the 2012 Addendum cannot compare emissions of the newly proposed Project to hypothetical emissions that never occurred.

Furthermore, the GHG emissions were not projected as part of the Certified BGSP EIR. As such, it did not compare projected emissions to any threshold or consider mitigation measures of significant impacts. The 2012 Addendum attempts to circumvent conducting a full GHG impacts analysis by relying on an analysis that never was. To say that there is no new information, when there was no prior GHG analysis at all is unreasonable and not in compliance with CEQA. This improper baseline ultimately “mislead(s) the public” by engendering skewed and inaccurate analyses of environmental impacts, mitigation measures and cumulative impacts for biological resources. *See San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at p. 656; *Woodward Park Homeowners*, 150 Cal.App.4th at 708-711.

Because there is no existing project onsite that the Project would replace, the “baseline” for the Project should be equal to zero. *Id.* at 21. Using a baseline of zero, it is clear that the projected emissions exceed the SCAQMD 10,000 MT CO₂e/year threshold. SWAPE Comment, p.22. Moreover, SWAPE found that the 2012 Addendum grossly underestimated Project emissions. SWAPE’s updated analysis (based on the air modeling discussed above) projected annual emissions of 60,339 MT CO₂e/year. Thus, even if the flawed methodology prepared in the 2012 Addendum was accepted, SWAPE found that the proposed Project would still result in a new and more significant impact. *Id.* at 22.

Given that the Project’s GHG impacts are significant, the 2012 Addendum failed to account for and implement all feasible mitigation measures. The California Attorney General’s office has published an extensive list of mitigation measures that may be implemented at the Project level.³ These mitigation measures should be considered in detail in determining what mitigation measures are feasible for Hidden Canyon.

B. The 2012 Addendum Adopted a Flawed Baseline To Evaluate Traffic Impacts

The traffic analysis conducted for the 2012 Addendum adopted an improper baseline. Smith Comment, p.2-3. As with evaluating the GHG impacts, the 2012 Addendum compared the traffic impacts of the Hidden Canyon Industrial Project to that of the BGSP. Because the Project will result in fewer daily and peak hour trips than the BGSP project, it concluded that the Project would not have greater or different impacts from those analyzed in the BGSP EIR. As discussed above, the BGSP was never constructed and thus it was improper to compare emissions of a completely new and different Project to the projected emissions level of the BGSP. *Id.* at 3. The use of the BGSP emissions as the baseline, resulted in “illusory comparisons that can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,” a result at direct odds with CEQA’s intent.” *Cmtys. for a Better Env’t v. S. Coast Air Quality Mgmt. Dist.* (2010) 226 P.3d 985, 990 (internal quotations omitted).

Even if this baseline analysis were permitted, the 2012 Addendum exaggerates this differential between the two projects. The 2012 Addendum estimated that the Project would generate total of 5,438 daily trips, which it compares to 11,800 daily trips from the BGSP EIR. 2012 Addendum, p. 125. However, Mr. Smith points out that the 2012 addendum utilizes the *gross trips* projected for the BGSP EIR. *Id.* at 3. The BGSP EIR actually only reported 9,900 net trips, which would have been the accurate number to use for any means of comparison. *Id.* Furthermore, the June 14 Staff Report adopted an estimated 8,400 trips. *Id.* at 5. It is unclear where this figure originated, but this presents a very different differential than that put forth in the 2012 Addendum, especially when accounting for the different types of trips each Project would create.

³ <file:///C:/Users/Sam/Downloads/AG%20GHG%20Mitigation%20Measures-2011.pdf>.

Mr. Smith further points out that even at the time of the 2012 Addendum, the traffic conditions data from the BGSP EIR were already stale and unrepresentative of actual conditions. Smith Comment, p.2. Mr. Smith noted that average daily traffic volume on the SR-60 in the vicinity of Jack Rabbit Trail was estimated to be 51,300 vehicles in 2010, a vast increase from the 30,500 figure used in the BGSP EIR. *Id.* Taking into account all of these factors together, it is evident that a new EIR is necessary to properly consider the traffic impacts posed by the Project in light of current traffic conditions and identify all feasible mitigation.

C. The 2012 Addendum Adopted a Flawed Baseline To Evaluate Impacts to Biological Resources.

Dr. Smallwood concluded that the biological assessments conducted at each stage of environmental review were inadequate and failed to take into account the full scope of potential impacts. Smallwood Comment, p.2. Dr. Smallwood found that the surveys conducted in 1993, 2003, and 2004 were cursory and failed to employ the procedures necessary to properly document the presence of many species inhabiting the site such as nocturnal or migratory species. *Id.* Those surveys documented 46, 67, and 91 vertebrate species respectively, each time failing to document many species found in the prior survey. Dr. Smallwood concludes that these inconsistent findings demonstrate the failure to conduct thorough surveys accounting for the site's richness in species diversity. *Id.* Furthermore, he found that such conflicting information failed to provide a baseline from which the Project impacts could be properly estimated. *Id.*

The 2012 Addendum did not address these concerns. The Biological Resources Appendix includes only a 3-page letter on Biological Resources which explains that the impacts analysis consisted of a review of prior documents and a site visit conducted by one person resulting in the determination that "site conditions are not significantly different" from prior analysis. See 2012 Addendum, Appendix C, p.2. There was no attempt to document species found on site. *Id.* Despite Dr. Smallwood's findings of inconsistent baselines, the 2012 Addendum actually concluded that the updated biological assessment reports "substantiate that conditions within the subject site are generally consistent with those considered in the 1993 biological surveys presented in the Certified EIR." 2012 Addendum, p. A-10.

The failure of the 2012 Addendum to update the findings from the BGSP EIR and 2005 Addendum resulted in the failure to consider potentially significant biological impacts resulting from the Project, especially considering the increased protected status of many species since the initial surveys 23 years ago. *Id.* at p.3. Dr. Smallwood concluded that 70 special-status species have the potential to occur on the Project site, as opposed to the estimated 42 special-status species in 1994 and 50 in 2004. *Id.* at p.2. Dr. Smallwood noted, "***this might be the largest number of potentially occurring special-status species I have ever seen identified for a proposed project site in California.***" *Id.* Dr. Smallwood also remarked that of the 70 potentially

occurring special status species, 19 were detected on site, an unusually high number, especially considering the rudimentary survey procedures employed. *Id.* at p.3. The findings of Dr. Smallwood suggest that the biological impacts from the Project could be significant. A proper baseline must be determined before the full Project impact can be analyzed and properly mitigated.

VII. Conclusion

For all of the above reasons, we request that the City prepare an EIR for the Hidden Canyon Project, including a Water Supply Assessment, a Traffic Impact Study, and an air quality analysis. The EIR should require implementation of all feasible mitigation measures to reduce the Project's impacts. The City should not approve the Plot Plan for the Project until the EIR is certified.

Thank you for considering our comments.

Sincerely,

LOZEAU DRURY LLP



Meredith S. Wilensky
Counsel for LIUNA Local 1184

Appendix A



Technical Consultation, Data Analysis and
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July 7, 2016

Meredith Wilensky
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Subject: Comments on the Beaumont Hidden Canyon Distribution Center Project

Dear Ms. Wilensky:

We have reviewed the June 2016 Hidden Canyon Industrial Park Staff Report (Staff Report) for the proposed Hidden Canyon Industrial Park Project ("Project") located in the City of Beaumont. The Project proposes to construct two high-cube distribution warehouse buildings totaling 2.86 million square feet, 808 standard parking spaces, and 848 trailer parking spaces, on 196.5 acres.

The Project site has been subject to various entitlement activities in the past. In 1995, the Beaumont Gateway Specific Plan EIR (Certified EIR) was prepared and approved for the development of 573 residential dwelling units. Due to economic and market considerations at that time, the project never moved forward with development. In 2005, the site was subject to the Hidden Canyon Specific Plan Addendum (2005 Addendum), which approved development of 426 residential dwelling units, 19.5 acres of parks and open space, and a 4.8 acre commercial site. In 2012, a second addendum was prepared for the Hidden Canyon Specific Plan. The 2012 Hidden Canyon Industrial Park Specific Plan Addendum to the Beaumont Gateway Specific Plan Certified EIR (2012 Addendum) changed the land use designation from residential to industrial and proposed development of two high-cube distribution warehouse buildings totaling 2.89 million square feet of industrial floor space. This is the most similar to the currently proposed Project. The 2012 Addendum concluded that the environmental impacts for the new industrial project would not result in any new or significant impacts that were not previously addressed in the Certified EIR and was subsequently approved. However, development never commenced and permits expired in 2014.

The current Project Applicant states in the Staff Report that the Certified EIR that was prepared and approved for the Beaumont Gateway Specific Plan and the subsequent 2005 and 2012 Addendums for the Hidden Canyon Specific Plan accurately assess the environmental impacts for the proposed Project and as a result, the EIR and its findings remain valid for use under the current application.

Our review, however, concludes that the 2012 Addendum fails to adequately evaluate the Hazards and Hazardous Waste, Air Quality, and Greenhouse Gas impacts for the Project and is outdated. We find that hazardous conditions have not been disclosed and remediated and that air pollutant and greenhouse gas (GHG) emissions associated with construction and operation of the Project are underestimated and do, in fact, result in a new and significant impact when compared to the Certified EIR. As a result, the proposed Project should not rely on the Certified EIR to make conclusions regarding the significance of the Project's hazards, air quality and GHG impacts. Furthermore, the proposed Project fails to evaluate the cumulative air and traffic impacts that would occur as a result of the development of multiple projects located within the vicinity of the proposed Project. A Draft Environmental Impact Report (DEIR) should be prepared to adequately assess the environmental impacts posed by the new Project.

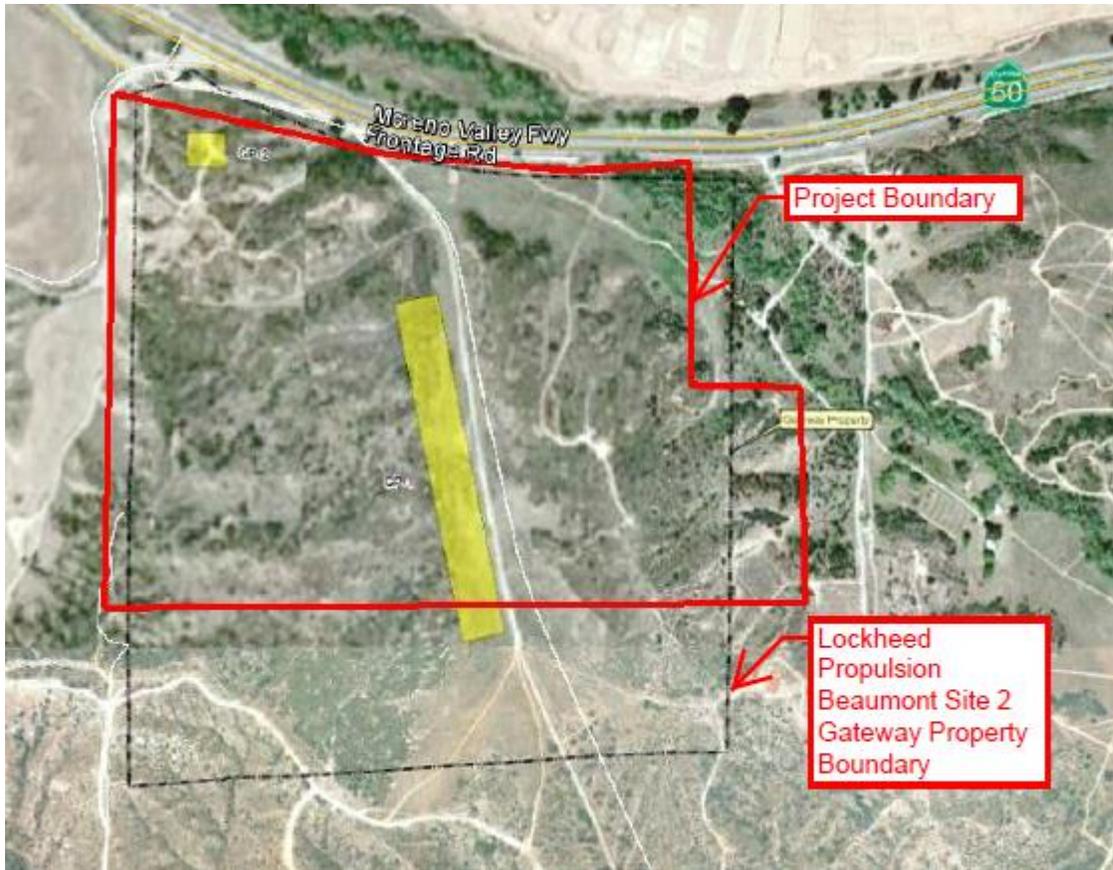
Hazards and Hazardous Waste

Status of Project Site on Cortese List Not Identified

The Project site is atop the former Lockheed Propulsion Company facility known as the Gateway Property of the Beaumont Site 2 facility. The Beaumont Site 2 facility was historically used for processing, testing, and disposal of solid rocket propellant in support of space and defense programs. In 1974, operations at the facility ceased.

The map we prepared (below) shows the Gateway Property to overlay nearly the entire area of the Project site. The Beaumont Site 2 facility, which includes the Gateway Property, is included on the California Department of Toxics Substances Control (DTSC) "Envirostor" website and, as such, is on the "Cortese" List.¹ The Cortese list, also known as the Hazardous Waste and Substances Site List, is a listing prepared by the DTSC pursuant to Government Code Section 65962.5(a) that identifies facilities where hazardous materials releases have occurred.

¹ <http://www.calepa.ca.gov/SiteCleanup/CorteseList/>



Source of map for the Beaumont Site 2 Gateway Property: Summary Report, Follow-on Munitions and Explosives of Concern (MEC) Evaluation, Lockheed Martin Corporation, Former Beaumont Site No. 2, Beaumont, California, Fig. ES-1
<http://www.lockheedmartin.com/content/dam/lockheed/data/corporate/documents/remediation/beaumont-ca/laborde-canyon/mec/MECEvalreport.pdf>

The Staff Report failed to disclose that the Project's location atop the Beaumont Site 2 property which includes the Gateway Property. The Staff Report also failed to identify the Beaumont Site 2 property, to include the Gateway Property, as a Cortese List site. The presence of the Beaumont Site 2 facility was identified in Certified 1995 EIR for the then-proposed Beaumont Gateway Specific Plan.² The 1995 DEIR failed, however, to identify status of the Beaumont Site 2 facility as a Cortese List site. The subsequent 2012 Addendum also failed to identify the Beaumont Site 2 facility as a Cortese List site as shown in the checklist below:

² Draft Environmental Impact Report, Beaumont Gateway Specific Plan, 1995 DEIR, p. IV-75

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Substantial Change in Project Requiring Major EIR Revisions	Substantial Change in Circumstances Requiring Major EIR Revisions	New Information Showing Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce but not Eliminate Significant Effects in Previous EIR	No Changes or New Information Requiring Preparation of an EIR	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?					X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?						X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					X	

2012 Hidden Canyon Industrial Park Specific Plan Addendum to the Beaumont Gateway Specific Plan Certified EIR, p. A-17

Projects that are included on the Cortese List may result in significant impacts from hazardous materials unless remediated. A DEIR must to be prepared to identify the Beaumont Site 2 facility, including the Gateway Property, as a Cortese List site. The DEIR also must show that all hazardous waste has been assessed and remediated, as outlined below, to the satisfaction of the DTSC. (See Citizens for Responsible Equitable Environmental Development v. City of Chula Vista, 197 Cal. App. 4th 327 (Cal. App. 4th Dist. 2011.)

Hazards Potentially Associated with Facility Not Identified or Mitigated

Chemicals of potential concern at the Beaumont Site 2 Gateway Property have not been identified and have not been evaluated through any sampling activities. A DEIR needs to be prepared to include the results of testing of soil and groundwater for chemicals associated with former activities at the Gateway Property. The potential for high explosives at the Gateway Property must also be evaluated.

The Certified 1995 Beaumont Gateway Specific Plan EIR concluded: “No testing, handling or processing of any fuels, motors, propellants or other materials associated with testing and rehabilitation activities which took place elsewhere within the Beaumont Site ... were conducted at the proposed Beaumont

Gateway project site” (p. IV-75). The Certified 1995 Beaumont Gateway Specific Plan EIR further stated (p. IV-78):

According to correspondence received in response to the Notice of Preparation from the County of Riverside, Department of Environmental Health (dated October 12, 1994 and included within Technical Appendix A of this Draft EIR), the State Department of Toxic Substances Control has cleared the entire Beaumont Site including the Beaumont Gateway portion for unrestricted land use in 1993. As noted previously, several factors contribute to the conclusion that these off-site testing activities did not result in any direct or indirect impacts upon or hazards to the Beaumont Gateway project.

Since 1995, many investigations of the Beaumont Site 2 Facility have been conducted and these conclusions are out of date: The Project site, in addition to its active listing as a Cortese site, is under current investigation for explosives. These results of these investigations, below, contradict the 1995 findings in the Gateway Specific Plan Certified EIR.

- A 2006 historical site use report found a building permit for the construction of an ammunition storage building on the Gateway Property in the late 1960s. The exact location was not specified in the permit.³
- Inquiries were made by DTSC in 2009 about the possible disposal of “high explosives” at the Gateway property.⁴
- A 2010 report⁵ obtained from Envirostor investigated the Gateway Property as “an area of interest for evaluation based upon historical information that a small ammunition storage building was constructed somewhere on this property in the late 1960s.”
- The 2010 report found no direct evidence of the ammunition storage area (i.e., building foundation) and concluded that potential issues with the potential former building were “not completely resolved.”⁶ The 2010 report recommended:

Additional evaluation could be performed, by either screening any relatively flat areas or geophysically mapping areas near roadways and fire trails. It may also be possible to walk transects across the entire property at a relatively narrow spacing to search for the historical location of the building.⁷

³ Summary Report, Follow-on Munitions and Explosives of Concern (MEC) Evaluation, Lockheed Martin Corporation, Former Beaumont Site No. 2, Beaumont, California, p. 2-7

<http://www.lockheedmartin.com/content/dam/lockheed/data/corporate/documents/remediation/beaumont-ca/laborde-canyon/mec/MECEvalreport.pdf>

⁴ <http://www.lockheedmartin.com/content/dam/lockheed/data/corporate/documents/remediation/beaumont-ca/laborde-canyon/mec/AppendixD.pdf>

⁵ Ibid, p. ES-1

⁶ Ibid., p. 6-1

⁷ Ibid. p. 6-3

There is no record in Envirostor that additional evaluations were ever conducted at the Gateway Property. The 2012 Addendum does not include any information about the investigations into the potential for disposal of high explosives and for ammunition storage at the Gateway Property conducted subsequent to the 1995 Certified Gateway Specific Plan EIR.

Documentation at Envirostor shows that the potential presence of the ammunition building at the Gateway Property is under active investigation. Any high explosives at the Project site pose not only a detonation hazard to construction crews but also a chemical hazard to crews who may touch contaminated soil or breathe contaminated dust.

Chemicals associated with explosives at the Beaumont Site 2 facility include:

- Cyclotrimethylenetrinitramine also known as Cyclonite or “Royal Demolition Explosive,” typically used as a component in high-explosive fillers for projectiles, mortars and rocket warheads. This compound is subject to explosion by shock or high temperature.⁸ Health effects associated with Cyclotrimethylenetrinitramine include seizures. Long-term effects of exposure to Cyclotrimethylenetrinitramine are unknown.⁹

A DEIR needs to be prepared to identify the potential presence of the ammunition building at the Project site. The DEIR needs to include documentation that the ammunition building was surveyed according to recommendations made in 2010 and that sampling for chemicals associated with high explosives, including Cyclotrimethylenetrinitramine, has been completed. The DEIR also needs to include the results of a geophysical survey at the Gateway Property for the presence of unexploded ordinance. Any explosive materials detected that would pose a health or explosion risk must be remediated to the satisfaction of DTSC, the lead agency, prior to any site disturbance for Project construction.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The 2012 Addendum relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2011.1.1 (“CalEEMod”).¹⁰ CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence.¹¹ Once all the values are inputted into the model, the Project's construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollution

⁸ <https://www.atsdr.cdc.gov/toxprofiles/tp78-c4.pdf>

⁹ <http://www.atsdr.cdc.gov/phs/phs.asp?id=410&tid=72>

¹⁰ CalEEMod website, available at: <http://www.caleemod.com/>

¹¹ CalEEMod User Guide, p. 2, 9, available at: <http://www.caleemod.com/>

emissions, and make known which default values were changed as well as provide a justification for the values selected.¹²

We have reviewed the 2012 Addendum, as well as the 2011 Timoteo Distribution Facility Air Quality and Greenhouse Gas Emissions Assessment (AQ/GHG Assessment) and the 2011 Timoteo Distribution Facility Trip Generation Analysis (Trip Generation Analysis) located in Appendix B and D, respectively, for the proposed 2012 Addendum project. When reviewing the Addendum's CalEEMod output files, which are included as Attachment A of the AQ/GHG Assessment, we found that several of the values inputted into the model are inaccurate and out of date. As a result, emissions associated with the operation of the 2012 Addendum project are greatly underestimated and outdated. Due to these reasons, the Certified EIR and the subsequent Addendums should not be relied upon to evaluate the proposed Project's air quality and greenhouse gas impacts. Rather, a DEIR should be prepared to adequately assess the potential impacts that construction and operation of the Project may have on regional and local air quality.

Failure to Adequately Evaluate Construction Emissions

According to the 2012 Addendum, the Certified EIR's construction emissions analysis assumed that development of 160 acres would occur over seven years (p. 3-10). Using the emission estimates from this analysis, the 2012 Addendum and Certified EIR conclude that the Project's construction-related PM₁₀ and NO_x emissions are expected to exceed SCAQMD thresholds, thus resulting in a significant impact (p. 3-10). The 2012 Addendum states, "It is conservatively assumed that mass grading and construction activities under the Addendum Project would parallel the time frames and the scope of construction activities reflected in the Certified EIR analysis, and would result in comparable construction-source emissions impacts" (p. 3-10). This conclusion, however, is entirely incorrect for several reasons.

First, review of the 2012 Addendum's CalEEMod output files demonstrate that only the Project's operational emissions were remodeled in the 2012 Addendum and compared to thresholds; emissions from construction, however, were completely omitted from the 2012 Addendum's analysis (2012 Addendum, pp. 149, pp. 157, pp. 165). Therefore, the construction emissions estimated in the 2012 Addendum were not actually quantified and compared to the Certified EIR's construction emissions. As a result, the 2012 Addendum's conclusion that the project's construction emissions "would result in comparable construction-source emissions impacts" when compared to the Certified EIR is completely unsubstantiated and is not based on any evidence. Simply because construction of the currently proposed Project is assumed to occur over the same time frame as the project previously assessed in the Certified EIR does not automatically mean that the Project's construction emissions will be the same.

¹² CalEEMod User Guide, p. 7, 13, available at: <http://www.caleemod.com/> (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)

Second, the project previously evaluated in the Certified EIR proposed to construct a series of residential and commercial land uses, where as the currently proposed Project proposes to construct numerous industrial, high-cube warehouses. These two projects, while proposed on the same plot of land, are entirely different from each other. Nothing in the Certified EIR or in the 2012 Addendum indicates that the previously proposed mixed-use project is in any way related to the currently proposed Project. Because the two projects are completely different from each other, it cannot be assumed that construction activities would result in similar emissions. Construction of high-cube distribution warehouses will be much more intensive when compared to the construction of a mixed-use project, and would include the development of additional items, such as large parking lots and truck docks, not previously evaluated in the Certified EIR or in the 2012 Addendum. The construction of these additional features will result in additional grading and paving activities, which were not accounted for when assessing the development of the previously approved mixed-use development. Therefore, the conclusion that construction emissions from the 2012 Addendum project would not result in new, additional, or different impacts addressed in the Certified EIR is incorrect.

The Certified EIR and subsequent addendums are not adequate at evaluating the air quality and GHG impacts from the proposed Project. As a result, a DEIR should be prepared that properly quantifies the Project’s construction emissions and compares these emission estimates to applicable significance thresholds.

Failure to Consider Cold-Storage Requirements for Warehouse Buildings

The 2012 Addendum assumes that all of the proposed warehouses will not require cold storage (utilizes the “Unrefrigerated Warehouse - No Rail” land use to model emissions), even though the Addendum provides no indication that the future tenants of the proposed warehouses are known at this time. As a result, the Addendum’s operational emissions may be grossly underestimated.

According to the CalEEMod output files provided in Attachment A of the AQ/GHG Assessment, the proposed warehouses were modeled as an "Unrefrigerated Warehouse-No Rail" (see excerpt below) (2012 Addendum, pp. 149).

Land Uses	Size	Metric
Unrefrigerated Warehouse-No Rail	2882.32	1000sqft

Assuming that the proposed building will be composed of unrefrigerated warehouses, exclusively, however, is inappropriate. Neither the 2012 Addendum nor the Staff Report provide any information on the future tenants of the Project nor do they indicate that the future tenants of the proposed warehouses were known.

As discussed by South Coast Air Quality Management District (SCAQMD), “CEQA requires the use of ‘conservative analysis’ to afford ‘fullest possible protection of the environment.’”¹³ As a result, the most conservative analysis should be conducted. With this in mind, the proposed building should be modeled as “Refrigerated Warehouse-No Rail,” or at the very least, a portion of the building should be modeled as “Refrigerated Warehouse-No Rail,” with the remaining portion of the building modeled as “Unrefrigerated Warehouse-No Rail,” so as to take into consideration the possibility that future tenants may require both cold storage and non-cold storage.

Refrigerated warehouses release more air pollutants and greenhouse gas (GHG) emissions when compared to unrefrigerated warehouses for several reasons. First, warehouses equipped with cold storage (refrigerators and freezers, for example) are known to consume more energy when compared to warehouses without cold storage.¹⁴ Second, warehouses equipped with cold storage typically require refrigerated trucks, which are known to idle for much longer, even up to an hour, when compared to unrefrigerated hauling trucks.¹⁵ Lastly, according to a July 2014 *Warehouse Truck Trip Study Data Results and Usage* presentation, which was prepared by the SCAQMD after the 2012 Addendum was prepared, it was found that hauling trucks that require refrigeration result in greater truck trip rates when compared to non-refrigerated hauling trucks.¹⁶ Since this recent guidance provided by the SCAQMD was not available when the 2012 Addendum was prepared, the information contained in this presentation constitutes as new information. Therefore, an updated CEQA analysis should be prepared to reflect the recommendations provided within this recent guidance.

By not including refrigerated warehouses as a potential land use in the air quality model, the 2012 Addendum’s operational emissions were grossly underestimated, as the future tenants were unknown. Similarly, this applies to the currently proposed Project. Because the future tenants of the proposed Project are unknown, it should be conservatively assumed that a portion of the Project site will require cold storage.

The 2012 Addendum analysis is outdated and it greatly underestimates the Project’s operational emissions. Unless the Project Applicant can demonstrate that the future tenants of these proposed buildings will be limited to unrefrigerated warehouse uses, exclusively, it should be assumed that a mix of cold and non-cold storage will be provided on-site. Therefore, an updated CalEEMod model should be prepared in a DEIR to account for the possibility of refrigerated warehouse needs by future tenants.

Updated Operational Trip Rate Should be Utilized

¹³ “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Inland Empire Logistics Council, June 2014, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2

¹⁴ Managing Energy Costs in Warehouses, Business Energy Advisor, available at: <http://bizenergyadvisor.com/warehouses>

¹⁵ “Estimation of Fuel Use by Idling Commercial Trucks,” p. 8, available at: <http://www.transportation.anl.gov/pdfs/TA/373.pdf>

¹⁶ “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Mobile Source Committee, July 2014, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymc072514.pdf?sfvrsn=2>, p. 7, 9

According to the CalEEMod output files for the 2012 Addendum, the operational trip rate utilized is based on information provided from the Trip Generation Analysis (2012 Addendum, pp. 150). The Trip Generation Analysis utilizes a trip rate of 1.44 trips per thousand square feet (TSF) for land use code 150 (High-Cube Warehouse) from the 2008 8th Edition ITE Trip Generation Manual (p. 1-2). The use of this trip rate, however, is now outdated, as it has been superseded by the newest version of the ITE Trip Generation Manual.

The 9th Edition of the ITE Trip Generation Manual was published in 2012 and provides updates to numerous land uses, including high-cube warehouse/distribution centers that reflect current industry trends.¹⁷ The updated trip generation rate for land use code 150 provided in the 9th Edition manual is 1.68 trips per thousand square feet per day, which is greater than the trip rate provided in the 8th Edition of the ITE Trip Generation Manual. As previously stated, this updated trip rate reflects current industry trends. As a result, this updated trip rate value should have been used.

Furthermore, since the 2012 Addendum, the SCAQMD has provided additional guidance on how to properly estimate the emissions from high-cube warehouse projects, as traditional methods result in a great underestimation of emissions. This additional guidance provided by the SCAQMD was not available when the 2012 Addendum was prepared. Therefore, the information contained within this guidance constitutes as new information. As a result, in order to accurately estimate the Project's operational emissions, a DEIR should be prepared that includes an updated air quality analysis that relies upon the most up-to-date values and guidance.

Since the 2012 Addendum utilizes the outdated trip rate and fails to rely upon recently published SCAQMD guidance to estimate Project emissions, the entire analysis is unreliable and outdated, as it does not accurately reflect the operational emissions that the proposed Project would generate today. As such, the Certified EIR and subsequent addendums do not accurately reflect the proposed Project's air quality and GHG impacts and should not be utilized to determine Project significance. A DEIR should be prepared that utilizes current information to evaluate the Project's air quality and GHG impacts.

Incorrect Usage of Fontana Truck Trip Study for Fleet Mix

As previously discussed, the 2012 Addendum failed to utilize guidance set forth by the SCAQMD when modeling the Project's operational emissions, and as a result, the emission estimates and conclusions made within the Addendum are incorrect and outdated. Specifically, the 2012 Addendum failed to correctly adjust the fleet mix percentages within the model to reflect the increased number of truck trips that would occur during Project operation per SCAQMD guidance. Because the 2012 Addendum relies upon an artificially low truck fleet mix percentage, the Project's operational mobile-source emissions are greatly underestimated.

The 2012 Addendum's Trip Generation Analysis and AQ/GHG Assessment rely on the August 2003 City of Fontana *Truck Trip Generation Study* ("Fontana Study")¹⁸ to determine the truck fleet mix that would

¹⁷ <http://www.ite.org/tripgeneration/trippubs.asp>

¹⁸ "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at: <http://www.fontana.org/DocumentCenter/Home/View/622>

occur during operation (Trip Generation Analysis, p. 2; AQ/GHG Assessment, p. 2). Specifically, the 2012 Addendum's Trip Generation Analysis and AQ/GHG Assessment rely on a total truck fleet mix of approximately 20%, which was taken from the Fontana Study. According to Table 1 of the Trip Generation Analysis, the vehicle mix followed the recommendations of the Fontana Truck Trip Generation Study with a mix of 79.57 percent cars, 3.46 percent 2-axle trucks, 4.64 percent 3-axle trucks and 12.33 percent 4-axle trucks (2012 Addendum, pp. 205). Therefore, the 2012 Addendum assumed that the Project's fleet mix would consist of 20.43 percent trucks and 79.57 percent passenger cars. This fleet mix, however, is not consistent with recommendations set forth by SCAQMD, and does not accurately represent the percentage of trucks that access a high-cube warehouse on a daily basis. Furthermore, the Fontana Study that was used as the basis for determining the Project's fleet mix is not widely accepted, and according to SCAQMD Staff, has limited applicability.

As is disclosed in the 2012 Addendum, the project was to consist of high-cube distribution warehouses (p. 2-10). According to SCAQMD staff, the "Fontana Study, by itself, is not characteristic of high cube warehouses."¹⁹ Furthermore, SCAQMD staff finds the following additional issues with the Fontana Study:²⁰

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros. In other words, the results of the Fontana Study were based on only two data points. As is disclosed in the Fontana Study, the daily trip rate was only based on data from a Target warehouse and a TAB warehouse.²¹
- The Fontana Study does not report any 24-hour daily truck trip rates. According to the Fontana Study, "Trip generation statistics for daily truck trips were not calculated because vehicle classifications counts could not be obtained from the driveway 24-hour counts."²²
- The trip rates using the Fontana study are calculated based on a 20 percent truck fleet mix, which is inconsistent with SCAQMD's recommendation that agencies use a truck fleet mix of 40%.

The issues listed above reflect the SCAQMD's most recent opinions regarding the Fontana Study, which were not made available until 2014, long after the 2012 Addendum was prepared. As such, the recommendations set forth by the SCAQMD constitute as new information, which should be integrated into an updated air quality analysis.

Therefore, rather than using the fleet mix percentages set forth within the Fontana Study, the Project should have relied on an alternative, more reliable source. For example, the SCAQMD recommends that

¹⁹ "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymisc072514.pdf?sfvrsn=2>, p. 10

²⁰ "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymisc072514.pdf?sfvrsn=2>, p. 10

²¹ "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at: <http://www.fontana.org/DocumentCenter/Home/View/622>, p. 35

²² "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at: <http://www.fontana.org/DocumentCenter/Home/View/622>, p. 6

lead agencies assume a truck fleet mix of 40%. According to *Appendix E: Technical Source Documentation* of the CalEEMod User’s Guide, “in order to avoid underestimating the number of trucks visiting warehouse facilities,” SCAQMD staff “recommends that lead agencies conservatively assume that an average of 40% of total trips are truck trips $[(0.48*10 + 0.2*4)/(10+4)=0.4]$.”²³ If Project-specific data is not available, such as detailed trip rates based on a known tenant schedule, this average of 40% provides a reasonably conservative value based on currently available data. Since the future tenant and tenant schedule is unknown, a 40% truck fleet mix should have been assumed.

Specifically, the following fleet mix percentage should have been used within the CalEEMod model.

CalEEMod Parameter		2012 Addendum Model	Corrected Input
Operational Mobile Fleet Mix	Passenger Cars (LDA)	79.57%	59.14%
	2 Axle Trucks (LHDT1)	3.46%	6.92%
	3 Axle Trucks (MHD)	4.64%	9.28%
	4+ Axle Trucks (HHDT)	12.33%	24.66%

The “Operational Mobile Fleet Mix” percentages for trucks (LHDT1, MHD, and HHDT) in the table above were adjusted to reflect a truck trip percentage of approximately 40%, which is consistent with recommended procedures set forth by SCAQMD staff. This fleet mix more accurately represents the number of trips that are likely to occur during Project operation, and is consistent with guidance set forth by the SCAQMD that is widely accepted.

The 2012 Addendum’s air quality analysis uses incorrect and outdated parameters that are inconsistent with SCAQMD recommendations. As such, the Certified EIR and subsequent addendums do not accurately reflect the proposed Project's air quality and GHG impacts and should not be utilized to determine Project significance. An updated air quality assessment should be prepared in a DEIR that utilizes current, reliable information to evaluate the Project's impacts.

Incorrect Operational Trip Length

The 2012 Addendum also relies upon an incorrect truck trip length to model emissions. According to the 2012 Addendum’s CalEEMod output files, the Project utilized an operational trip length of 7.40 miles for commercial-nonwork (C-NW) trip types, which represents heavy-duty truck trips such as delivery trips.²⁴ This trip length, however, is both inconsistent with recent recommendations set forth by the SCAQMD and with trip lengths used for similar projects within southern California. By failing to utilize a site-specific trip length, the Project’s operational emissions are greatly underestimated.

Similar to the proposed Project, the Kimball Business Park Project proposes to construct approximately 1,203,050 square feet of warehouse and light industrial/business park uses within the City of Chino. The Air Quality Impact Analysis for the Kimball Business Park Project derives a trip length of approximately

²³ “Appendix E Technical Source Documentation.” CalEEMod User’s Guide, July 2013, *available at*: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/high-cube-resource-caleemod-appendix-e.pdf?sfvrsn=2>, pp. 15

²⁴ CalEEMod User Guide, p. 28, *available at*: <http://www.caleemod.com/>

50 miles using recommendations provided by the SCAQMD, which were not available at the time the Addendum was drafted. The Air Quality Impact Analysis states,

"In the last five years, the SCAQMD has provided numerous comments on the trip lengths for warehouse/distribution and industrial land use projects (33). The SCAQMD asserts that the model-default trip lengths in CalEEMod™ and the URBan EMISsions (URBEMIS) 2007 model (version 9.2.4) would underestimate emissions. The SCAQMD asserts that for warehouse, distribution center, and industrial land use projects, most of the heavy-duty trucks would be hauling consumer goods, often from the Port of Long Beach and Los Angeles (POLA and POLB) and/or to destinations outside of California. The SCAQMD states that for this reason, the CalEEMod™ and the URBan EMISsions model default trip length (approximately 12.6 miles) would not be representative of activities at like facilities. The SCAQMD generally recommends the use of a 40-mile one-way trip length".²⁵

Since this recent guidance provided by the SCAQMD was not available when the 2012 Addendum was prepared, the information contained in these reports constitutes as new information. Therefore, at the very least, the Project's Air Quality Analysis should have used a one-way trip length of 40 miles, as is recommended by the SCAQMD. This conclusion is further supported by the SCAQMD's comments on the Mitigated Negative Declaration (MND) for the Waterman Logistic Center Project. The Waterman Logistic Center proposes to construct a 426,858 square feet of logistics warehouse buildings within the City of San Bernardino, similar to the proposed Project.²⁶ The Waterman Logistic Center's Air Quality Study utilized an internal truck trip length of 24.11 miles in accordance with the Southern California Association of Government Heavy Duty Truck Model. The SCAQMD, however, finds issue with this trip length, stating that most industrial land use types haul consumer goods from the Ports of Long Beach and Los Angeles as well as locations outside the SCAQMD boundaries, including Banning Pass, San Diego County line, and Cajon Pass (see excerpt below).

- Project site to Port of Los Angeles/Long Beach: 74 miles
- Project site to Banning Pass: 38 miles
- Project site to San Diego County line: 55 miles
- Project site to Cajon Pass: 24 miles
- Project site to downtown Los Angeles: 60 miles

As you can see in the excerpt above, the trip lengths from the Waterman Logistics Center project site to each of the locations listed by the SCAQMD are well over the 24.11-mile trip length, with the exception of Cajon Pass. Using SCAQMD's recommended methodology, "Assuming that 50 percent of all delivery

²⁵ Kimball Business Park Air Quality Impact Analysis, Urban Crossroads, *available at:*

<http://www.cityofchino.org/government-services/community-development/environmental-documents>

²⁶ SCAQMD Comment Letter on the Mitigated Negative Declaration (RDEIR) for the Proposed Waterman Logistics Center, January 8 2015, *available at:* <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/january/mndwaterman.pdf>

trips will travel to and from the project and the Port of Los Angeles/Long Beach, the use of 24.11 miles as an average internal truck trip greatly underestimates the air quality impact."²⁷

The trip length of 7.3 miles used in the 2012 Addendum's analysis is significantly less than the 24.11 mile trip length used within the Waterman Logistics Center Air Quality Study, and this 24.11 mile trip length was still considered to be an underestimation by the SCAQMD. Therefore, if the SCAQMD concludes that the use of a 24.11 mile trip length would underestimate the Waterman Logistics Center's operational emissions, then surely, the SCAQMD will also find the 7.40-mile trip length used for the 2012 Addendum to be inadequate, resulting in an underestimation of emissions.

By failing to rely upon site specific trip lengths to model emissions, the 2012 Addendum's air quality analysis greatly underestimates the Project's operational emissions, thus making the conclusions within the 2012 Addendum incorrect. Furthermore, by failing to update the analyses prepared in the 2012 Addendum to reflect SCAQMD guidance not previously available at the time the Addendum was drafted, the Project's estimated emissions are outdated. As such, the Certified EIR and subsequent addendums do not accurately reflect the proposed Project's air quality and GHG impacts and should not be utilized to determine Project significance. A DEIR should be prepared that utilizes current information to evaluate the Project's impacts.

Updated Analysis Indicates Increase in Pollutant Emissions

In an effort to accurately estimate the Project's emissions, we prepared an updated air model using the most recent CalEEMod version, CalEEMod.2013.2.2. Since it is unknown how many tenants will require cold-storage, we conservatively assumed that approximately 15 percent of the proposed warehouse buildings will be made up of refrigerated warehouses. This percentage is consistent with studies conducted by the SCAQMD on composite warehouses within southern California²⁸ and is consistent with assumptions used in other CEQA evaluations prepared for similar projects.²⁹ We included 1,656 parking spaces (808 standard spaces and 848 trailer spaces) in the model, which is consistent with the number of parking spaces discussed in the Staff Report for the proposed Project (p. 4). We utilized a trip rate of 1.68 trips per thousand square foot for both the refrigerated and unrefrigerated land uses, which reflects the updated trip rate provided by the 9th Edition ITE Trip Generation Manual. The "Operational Mobile Fleet Mix" percentages for trucks (LHDT1, MHD, and HHDT) from the Fontana Trip Study were doubled, as the 2012 Addendum originally assumed a 20% truck fleet mix. Consistent with recommended procedures set forth by SCAQMD staff, the resulting truck fleet was assumed to make up approximately 40% of the entire operational fleet mix. Furthermore, we increased the operational trip length from 7.40 miles to 40 miles, which is consistent with recommendations set forth by the SCAQMD.

²⁷ *Ibid.*, p. 4.

²⁸ "Warehouse Truck Trip Study Data Results and Usage," SCAQMD Stakeholder Working Group, July 17, 2014, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finalswg071714.pdf?sfvrsn=2>, p. 15

²⁹ Kimball Business Park Air Quality Impact Analysis, Urban Crossroads, available at:

<http://www.cityofchino.org/government-services/community-development/environmental-documents>

When correct input parameters are used to model emissions, we find that the Project's peak construction and operational criteria air pollutant emissions not only exceed SCAQMD regional thresholds, but emissions also increase significantly when compared to the 2012 Addendum's model, as well as the 1995 Certified EIR's emission estimates. Specifically, we find that the Project's construction-related ROG emissions greatly exceed the SCAQMD's regional significance threshold of 75 pounds per day (see table below).

Maximum Daily Construction Emissions (lbs/day)						
	ROG	NO_x	CO	SO_x	PM₁₀	PM_{2.5}
1995 Certified EIR	5	75	29	8	9	9
2012 Addendum	5	75	29	8	9	9
Proposed Project (SWAPE Model)	609	73	153	0	23	13
SCAQMD Regional Significance Threshold	75	100	550	150	150	55
<i>Exceeds Threshold</i>	Yes	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Emission estimates for the Certified EIR were obtained from the 1995 Beaumont Gateway Specific Plan DEIR, p. I-6.

As demonstrated in the table above, the proposed Project's construction-related ROG emissions are more than 100 times greater than the Certified EIR's estimated emissions. The 1995 Certified EIR and 2012 Addendum found that the Project's construction-related PM₁₀, PM_{2.5}, and NO_x emissions would result in a significant impact (p. I-7). Our analysis demonstrates that when up to date, site specific information is used to model emissions, the Project's construction-related ROG emissions would result in a significant air quality impact, which was not previously identified in the 1995 Certified EIR or in the 2012 Addendum as a potentially significant impact. As a result, the proposed Project presents a new, potentially significant air quality impact that was not previously identified in past CEQA evaluations.

Furthermore, we find that the Project's peak operational ROG, NO_x, CO, and PM₁₀, emissions exceed the regional significance thresholds of 55 lbs/day, 55 lbs/day, 550 lbs/day, and 150 lbs/day, respectively (see table below).

Maximum Daily Operational Emissions (lbs/day)						
	ROG	NO_x	CO	SO_x	PM₁₀	PM_{2.5}
1995 Certified EIR	141	296	1,324	23	39	6
2012 Addendum	109	199	292	0	46	7
Proposed Project (SWAPE Model)	145	797	725	3	158	51
SCAQMD Regional Significance Threshold	55	55	550	150	150	55
<i>Exceeds Threshold?</i>	Yes	Yes	Yes	<i>No</i>	Yes	<i>No</i>

The table above demonstrates that when correct input parameters are used, all operational criteria air pollutant emissions increase by a minimum of 30 percent when compared to the emission estimates in the 2012 Addendum. PM₁₀ emissions increase by approximately 245 percent, NO_x emissions by approximately 301 percent, and PM_{2.5} emissions by approximately 623 percent. Furthermore, when emissions from the proposed Project are compared to emission estimates from the 1995 Certified EIR,

we find that NO_x emissions increase by approximately 169 percent, PM₁₀ emissions by approximately 306 percent, and PM_{2.5} emissions by approximately 706 percent.

The 1995 Certified EIR and 2012 Addendum found that the Project's operational CO, ROG and NO_x emissions would result in a significant impact (p. I-7). Our analysis demonstrates that when up to date, site specific information is used to model emissions, in addition to the significant impacts identified in the 1995 Certified EIR and 2012 Addendum, the Project's operational PM₁₀ emissions would also result in a significant air quality impact, which was not previously identified in the 1995 Certified EIR or in the 2012 Addendum as a potentially significant impact. As a result, the proposed Project presents a new, potentially significant air quality impact that was not previously identified in past CEQA evaluations.

Based off of the results of our analysis, it is clear that the emissions calculated in the 2012 Addendum and 1995 Certified EIR are underestimated and are therefore not representative of the Project's operational or construction emissions. Furthermore, our analysis indicates that the currently proposed Project would result in two new significant air quality impacts that were not previously identified in the Certified EIR or in any of the addendums. As a result, the proposed Project will result in a new significant impact that was not previously analyzed in the Certified EIR or addendums, thus constituting the need for a DEIR to be prepared. By relying on outdated emission estimates for a past project that is entirely different than the currently proposed Project, the Addendum greatly underestimates the Project's emissions, and makes incorrect significance determinations by relying on these emission estimates. As a result, a DEIR should be prepared to include an updated, site-specific air quality analysis that accurately estimates the Project's emissions.

Failure to Utilize All Available Mitigation Measures to Reduce Emissions

According to the 2012 Addendum, each mitigation measure incorporated in the Certified EIR that is applicable to the Hidden Canyon Industrial Park Specific Plan Project will be implemented (pp. 65). These measures, however, are from 1995 and fail to include modern measures that have been developed more recently with the advancement of technology, such as construction equipment equipped with Tier 1,2,3, and 4 engines. Furthermore, the operational measures proposed in the Certified EIR primarily reduce emissions associated with mixed-use developments, which is characteristic of the original project proposed in the Certified EIR. These included measures such as encouraging the use of alternate transportation, providing mass transit accommodations, etc. Both the 2012 Addendum project and the proposed Project, however, have no mixed-use aspects to them and are solely industrial projects. As a result, mitigation measures that applied to the 1995 Certified EIR project would not necessarily apply to the currently proposed warehouse Project. Furthermore, mitigation measures not previously considered or deemed as infeasible in the 1995 Certified EIR may actually apply to the currently proposed Project, due to this change in land use. Due to these reasons, the measures proposed in the Certified EIR are outdated and will not effectively reduce emissions to the maximum extent possible, as is required by CEQA. Therefore, additional mitigation measures should be identified and incorporated into the Project design in order to effectively reduce the Project's construction and operational emissions.

Our updated CalEEMod model demonstrates that when the revised Project is adequately evaluated, construction-related ROG (also known as VOC) emissions would result in a significant impact. Even just short-term exposure to VOC emissions can cause eye and respiratory tract irritation, headaches, dizziness, visual disorders, fatigue, loss of coordination, allergic skin reactions, nausea, and memory impairment.³⁰ Longer-term exposure can cause damage to the liver, kidneys, and central nervous system.³¹ These health problems can affect both on-site construction workers and the surrounding community. Therefore, mitigation measures must be identified and incorporated in a DEIR to reduce these emissions to a less than significant level. Numerous feasible mitigation measures are available to reduce VOC emissions, including the following, which are routinely identified in other CEQA matters as feasible mitigation measures:

- Use Zero-VOC emission paints;
 - The Project Applicant should consider the use of zero-VOC emission paints, which has been required for numerous projects that have undergone CEQA review. Zero-VOC emission paints are commercially available. Other low-VOC standards should be incorporated into mitigation including use of “super-compliant” paints, which have a VOC standard of less than 10 g/L.
- Use material that does not require paint;
 - Using materials that do not require painting is a common mitigation measure where VOC emissions are a concern. Interior and exterior surfaces, such as concrete, can be left unpainted.
- Use spray equipment with greater transfer efficiencies;
 - Various coatings and adhesives are required to be applied by specified methods such as electrostatic spray, high-volume, low-pressure (HVLP) spray, roll coater, flow coater, dip coater, etc. in order to maximize the transfer efficiency. Transfer efficiency is typically defined as the ratio of the weight of coating solids adhering to an object to the total weight of coating solids used in the application process, expressed as a percentage. When it comes to spray applications, the rules typically require the use of either electrostatic spray equipment or HVLP spray equipment. The SCAQMD is now able to certify HVLP spray applicators and other application technologies at efficiency rates of 65 percent or greater.³²

When combined together, these measures offer a feasible way to effectively reduce the Project’s construction-related VOC emissions to a less than significant level. As such, these mitigation measures should be considered in a subsequent DEIR to reduce these emissions to a less than significant level.

³⁰ https://toxtown.nlm.nih.gov/text_version/chemicals.php?id=31.

³¹ *Id.*

³² <http://www.aqmd.gov/home/permits/spray-equipment-transfer-efficiency>

Furthermore, our updated model demonstrates that operational ROG, CO, PM₁₀ and NO_x emissions would result in a significant impact. Therefore, additional mitigation measures must be identified and incorporated in a DEIR to reduce these emissions to a less than significant level.

The SCAQMD has previously recommended additional mitigation measures for operational NO_x and PM₁₀ that result primarily from truck activity emissions for similar projects. Measures recommended for the Waterman Logistic Center that are also applicable for this Project include³³:

- Provide electric vehicle charging stations that are accessible for trucks.
- Provide electrical hookups at the onsite loading docks and at the truck stops for truckers to plug in any onboard auxiliary equipment
- Require the proposed warehouse to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in.
- Provide minimum buffer zone of 300 meters (approximately 1,000 feet) between truck traffic and sensitive receptors.
- Limit the daily number of trucks allowed at the facility to levels analyzed in the Addendum and/or Certified EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- On-site equipment should be alternative fueled.
- Provide food options, fueling, truck repair and or convenience stores on-site to minimize the need for trucks to travel through residential neighborhoods.
- Improve traffic flow by signal synchronization.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.

In addition to the mobile source mitigation measures identified above, the Lead Agency should incorporate the following on-site area source mitigation measures below to reduce the Project's regional air quality impacts from NO_x emissions during operation.³⁴

- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Install light colored "cool" roofs and cool pavements.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.

³³ SCAQMD Comment Letter in Response to MND for the Waterman Logistic Center, January 2018, *available at*: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/january/mndwaterman.pdf>

³⁴ *Ibid.*

- Use of water-based or low VOC cleaning products.

All feasible mitigation, including the above measures, should be considered in a DEIR in an effort to further reduce the Project's construction and operational emissions, potentially to a less than significant level.

Failure to Adequately Evaluate Cumulative Air Quality and Traffic Impacts

The current Project Applicant justifies, in the Staff Report, that no further environmental documents or analysis for the proposed Project is required because the Certified EIR and subsequent addendums accurately assess the environmental impacts for the proposed Project and as a result, the EIR and its findings remain valid for use under the current application (p. 5). However, this conclusion is flawed in that the Project's cumulative impacts, when combined with the development of other projects in the surrounding area, were not evaluated or quantified. A cumulative impact refers to "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."³⁵

The 1995 EIR's cumulative impact analysis is outdated and does not evaluate the cumulative air quality impact that the proposed Project will have when combined with the development of other projects in the surrounding area (Certified EIR, p. V-5, V-6). The analysis in the Certified EIR is based on the anticipated development projects from 1995, over 20 years ago. Furthermore, the 2012 Addendum fails to provide an updated cumulative impact analysis and simply states that the Addendum project will not result in a cumulatively considerable impact (2012 Addendum, pp. 136). However, circumstances and the surrounding areas have changed dramatically since the previous CEQA reviews and, as a result, an updated cumulative impact analysis is necessary.

The City of Beaumont Planning Department provides a list of major projects within the city, as well as their current development status.³⁶ As of February 2016, six projects are under development and eight, excluding the proposed Project, are still being reviewed.³⁷ The air quality impacts from these projects, combined with the proposed Project's air quality impacts, should be evaluated in order to determine if there is a potential cumulative air quality impact.

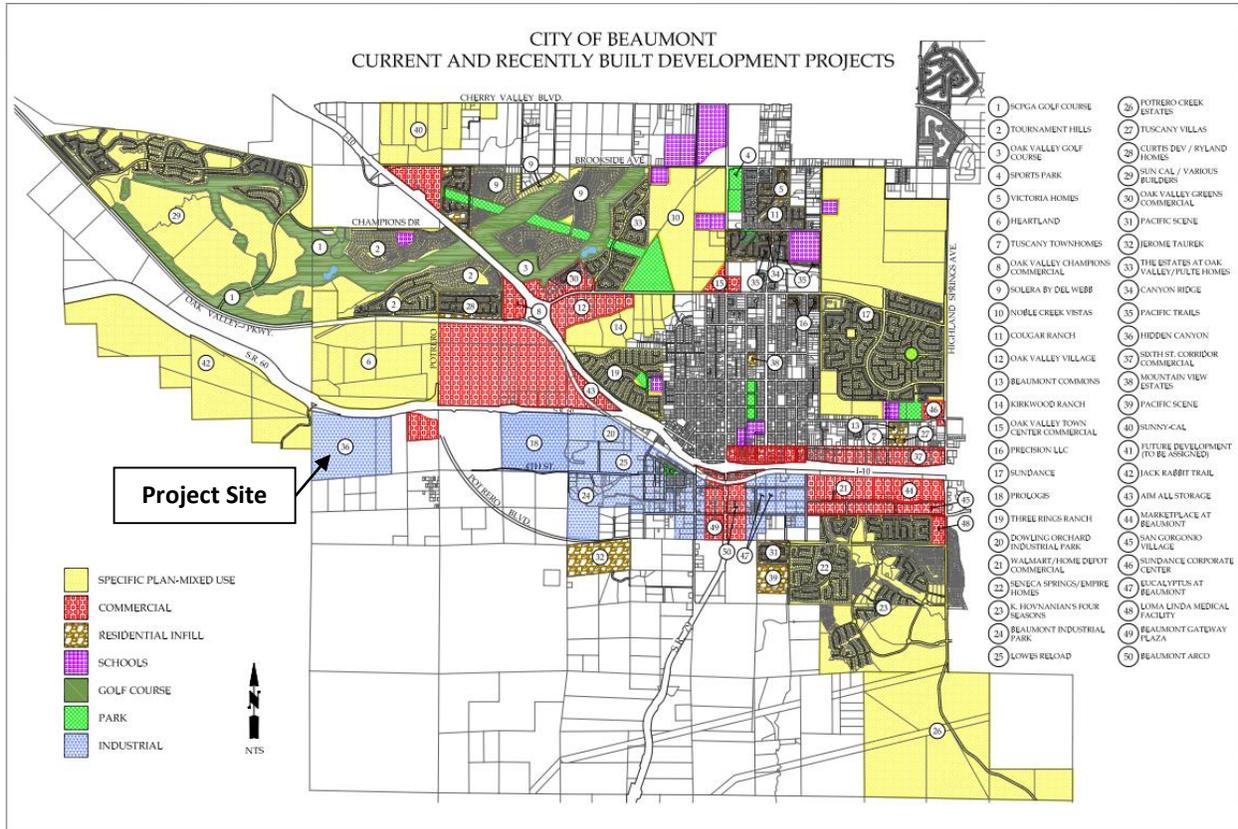
Furthermore, the City of Beaumont Planning Department provides a figure that maps the locations of Projects that are currently being built or have recently been built within the city. According to this figure, number 36 (indicated by the black arrow) is the location of the proposed Project (see excerpt below).³⁸

³⁵ Potential Control Strategies to Address Cumulative Impacts from Air Pollution White Paper- Appendices", South Coast Air Quality Management District, 2003, p. D-1, available at: <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4>

³⁶ <http://www.ci.beaumont.ca.us/DocumentCenter/Home/View/233>

³⁷ *Ibid.*

³⁸ *Ibid.*



The figure shows that at least four industrial projects are currently being built to the east, as well as one commercial and one residential infill project. None of these projects were evaluated in the Certified EIR or in any of the subsequent addendums. The figure above demonstrates that there is the potential for the Project, in combination with other projects that are or will be developed within the City, to have a cumulatively considerable air quality impact, which was not previously evaluated or identified.

Furthermore, in August 2015, the city of Moreno Valley approved the World Logistic Center project. This project consists of a 40 million square foot industrial park that will utilize State Route-60 (SR-60) for truck travel.³⁹ The SCAQMD states that approximately 14,000 daily truck trips will be traveling to and from the World Logistic Center.⁴⁰ SR-60 is also expected to be utilized by vehicles coming to and going from the proposed Project. Therefore, it is clear that there have been numerous dramatic changes in the surrounding areas since the Certified EIR and subsequent addendums were prepared and approved. These changes were not analyzed in any of the previous CEQA documents, and the cumulative traffic impacts from these large industrial projects that require substantial truck trips were not analyzed in any way. As a result, the Project may have a potentially significant cumulative air quality and/or traffic impact that was not previously identified. Our analysis demonstrates that the Certified EIR and subsequent addendums fail to adequately evaluate potentially cumulative air quality and traffic impacts and therefore these documents should not be relied upon to assess the environmental impact of the

³⁹ <http://www.moval.org/misc/pdf/wlc/wlc-spec-plan0316.pdf>

⁴⁰ <http://www.aqmd.gov/home/library/public-information/2016-news-archives/second-wlc-lawsuit>

proposed Project. Due to these reasons, a DEIR should be prepared that adequately addresses the Project's cumulative impacts.

Greenhouse Gas

Failure to Adequately Evaluate the Project's Greenhouse Gas Impacts

The 1995 Certified EIR did not evaluate the Project's greenhouse gas (GHG) impacts because when this report was being prepared, there was no requirement under CEQA to consider a project's GHG emissions or its impact on global climate change. Consideration of GHGs was not formalized in CEQA Guidelines until 2010 (2012 Addendum, pp. 106). Because the 2012 Addendum was prepared after this requirement was set in place, CEQA Guidelines required that the Project's GHG impacts be evaluated; therefore, a GHG analysis was prepared in the 2012 Addendum.

The 2012 Addendum attempts to evaluate GHG impacts by separately modeling GHG emissions for the Certified EIR's project and the 2012 Addendum's project. The 2012 Addendum's GHG emissions were then compared to the emissions estimated for the Certified EIR's project to demonstrate that the 2012 Addendum Project will result in a significant decrease in GHG emissions (Addendum, pp. 107). Using this methodology, the 2012 Addendum concluded that since the project's emissions are significantly below what they estimated the Certified EIR's emissions to be, the project would not result in any new or more significant impacts compared to the Certified EIR's project. However, this justification is incorrect for several reasons.

First, neither the 1995 Certified EIR, nor the 2005 and 2012 Addendums have prepared any sort of GHG analysis in which the Project's quantified emissions are compared to significance thresholds or compliance with local, regional, and statewide regulations is demonstrated. As a result, the 2012 Addendum's conclusion that the Project would not result in a significant GHG impact is entirely incorrect, as these emissions were never actually compared to an established threshold.

Second, taking the difference in emissions between the project described in the 1995 Certified EIR and the project described in the 2012 Addendum and then using the net emissions to determine Project significance is also entirely incorrect. The 2012 Addendum assumes that the "baseline" for the Project is the estimated emissions from the project proposed in the 1995 Certified EIR. However, the project described in the 1995 Certified EIR was never actually constructed. Therefore, the "baseline" for the Project should be equal to zero, not to the emissions estimated in 1995. Furthermore, the Certified EIR was not required to prepare a GHG impact analysis, nor was it required to make significance determinations on this matter. Because the Certified EIR made no significance determination for the Project's GHG impact in 1995, one cannot assume that there will be a less than significant GHG impact simply because the 2012 Addendum project's emissions will be less than the 1995 Certified EIR project's emissions. The 2012 Addendum project was replacing the project proposed in the 1995 Certified EIR; therefore, the new project's GHG emissions should be modeled and a thorough GHG analysis should be prepared consistent with guidelines established by the SCAQMD, in which the Project's entire emissions are evaluated and compared to thresholds.

Updated Greenhouse Gas Analysis Demonstrates Significant Impact

As previously discussed, the 2012 Addendum’s methodology for evaluating GHG impacts is entirely flawed. Rather, emissions from the 2012 Addendum project should have been quantified and thoroughly assessed independently. Table A-2 of the 2012 Addendum estimates that operation of the Project, when evaluated independently, would generate approximately 12,449 MT CO₂e/year, which greatly exceeds the 10,000 MT CO₂e/year threshold set forth by the SCAQMD for industrial land use projects.

Furthermore, as was discussed in the sections above, we found that the air model prepared for the 2012 Addendum project was outdated and incorrect. Therefore, we prepared an updated model for the proposed Project using correct input parameters. Our updated CalEEMod model demonstrates that the proposed Project, when modeled correctly, will generate approximately 60,339 MT CO₂e/year, which still greatly exceeds the SCAQMD threshold of 10,000 MT CO₂e/year (see table below).

Total Annual Greenhouse Gas Emission	
	Metric Tons CO₂e Per Year
1995 Certified EIR	20,748
2012 Addendum	12,449
SWAPE Model	60,339
SCAQMD Threshold of Significance	10,000
Exceeds Threshold	Yes

Emissions estimates for the Certified EIR represent emissions modeled in the 2012 Addendum.

Our updated analysis demonstrates that the proposed Project, when modeled correctly, not only exceeds the SCAQMD threshold of 10,000 MT CO₂e/year, but it also exceeds the 2012 Addendum’s emission estimates by approximately 385 percent and exceeds the 1995 Certified EIR’s emission estimates by approximately 191 percent. Therefore, even if the flawed methodology prepared in the 2012 Addendum was accepted, we find that the proposed Project will still result in a new and more significant impact, which was not previously identified and evaluated in any of the prior CEQA review documents for this Project. It is apparent that the 1995 Certified EIR and subsequent addendums do not accurately analyze or represent the GHG impacts associated with the proposed Project. As a result, a DEIR should be prepared that adequately evaluates the proposed Project’s GHG impacts and implements all feasible mitigation measures to reduce the emissions to the maximum extent possible.

Failure to Utilize GHG Reduction Targets Specified in Executive Order B-30-15

Finally, the Certified EIR’s and subsequent addendums’ reliance on a flawed method to determine the Project’s GHG impact is also fundamentally flawed because it is inconsistent with, and fails to take into account, the revised, more ambitious GHG reduction goals set by Governor Brown by Executive Order B-30-15. Governor Brown recently issued an executive order to establish an even more ambitious GHG reduction target. Executive Order B-30-15 was not available when the 2012 Addendum was prepared. Therefore, the reduction goals set forth by this Executive Order constitute as new information that was not available at the time the Addendum was drafted. Therefore, a DEIR should be prepared to reflect

the new information provided within this Executive Order. Executive Order B-30-15⁴¹ requires emissions reductions above those mandated by AB 32 to reduce GHG emissions 40 percent below their 1990 levels by 2030. 1990 statewide GHG emissions are estimated to be approximately 431 million MTCO₂e (MMTCO₂e).⁴² Therefore, by 2030 California will be required to reduce statewide emissions by 172 MMTCO₂e (431 x 40%), which results in a statewide limit on GHG emissions of 259 MMTCO₂e. 2020 “business-as-usual” levels are estimated to be approximately 509 MMTCO₂e.⁴³ Therefore, in order to successfully reach the 2030 statewide goal of 259 MMTCO₂e, California would have to reduce its emissions by 49 percent below the “business-as-usual” levels.

This 49 percent reduction target, once adjusted to be applicable at project-level, should be considered as a threshold of significance against which to measure Project impacts. Because the proposed Project is unlikely to be redeveloped again prior to 2030, the 2030 goals are applicable to any evaluation of the Project's impacts. The 2012 Addendum does not demonstrate if the Project would comply with this executive order. Therefore, a DEIR should be prepared to demonstrate the Project's compliance with these more aggressive measures specified in Executive Order B-30-15. Specifically, the Project should demonstrate, at a minimum, a reduction of 49 percent below “business-as-usual” levels. It should be noted, however, that this reduction percentage is applicable to statewide emissions. As a result, an additional analysis would need to be conducted to translate the new statewide targets into a project-specific threshold against which Project GHG emissions can be compared. A DEIR should be prepared to quantify any reductions expected to be achieved by mitigation measures set in place, shown by substantial evidence that such measures will be effective, and should demonstrate how these measures will reduce the emissions below the new 2030 significance threshold.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Jessie Jaeger

⁴¹ <http://gov.ca.gov/news.php?id=18938>

⁴² <http://www.arb.ca.gov/cc/inventory/data/bau.htm>

⁴³ http://energyinnovation.org/wp-content/uploads/2015/04/CA_CapReport_Mar2015.pdf

ATTACHMENT 1



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Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

JESSIE MARIE JAEGER



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. CONSERVATION BIOLOGY & ENVIRONMENTAL SCIENCES JUNE 2014

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

AIR QUALITY SPECIALIST

SENIOR ANALYST: CEQA ANALYSIS & MODELING

- Calculated roadway, stationary source, and cumulative impacts for risk and hazard analyses at proposed land use projects.
- Quantified criteria air pollutant and greenhouse gas emissions released during construction and operational activities of proposed land use projects using CalEEMod and EMFAC2011 emission factors.
- Utilized AERSCREEN, a screening dispersion model, to determine the ambient air concentrations at sensitive receptor locations.
- Organized presentations containing figures and tables comparing results of particulate matter analyses to CEQA thresholds.
- Prepared reports that discuss results of the health risk analyses conducted for several land use redevelopment projects.

SENIOR ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Quantified greenhouse gas (GHG) emissions of a "business as usual" scenario for proposed land use projects using CalEEMod.
- Determined compliance of proposed projects with AB 32 GHG reduction targets, with measures described in CARB's Scoping Plan for each land use sector, and with GHG significance thresholds recommended by various Air Quality Management Districts in California.
- Produced tables and figures that compare the results of the GHG analyses to applicable CEQA thresholds and reduction targets.

PROJECT MANAGER: OFF-GASSING OF FORMALDEHYDE FROM FLOORING PRODUCTS

- Determined the appropriate standard test methods to effectively measure formaldehyde emissions from flooring products.
- Compiled and analyzed laboratory testing data. Produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 No Significant Risk Level (NSRL) and to CARB's Phase 2 Standard.
- Prepared a final analytical report and organized supporting data for use as Expert testimony in environmental litigation.
- Participated in meetings with clients to discuss project strategy and identify solutions to achieve short and long term goals.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF CONTAMINANTS EMITTED BY INCINERATOR

- Reviewed and organized sampling data, and determined the maximum levels of arsenic, dioxin, and lead in soil samples.
- Determined cumulative and hourly particulate deposition of incinerator and modeled particle dispersion locations using GIS and AERMOD.
- Conducted risk assessment using guidance set forth by the Office of Environmental Health Hazard Assessment (OEHHA).
- Utilized LeadSpread8 to evaluate exposure, and the potential adverse health effects from exposure, to lead in the environment.
- Compared final results of assessment to the Environmental Protection Agency's (EPA) Regional Screening Levels (RSLs).

ACCOMPLISHMENTS

- **Recipient**, Bruins Advantage Scholarship, University of California, Los Angeles **SEPT 2010 - JUNE 2014**
- **Academic Honoree**, Dean's List, University of California, Los Angeles **SEPT 2013 - JUNE 2014**
- **Academic Wellness Director**, UCLA Undergraduate Students Associated Council **SEPT 2013 - JUNE 2014**
- **Student Groups Support Committee Member**, UCLA Undergraduate Students Associated Council **SEPT 2012 - JUNE 2013**

Appendix B

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

City of Beaumont Planning Commission
Rebecca Demming, Community Development Director
City of Beaumont Planning Department
550 E. Sixth St.
Beaumont, CA 92223

11 July 2016

RE: Hidden Canyon Industrial Park Plot Plan 16-PP-02

Dear Ms. Demming and City of Beaumont Planning Commission,

I write to comment on Plot Plan 16-PP-02 prepared for the Hidden Canyon Industrial Park, which City Staff argues already underwent CEQA review and certification per earlier Environmental Impact Reports and Addenda. I reviewed the earlier EIRS and Addenda, as well as the 14 June 2016 Staff Report on Plot Plan 16-PP-02 and other related documents.

My qualifications for preparing expert comments are the following. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I have authored numerous papers on special-status species issues, including “Using the best scientific data for endangered species conservation,” published in *Environmental Management* (Smallwood et al. 1999), and “Suggested standards for science applied to conservation issues” published in the *Transactions of the Western Section of The Wildlife Society* (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I’ve been a part-time lecturer at California State University, Sacramento. I was also Associate Editor of wildlife biology’s premier scientific journal, *The Journal of Wildlife Management*, as well as of *Biological Conservation*, and I was on the Editorial Board of *Environmental Management*.

I have performed wildlife surveys in California for thirty-two years. Over these years, I studied the impacts of human activities and human infrastructure on wildlife, including on golden eagle, Swainson's hawk, burrowing owl, mountain lions and other species. I have also performed wildlife surveys at many proposed project sites. I performed mountain lion track surveys throughout California since 1985. I also collaborate with colleagues worldwide on the underlying science and policy issues related to anthropogenic impacts on wildlife. My CV is attached.

BIOLOGICAL IMPACTS ASSESSMENT

The essential argument made by Beaumont City Staff is that because the Project site underwent CEQA review dating back to 1994, and because the impacts of the latest Project are equivalent to proposed past projects covered by an EIR and two Addenda, then Plot Plan 16-PP-02 prepared for the Hidden Canyon Industrial Park requires no further CEQA review. Past projects alternated between residential and industrial projects, and most recently involve warehousing for truck distribution. The essential question is whether the impacts of the latest project proposal will be equivalent to those identified in the past, and whether the mitigation is equivalent or superior to past requirements.

The original project, which was the subject of a 1994 EIR, would have converted 154.2 acres of wildlife habitat to residential use. Following a zoning change to accommodate an industrial use, a 2005 EIR Addendum added 36.5 acres to the east for a 196.5 acre residential project. It concluded that no additional mitigation was needed. And by this time Riverside County had certified the Western Riverside County Multi-species Habitat Conservation Plan (MSHCP). The MSHCP required an equivalency analysis and a finding that the impacts would be equivalent between a proposed new project and proposed older project. Despite the 27% increase in the spatial extent of habitat loss and despite direct impacts to Cooper's Creek, the City of Beaumont concluded that the newer project's impacts would be equivalent to those assessed in the past. Each EIR and subsequent EIR and Addenda have concluded that the impacts would be the same as assessed earlier, going back to 1994. At the same time, the nature of the project impacts have changed and what is understood of the biological value of the site has changed with additional wildlife surveys.

In 1994 the project site had been documented to support 46 vertebrate species, following a 1993 small mammal trapping effort and a walkover survey by one biologist lasting 3.25 hours on one day. That so many species were detected during such a cursory survey effort should have served as a warning that the site is very rich in wildlife species. After cursory surveys in 2003, the cumulative vertebrate species list increased to 67, including 21 species that had not been detected in 1993. However, 19 of the species detected in 1993 were not detected in 2003. Missing 41% of the species detected in 1993 should have served as a giant red flag that not only is the site rich in wildlife, but the surveys were inadequately representing the site's richness. After the surveys in 2004, the cumulative species list increased to 91, doubling the number of species detected in 1993. Given the greatly changing biological baseline – a baseline that never stabilized due to inadequate surveys – a conclusion of equivalent impacts is unsupportable. How can equivalent impacts comport with a changing baseline? A changing project footprint? A changing type of project?

The baseline on potentially occurring special-status species has also changed since 1993. According to Pacific Southwest Biological Services, Inc. (1993), 42 special-status species had the potential to occur on site in 1994. According to Harmsworth Associates (2004), 50 special-status species have the potential to occur on site. My count reveals 70 special-status species with potential to occur on the project site (Table 1). I believe this might be the largest number of potentially occurring special-status species I have ever seen identified for a proposed project site in California. But why the difference between my count and the count of Harmsworth Associates

(2004)? The answer is partly due to changing conditions, including the addition of special-status species since the earliest biological surveys of 1993. For example, the mountain lion became a California Fully Protected species after the 1994 EIR. Shuford and Gardali's (2008) re-evaluation of bird species of special concern added long-eared owl, olive-sided flycatcher, Oregon vesper sparrow, and tricolored blackbird. Another reason was that the earlier biological assessments did not count the special status given to raptor species via a specially written portion of the California Fish and Game Code numbered 3503.5. Another reason was the growing list of bats given special status. Finally, and this reason relates to the conclusion of the previous paragraph, the biological baseline changed with each biological survey performed since 1993, each one listing different species of amphibians, reptiles, and mammals and coming to increasingly larger counts.

Of the potentially occurring special-status species, an amazing 19 were actually detected on site (Table 1). More special-status species would have been detected had the surveys been performed during the appropriate time of year (e.g., Swainson's hawk, ferruginous hawk) or using appropriate methods (e.g., mountain lion, American badger, great-horned owl, long-eared owl, short-eared owl, and all species of bats). The bat roost known to occur under the bridge where State Route 60 crosses over San Timoteo Creek (Pacific Southwest Biological Services, Inc. 1993) was apparently never investigated for the species of bats using the bridge. If biologists do not search for species at the right time of year or the right time of day (or night), then they are unlikely to detect these species. Owls can be detected by calls at night, or by use of thermal cameras. Thermal cameras are also useful for detecting bats, although they cannot identify bats to species. To identify bats to species, acoustical detectors using Sonobat can be useful. If appropriate surveys or survey efforts were not possible, then to be consistent with the Precautionary Principle and the intent of CEQA it should be assumed that the species at issue are present on site.

The number of special-status species detected on site also changed since 1993, similar to the list of potentially occurring special-status species, but the former list also increased due to the addition of more appropriate survey methods, including trapping for small mammals. According to the consultants who reported on their surveys, 4 special-status species were detected in 2003, and in 2003 and 2004 the number rose to 7. By my count, given the additional species with special status, the numbers detected were 9 in 1993, 9 in 2003 and 16 in 2004, and cumulatively the numbers detected were 9 in 1993, 14 in 2003, and 19 in 2004. Thus, the biological baseline has been changing due to changing circumstances and due to changing survey effort. I am confident that the list of special-status species would increase further with appropriate survey efforts if the efforts were made.

Contrary to my conclusion in the preceding paragraph, the Initial Study associated with the 2012 EIR Addendum (page A-10) concluded, "*The updated biological assessment reports included herein substantiate that conditions within the subject site are generally consistent with those considered in the 1993 biological surveys presented in the Certified EIR.*" This conclusion was based on a site visit made on 11 November 2009 by one biologist, and a subsequent letter of support to the City's Addendum. However, the consultant's support letter simply stated that conditions had not changed since 1993 or since 2003; it included no findings of species based on the site visit made on 11 November 2009.

Table 1. Occurrence likelihoods of wildlife species at the project site.

Common name	Species name	Status	MSHCP cover?	Occurrence
Arroyo toad	<i>Anaxyrus californicus</i>	FE, SSC	Yes	Possible [1993]
Western spadefoot	<i>Scaphiophis hammondi</i>	SSC	Yes	Possible
Coast range newt	<i>Taricha t. torosa</i>	SSC	Yes	Probable
San Diego horned lizard	<i>Phrynosoma coronatum blainvillii</i>	SSC	Yes	Found [1993, 2004]
Orange-throated whiptail	<i>Aspidoscelis hyperythra</i>	SSC [2016 watch list]	Yes	Possible [1993]
Coastal whiptail	<i>Cnemidophorus tigris multiscutatus</i>	SSC	Yes	Possible [1993]; found [2004]
Silvery legless lizard	<i>Anniella p. pulchra</i>	SSC	No	Possible [1993]
San Diego Banded gecko	<i>Coleonyx variegatus abbotti</i>	SSC	Yes	Possible [1993]
Coastal rosy boa	<i>Lichanura trivirgata</i>	FSC [1993]	No	Possible [1993]
Coast patch-nosed snake	<i>Salvadora hexalepis virgultea</i>	SSC	No	Possible [1993]
San Bernardino ringneck snake	<i>Diadophis punctatus modestus</i>	CNDDDB	No	Possible [1993]
San Diego ringneck snake	<i>Diadophis punctatus similis</i>	CNDDDB	No	Possible
Two-striped garter snake	<i>Thamnophis hammondi</i>	SSC	No	Possible [1993]
South coast garter snake	<i>Thamnophis sirtalis</i>	SSC	No	Possible
Northern red-diamond rattlesnake	<i>Crotalus r. ruber</i>	SSC	Yes	Possible [1993]
Southwestern pond turtle	<i>Clemmys marmorata pallida</i>	SSC	Yes	Possible [1993]
Turkey vulture	<i>Cathartes aura</i>	CDFW 3503.5	Yes	Found [2004]
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, CFP	Yes	Certain
Swainson's hawk	<i>Buteo swainsoni</i>	CT	Yes	Certain
Ferruginous hawk	<i>Buteo regalis</i>	CDFW 3503.5	Yes	Possible [1993]
Red-tailed hawk	<i>Buteo jamaicensis</i>	CDFW 3503.5	No	Found [2003]
Red-shouldered hawk	<i>Buteo lineatus</i>	CDFW 3503.5	No	Found [2003]
Northern harrier	<i>Circus cyaneus</i>	SSC3	Yes	Probable
White-tailed kite	<i>Elanus leucurus</i>	CFP	Yes	Found [1993, 2004]
Sharp-shinned hawk	<i>Accipiter striatus</i>	CDFW 3503.5	Yes	Probable
Cooper's hawk	<i>Accipiter cooperi</i>	CDFW 3503.5	Yes	Found [2004]
American kestrel	<i>Falco sparverius</i>	CDFW 3503.5	No	Found [2003]
Merlin	<i>Falco columbarius</i>	CDFW 3503.5	Yes	Possible [1993]
Prairie falcon	<i>Falco mexicanus</i>	CDFW 3503.5	Yes	Possible
Peregrine falcon	<i>Falco peregrinus</i>	CE, CFP	Yes	Possible [2004]
Barn owl	<i>Tyto alba</i>	CDFW 3503.5	No	Found [1993, 2003]
Long-eared owl	<i>Asio otus</i>	SSC3	No	Probable
Short-eared owl	<i>Asio flammeus</i>	SSC3	No	Possible [2004]
Great-horned owl	<i>Bubo virginianus</i>	CDFW 3503.5	No	Probable
Burrowing owl	<i>Athene cunicularia</i>	FCC, SSC2	Yes ²	Not found in 2004
Black swift	<i>Cypseloides niger borealis</i>	FSC, SSC	Yes	Possible

Horned lark	<i>Eremophila alpestris actia</i>	TWL	Yes	Probable
Coastal California gnatcatcher	<i>Polioptila c. californica</i>	FT, SSC	Yes	Possible [1993]
Southwestern willow flycatcher	<i>Empidonax traillii Extimus</i>	FE, CE	Yes ²	Found [2004]
Olive-sided flycatcher	<i>Contopus cooperi</i>	SSC2	No	Stop-over
Loggerhead shrike	<i>Lanius ludovicianus</i>	FSC, SSC2	Yes	Found [2003]
Least Bell's vireo	<i>Vireo belli pusillus</i>	FE, CE	Yes ²	Possible [2004]
Yellow warbler	<i>Setophaga petechia</i>	SSC2	Yes	Found [2004]
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Yes	Possible [2004]
Bell's sage sparrow	<i>Amphispiza b. belli</i>	TWL	Yes	Found [1993, 2004]
Oregon vesper sparrow	<i>Poocetes gramineus affinis</i>	SSC2	No	Probable
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2	Yes	Probable
Southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	FSC, SSC	Yes	Found [1993, 2004]
Tricolored blackbird	<i>Agelaius tricolor</i>	SSC1	Yes	Possible
California leaf-nosed bat	<i>Macrotus californicus</i>	SSC	No	Possible [1993]
Pallid bat	<i>Antrozous pallidus</i>	SSC	No	Possible [1993]
Townsend's western big-eared bat	<i>Plecotus t. townsendii</i>	SSC	No	Possible [1993]
Western red bat	<i>Lasiurus blossevillii</i>	SSC	No	Possible
Western yellow bat	<i>Lasiurus xanthinus</i>	SSC	No	Possible
Small-footed myotis	<i>Myotis cililabrum</i>	WBWG	No	Possible [2004]
Long-eared myotis	<i>Myotis evotis</i>	WBWG	No	Possible
Fringed myotis	<i>Myotis thysanodes</i>	WBWG	No	Possible
Long-legged myotis	<i>Myotis volans</i>	WBWG	No	Possible
Yuma myotis	<i>Myotis yumanensis</i>	WBWG	No	Possible
Western mastiff bat	<i>Eumops perotis</i>	SSC	No	Possible [1993]
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	SSC	No	Possible [1993]
Mountain lion	<i>Puma concolor</i>	CFP	Yes	Probable
American badger	<i>Taxidea taxus</i>	SSC	No	Possible [1993]
Southern grasshopper mouse	<i>Onychomys torridus ramona</i>	SSC	No	Possible [1993]
Los Angeles pocket mouse	<i>Perognathus longimembris brevinasus</i>	SSC	Yes ²	Possible [1993]; Not found in 2004
San Diego pocket mouse	<i>Chaetodipus f. fallax</i>	SSC	Yes	Found [1993, 2004]
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	FE, ST	Yes	Found [1993, 2004]
San Bernardino kangaroo rat	<i>Dipodomys merriami parvus</i>	SSC	Yes	Possible [1993]
San Diego desert woodrat	<i>Neotoma lepida intermedia</i>	SSC	Yes	Found [2003]
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	SSC	Yes	Possible [1994]; Probably found [2003, 2004]

¹ Listed as FE = federal endangered, FCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, CE = California endangered, SSC = California species of special concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), CFP = California Fully Protected (CDFG Code 4700), CDFW 3503.5 = California Department of Fish and Wildlife Code 3503.5 (Birds of prey), and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively (Shuford and Gardali 2008), and TWL = Taxa to Watch List (Shuford and Gardali 2008), WBWG = Western Bat Working Group listing as moderate or high priority.

² Surveys required, according to MSHCP.

Of the species listed as potentially occurring in Table 1, 30 species are not covered by the Western Riverside County MSHCP. These 30 species would require separate mitigation from the fee payment system established for the MSHCP. Four of these 30 species were detected on site. Most of the other 26 species would not be detectable without performing specialized surveys such as nocturnal surveys. The impact assessments performed to date have been inadequate for detecting these species.

Truck traffic versus residential auto traffic

The Staff Report advocating for Hidden Canyon Industrial Park Plot Plan 16-PP-02 implies that truck traffic is equivalent to residential auto traffic. It uses this equivalency as a baseline to claim a 29% decrease in traffic between the earlier plan for residential development and the most recent proposal for distribution warehouses. This equivalency is false on the issue of wildlife impacts.

The project would add 8,400 average daily trips by trucks to the existing traffic volume on State Route 60. Assuming the average residential auto frontal surface area is 3.08 m² (average height of 1.7 m and average wheelbase of 1.81 m) then the predicted average 11,800 daily trips by autos in the earlier residential project would equal about 36,344 m² crossing the roadways leading to the project (3.08 m² × 11,800 trips). Assuming the average frontal surface area of shipping trucks is 31.4 m² (average height of 4.8 m and average wheelbase of 6.53 m), then the predicted average 8,400 daily trips by trucks in distribution warehousing project would equal about 263,760 m² crossing the roadways leading to the project. Even these crude calculations readily demonstrate that the more recently proposed project would greatly increase the collision risk to birds as compared to the residential project, because the rate of impact-surface crossing any given point along SR 60 is 7.25 times as great with the trucking scenario. This 7.25-fold increase in avian collision risk does not yet consider the much diminished ability of truck drivers to avoid collisions through braking or swerving, nor does it consider the increased risk of injury caused by the much greater turbulence generated by truck passages.

For low-stature terrestrial wildlife, the collision risk also increases with the truck traffic associated with the more recently proposed project. Assuming the average auto coming to or from a residential area has 4 8-inch tires, then the cumulative tire width would be 0.82 meters. Assuming the average truck traveling to or from the warehouses would

consist of 5 axels, the cumulative width of the 18 traditional tires would be 3.92 m, and the cumulative width of newer 10 single tires that are replacing dual tires would be 4.36 m. The 11,800 average daily trips by residential autos would present a collision risk of 9,676 m of tire crossing any given portion of SR 60, whereas the 8,400 average daily truck trips would present a collision risk of 32,928 m to 36,624 m of tire crossing any given portion of SR 60, depending on whether the trucks use dual or single tires. The rate of tire surface area available to kill amphibians, reptiles, terrestrial mammals or birds that landed on the roadway would be 3.4 to 3.8 times greater for the truck distribution scenario versus the residential scenario.

Whether considering the frontal impact surface of trucks or the cumulative tire surface of trucks, trucks traveling to the project site at a rate of 8,400 trips per day would cause much greater impacts to wildlife than would 11,800 auto trips per day due to a residential development. The impacts are far from equivalent. An EIR is needed to address the impacts of a warehouse distribution center.

Wildlife Movement

The project site is located at an obvious juncture for wildlife movement in the region (Figure 1). Multiple streams converge at the project site, which is also at the northern edge of the Badlands. Wildlife movement across the project site and along SR 60 is probably much more intense than most other places in the region. The importance of the site to wildlife movement has been recognized in the earlier CEQA reviews. For example, according to the 2005 EIR (page IV-55), the "...canyon may act as a wildlife corridor between the Badlands to the south and San Timoteo Creek to the north. San Timeteo Creek has been recognized as a major wildlife corridor along the northern edge of the Badlands." And, "...its loss is significant." I concur. The project will interfere with wildlife movement in the region. This is particularly true of the most recent proposal for Hidden Canyon Industrial Park Plot Plan 16-PP-02, which will increase collision risk to wildlife not just at the project site, but also long the entirety of SR 60 and any other roadways used by trucks traveling to or from Hidden Canyon. The impacts of this project have not been analyzed. The impacts need to be assessed in an EIR.



Figure 1. Likely movement trajectories of wildlife (white arrows) across the project area (red boundary).

CUMULATIVE IMPACTS

The 1994 EIR anticipated cumulative impacts from proposed or planned development of 22,681 acres, adding about 135,093 people to the area. The analysis amounted to an acknowledgement that wildlife “may” be destroyed or displaced by all this development, but that the mitigation for individual projects will offset the impacts. This conclusion that projects mitigated individually will negate cumulative impacts was an incorrect interpretation of cumulative impacts, and was flawed. There really was no cumulative impacts analysis.

The anticipated development in the 1994 EIR largely happened (Figure 2). Much of the open space north of the Badlands has been converted to residential use or other uses. A cumulative impacts analysis requires a new baseline, as the 1994 baseline is obsolete. Furthermore, the nature of the project at Hidden Canyon has changed since 1994, and now would introduce trucking impacts along the entirety of SR 60 and other roads bringing truck traffic to Hidden Canyon. It is doubtful that the Western Riverside County MSHCP anticipated the proliferation of distribution warehousing in the region or the proliferation of renewable energy development. An EIR is needed to address cumulative impacts.

Impacts to mountain lions would be particularly cumulative and considerable, and would represent impacts to a species that was afforded special status since the certification of the 1994 EIR. Traffic deaths of mountain lions and the isolation of mountain lions by road traffic have been the principal causes of the species decline in southern California (Riley et al. 2014). The Hidden Canyon trucking distribution center would add to these impacts, and would do so cumulatively with other warehouse distribution centers approved in the region.

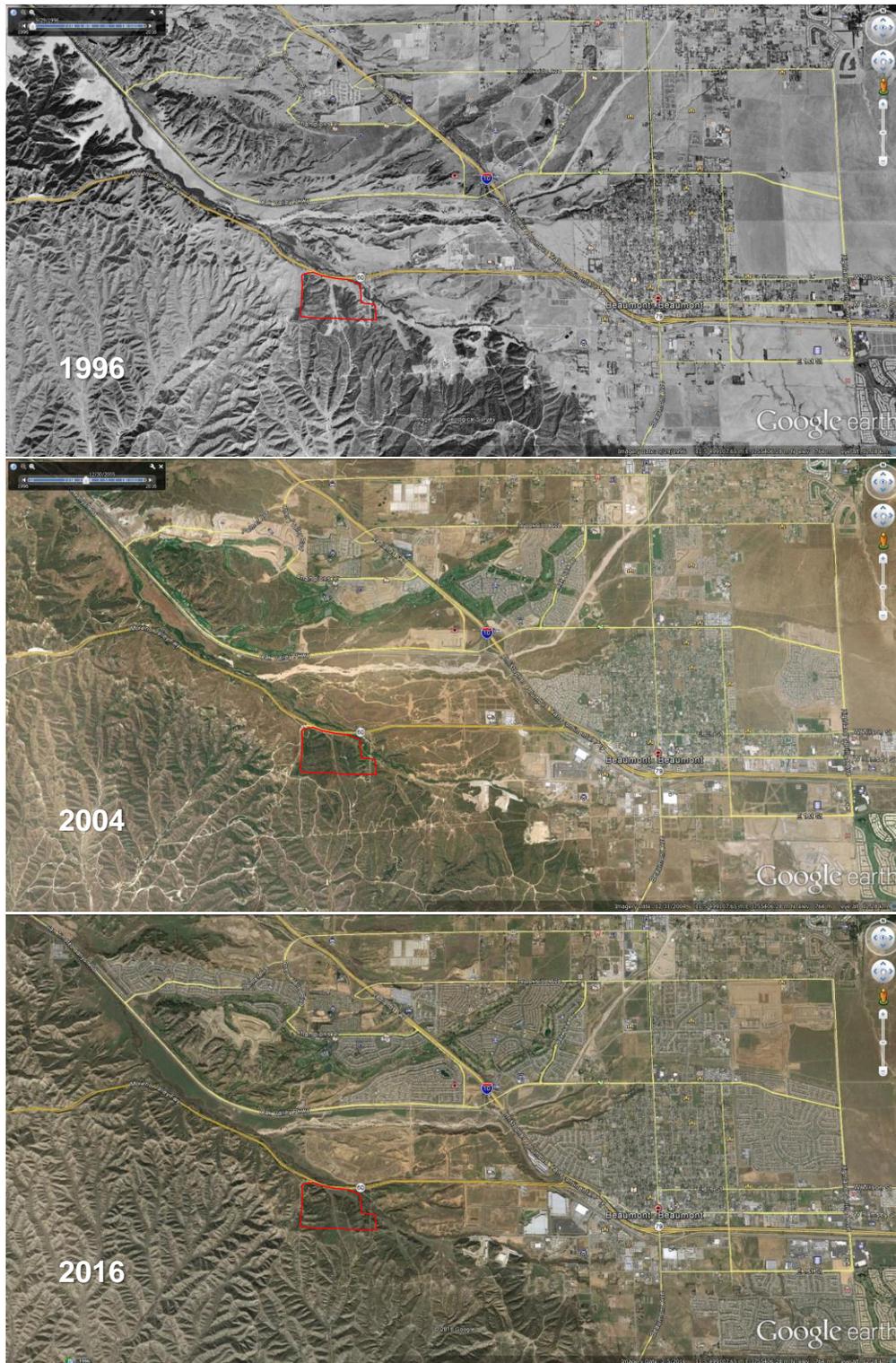


Figure 2. Land conversions observable in 1996, 2004 and 2016, showing the sources of cumulative impacts in the project (red polygon) area.

Habitat loss will be Cumulative to that caused by Renewable Energy Development

Neither the MSHCP nor the earlier CEQA reviews for projects proposed at Hidden Canyon would have anticipated the cumulative impacts of renewable energy development in the region resulting from the Desert Renewable Energy Conservation Plan (DRECP). Many thousands of acres of wildlife habitat will be lost to renewable energy development, and impacts are already accumulating from this development.

Given that California ground squirrels were found at the project site, it is reasonable to assume that burrowing owls breed on the site from time to time. Based on the average nesting density in the DRECP area, the planned loss of 123,000 acres (49,777 ha, or 497.8 km²) of burrowing owl habitat within the DRECP area would likely result in the destruction of 4,216 pairs of burrowing owls (Table 2). *This number of pairs would mean that the DRECP would take more than half of California's remaining burrow owls.* Any loss of burrowing owl habitat at Hidden Canyon, or any losses of burrowing owls colliding with trucks traveling to or from Hidden Canyon, would therefore be cumulatively considerable.

Table 2. Nesting densities of burrowing owls at proposed project sites within the DRECP.

Source	Site	Ha	Pairs	Nest density, pairs/km ²
Cornett 2012	Imperial Valley Solar Company 2	64	4	6.25
Ecology and Environment 2012	Hudson Ranch Power II Geothermal Project	99	13	13.13
Ecology and Environment 2012	McDonald Road portion of Hudson Ranch	78	13	16.67
HDR 2011	Mt. Signal	1,711	72	4.21
BLM 2012	Ocotillo Sol	46	5	8.58
Imperial County 2012	Solar Gen II	813	56	5.61
Heritage Environmental Consultants, LLC. 2012	Campo Verde	1,338	65	4.86
Average				8.47

MITIGATION

In the 14 June 2016 Staff Report for the Hidden Canyon Industrial Park Plot Plan 16-PP-02, the mitigation is said to be the same as required in the 1994 EIR and Addenda. However it is unclear how the mitigation would be the same, since the mitigation measures have shifted between projects since 1994.

Mitigation in the 1994 EIR was the following:

1. Obtain wetlands permits from CDFW and US Army Corps of Engineers with consultation from USFWS.

2. Section 7 consultation with USFWS regarding take of Stephens' kangaroo rat.
3. Preservation of Riverside sage scrub within the Badlands at 1:1 ratio to offset impacts to rufous-crowned sparrow, Bell's sage sparrow, and San Diego horned lizard.
4. Work with CalTrans on a wildlife crossing to offset impacts caused to the wildlife corridor.
5. Construction of wall or fence to delineate urban from wild areas.
6. Use native plants in landscaping to maintain some wildlife value.

In 2006 the impacts equivalency analysis proposed the creation of 3.47 acres of riparian habitat (plantings within buffer of Cooper's Creek) and 0.26 acres of wetland habitat (via bridge removal and riffle and pool creation downstream) and the enhancement (clean-up of trash) of 4.86 acres of riparian habitat. It also promised long-term management of the conservation area, including weed abatement, cowbird removal, and irrigation and planting. Does the Staff Report include these mitigation measures for Hidden Canyon Industrial Park Plot Plan 16-PP-02 or only the original 6 measures listed in the 1994 EIR?

The Staff Report also requires that the landscaping associated with the project adhere to the Guide to California friendly landscaping. However, the County of Riverside Guide to California Landscaping (2009) does not require the use of native plants for maintaining some wildlife value, as was required in mitigation number 6 in the 1994 EIR. An EIR is needed to address this and any other conflicts in mitigating the current project versus mitigating past projects.

An EIR is needed to address mitigation measures needed to avoid, minimize and offset the many substantial wildlife impacts that will be caused by truck traffic. Thousands of wild animals will be struck or crushed by trucks traveling to or from the project site, including members of 30 special-status species not covered by the MSHCP and by another 40 species that are covered by the MSHCP but for which truck traffic impacts could not have been anticipated. These impacts need to be mitigated, and not merely by working with CalTrans on a wildlife crossing per 1994 EIR measure number 4. Much more substantial mitigation is needed.

Thank you for your attention,



Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that can inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 440 professional publications, including:
 - 80 peer reviewed publications
 - 24 in non-reviewed proceedings
- 334 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 84 public presentations of research results at meetings
- Reviewed many professional papers and reports
- Testified in 4 court cases.

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated the causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC

reviewed the science underlying the Alameda County Avian Protection Program, and advised the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Taught Contemporary Environmental Issues, Natural Resources Conservation (twice), Mammalogy, Behavioral Ecology, and Ornithology Lab.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Systems Ecologist, 1996 to present, Consulting in the Public Interest, www.cipi.com. Member of a multi-disciplinary consortium of scientists facilitating large-scale, environmental planning projects and litigation. We provide risk assessments, assessments of management practices, and expert witness testimony.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Headed NESN's efforts to inform academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws pertaining to special-status species. Also testified at public hearings on behalf of environmental groups and endangered species.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning. Developed quantitative assessment of land units for their conservation and restoration opportunities, using the ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under the mentorship of Dr. Shu Geng, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Also managed and analyzed a data base of energy use in California agriculture, and assisted with a landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing a statewide mountain lion track count for long-term monitoring of numbers and distribution.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-

after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a \$718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founts of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a \$553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's

hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a “properly functioning HCP.” Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson’s hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersions of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of

the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

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May, R., A.B. Gill, J. Köppel, R.H.W. Langston, M. Reichenbach, M. Scheidat, S. Smallwood and C.C. Voigt. In press. Future research directions. Proceedings from the Conference on Wind Energy and Wildlife Impacts, March 2015, Berlin, Germany. Springer.

Smallwood, K.S. In press. Monitoring birds. M. Perrow, Ed., *Wildlife and Wind Farms: conflicts and solutions*. Pelagic Publishing.

Smallwood, K.S., L. Neher, and D.A. Bell. In press. Siting to Minimize Raptor Collisions: an example from the Repowering Altamont Pass Wind Resource Area. M. Perrow, Ed., *Wildlife and Wind Farms: conflicts and solutions*. Pelagic Publishing.

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Selected Non-Peer Reviewed Publications

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Smallwood, K. S. 2009. Mitigation in U.S. Wind Farms. Pages 68-76 in H. Hötter (Ed.), Birds of Prey and Wind Farms: Analysis of problems and possible solutions. Documentation of an International Workshop in Berlin, 21st and 22nd October 2008. Michael-Otto-Institut im NABU, Goosstroot 1, 24861 Bergenhusen, Germany. <http://bergenhusen.nabu.de/forschung/greifvoegel/>

EIP Associates. 1996. Yolo County Habitat Conservation Plan. Yolo County Planning and Development Department, Woodland, California.

Geng, S., K.S. Smallwood, and M. Zhang. 1995. Sustainable agriculture and agricultural sustainability. Proc. 7th International Congress SABRAO, 2nd Industrial Symp. WSAA. Taipei, Taiwan.

Smallwood, K.S. and S. Geng. 1994. Landscape strategies for biological control and IPM. Pages 454-464 in W. Dehai, ed., Proc. International Conference on Integrated Resource Management for Sustainable Agriculture. Beijing Agricultural University, Beijing, China.

Smallwood, K.S. and S. Geng. 1993. Alfalfa as wildlife habitat. California Alfalfa Symposium 23:105-8.

Smallwood, K.S. and S. Geng. 1993. Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium 23:86-89.

Selected Presentations at Professional Meetings and Seminars

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Appendix C



July 11, 2016

Ms. Meredith Wilensky
Lozeau Drury
410 12th Street, Suite 250
Oakland, CA 94607

Subject: Hidden Canyon Industrial Park

Dear Ms. Wilensky:

At your request, I have reviewed the record in the Hidden Canyon Industrial Park matter (the "Project") in the City of Beaumont (the "City") with respect to traffic and transportation issues. The Project involves construction of 2,867,210 square feet of logistics warehouse buildings. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and reviewed traffic and circulation analyses of environmental review documents, including major land use developments. My professional resume is attached.

Summary of Findings

The current action is approval of a site plan for development of 2,867,210 square feet of logistics warehouse buildings and related facilities. To take the current action, the City must have a valid environmental determination. The City ultimately bases its environmental determination on a 1995 certified EIR for a different project, a residential and commercial (neighborhood shopping center) project that was approved but never constructed (the *Beaumont Gateway Specific Plan EIR*, hereinafter the "BGSP EIR"). The linkage to the 1995 *Beaumont Gateway Specific Plan EIR* is the 2012 *Hidden Canyon Industrial Park Specific Plan Addendum to the Beaumont Gateway Specific Plan EIR* (the "Addendum"), that changes the project from a residential and commercial

development to the current logistics warehouse development – that is, substitutes an entirely different project. With regard to the Transportation/Traffic section of the Addendum, the analysis is deficient because it failed to update the obviously stale existing conditions traffic data of the BGSP EIR and based its conclusions solely on a comparison of trip generation of the original BGSP plan to that of the proposed industrial park logistic warehouse plan. This comparison improperly substitutes the BGSP trip generation as the baseline condition and threshold of impact for the current existing condition baseline that CEQA demands. Subsequent to the 2012 Addendum, the City's estimate of the current Project's trip generation has increased substantially (from 5438 passenger car equivalents (PCE) in the supporting documentation to the Addendum to 8400 in the June 14, 2016 Staff Report, an increase of more than 54 percent). The source of this increased estimate is unreferenced in the Staff Report, and despite the dramatic increase in traffic, no further environmental documentation has been prepared. Consequently, the currently proposed action – approval of the site plan – is improper under CEQA.

These points are described in detail below.

At the Time the Addendum Was Prepared, the Existing Conditions Data in the BGSP EIR Was Already Stale and Unrepresentative of Actual Conditions

BGSP DEIR Figure 25 on page IV-94 indicates SR 60 in the vicinity of Jack Rabbit Trail was carrying an average daily traffic volume of about 30,500 vehicles during or just prior to the trip generation date. By 2010, according to Caltrans documents,¹ SR 60 in the vicinity of Jack Rabbit Trail was serving an average daily traffic volume of 51,300 vehicles. This is 68 percent more than the existing condition at the time the BGSP DEIR was prepared. Clearly, traffic conditions had vastly changed and the 1995 traffic data was completely stale at the time the Addendum was prepared. Yet the Transportation/Traffic component of the Addendum contained no current baseline traffic data despite the fact that, at the time the analysis of the new project² began, it was evident or should have been evident that traffic conditions had substantially changed.

The Addendum Evaluated the Project's Traffic Impacts Relative To an Improper Baseline

The sole bit of analysis supporting the Addendum's Transportation/Traffic conclusions is a trip generation study prepared by Urban Crossroads and dated November 15, 2011 entitled *Timoteo Distribution Facility Trip Generation*

¹ See *State Route 60/Potrero Boulevard New Interchange Project Draft Initial Study(with Proposed Mitigated Negative Declaration)/Environmental Assessment*, Figure 2.1.6-4.

² The Hidden Canyon Industrial Park Specific Plan is an entirely new project, being entirely industrial in nature; the never constructed BGSP was a residential and commercial project.

Analysis and included in the Addendum as Appendix D. This analysis compares the trip generation of the Hidden Canyon Industrial Park Specific Plan to that estimated in the BGSP DEIR for that never-built project and finds that the Hidden Canyon Industrial Park Specific Plan project would generate fewer daily and peak hour trips than the BGSP project. The Addendum concludes on this basis that the Hidden Canyon project would, inferentially, not have greater traffic impacts or different traffic impacts than those identified in the BGSP EIR. However, this inferential analysis is improper under CEQA.

CEQA Guidelines § 15125 (a) states that the ordinary baseline for assessing a project's impacts is the environmental conditions that exist at the time of the NOP or, if no NOP is prepared, at the time analysis of the Project began. By nominating the trip generation of a never-constructed project as the traffic baseline and threshold of the Hidden Canyon project's traffic impacts, the City's Addendum traffic analysis fails to comply with CEQA Guidelines § 15125 (a). This situation directly parallels that in *Communities for a Better Environment v. South Coast Air Quality Management District (CBE)*. There, the Supreme Court rejected using maximum air pollutant emission levels allowable under existing permits for facilities that were never constructed as a baseline, as these "hypothetical conditions" *were not a realistic depiction of existing conditions and instead provided an "illusory basis"* for determining that a project would have no significant effects, despite acknowledged increases in emissions. The Court in that decision emphasized that a long line of cases held that the baseline for analysis must be "existing physical conditions".

Clearly, the 2012 Addendum should have estimated traffic impacts for the 5438 PCE trip High Cube Warehouse complex based on a baseline of traffic that existed in 2012, or perhaps within a year or so of that date. And since the Addendum conducted no volume to capacity/level-of-service calculations based on traffic at that date, not even at one or two key exemplar intersections, the public cannot know how reasonable or unreasonable the Addendum's inferential conclusions are. Hence, a complete new analysis is needed.

The Inferential Conclusion That, Based on Trip Generation Comparison, The Hidden Canyon Project Would Not Have Traffic Impacts Different From or More Severe Than the BGSP Is of Itself Flawed and Unreasonable

Aside from CEQA baseline issues, the inferential conclusions drawn from the trip generation comparison is flawed and unreasonable. It is flawed because the comparison as presented in the Addendum exaggerates the difference in the amount of trip generation between the BGSP and the current Hidden Canyon project. It is unreasonable because of the difference in character of the traffic generated by a combined residential/commercial development and that generated by high cube logistics warehouses.

The way the differential is exaggerated is this: the Appendix D trip generation study supporting the Addendum found that the Hidden Canyon project would generate 5,438 daily passenger car equivalent trips; it compared this to the gross trip generation from the BGSP DEIR traffic analysis which was reported at 11,800 daily trip ends. However, in actual fact, the BGSP DEIR found that, due to internal trips within the project and passers-by attracted to the commercial use, the BGSP project would only generate 9,900 net new trips on the roadway system outside the project. So 9,900 new trips are the basis of the BGSP EIR's findings regarding traffic impact, not 11,800 trips. Hence, the differential between traffic generated by the Hidden Canyon project and that which would have been generated by BGSP was, at the time the Addendum was compiled actually much less than implied in the Addendum.³

Of particular importance is the difference in character of the traffic generated by the two projects. First, the traffic from a High Cube Warehouse would tend to have a different trip distribution pattern than that of a residential / neighborhood-serving commercial project, with the warehouse project's traffic being concentrated on regional road facilities, the BGSP residential / commercial project's traffic being focused on local street facilities. Hence, there is every reason to conclude that the two very different projects might have significant traffic impacts at different locations irrespective of their relative trip generation totals.

Second, in typical traffic situations such as what would prevail near a residential/commercial mixed use project like what was proposed in BGSP, truck traffic would account for 4 to 5 percent of total traffic. However, at a High Cube Warehouse complex such as is being proposed in Hidden Canyon, Traffic accounts for slightly over 38 percent of all traffic. In other words, the Hidden Canyon project will generate 7.6 to 9.5 *times* as many trucks, as a proportion of its total traffic, as the BGSP project would have. Translating truck volumes into passenger car equivalents (PCEs) addresses volume-to-capacity and level-of-service issues. However, comparative trip generation analysis utterly fails to address operational safety issues that concentrations movements of slow-to-accelerate heavy trucks pose. In specific, the intersection of Jack Rabbit Trail and SR 60 poses such a safety concern close to the Hidden Canyon project site. There movements from SR 60 westbound to Jack Rabbit southbound must cross the uncontrolled high speed through movements on SR 60 eastbound at grade. Also, movements from Jack Rabbit northbound to SR 60 westbound must also cross the uncontrolled high speed movements on SR 60 eastbound *and* merge into the high speed movements on SR 60 westbound.

Moreover, at this at-grade intersection on this high speed highway, it is critical that Caltrans *Highway Design Manual* guidelines that provide for adequate left turn vehicle storage and allow length for necessary deceleration to take place

³ As we detail in a subsequent section, the differential has subsequently shrunk further.

within the left turn lane be adhered-to. At the subject location, scale aerial photography reveals that the left turn pocket on the SR 60 westbound approach to the Jack Rabbit intersection is only about 360 feet in length including the bay taper. *Highway Design Manual* sections 405.2D and Table 405.2B indicate that on a 60 mile-per-hour roadway, 530 feet of length, including the bay taper, is necessary to allow deceleration to be safely made inside the turn lane. Hence, the existing turn lane is grossly deficient just in terms of providing for safe deceleration within the turn lane without even considering actual vehicle storage requirements in the turn lane.

While this serious operational safety impact problem may or may not have been negligible at the low truck traffic volumes that were inherent in the completely different project proposed for the site that was subjected to environmental review some 21 years ago, given the concentration of truck traffic in the project under consideration now it is certainly not negligible now. And it is clear that the Addendum's traffic impact analysis by inference from trip generation totals completely whiffed on this significant impact.

The Addendum Contains No Valid Cumulative Traffic Impact Analysis

The BGSP evaluated that project in terms of cumulative development scenarios that only extended forward to Year 2002. The Addendum's analysis by inference to relative trip generation totals, if for the sake of argument one believed it had any meaning at all, merely indicated what impacts the 2012 project might have had in 2002 – an irrelevancy because by the time the Addendum was prepared, 2002 was a decade passed. No effort was made to update a cumulative analysis scenario. The Addendum should have had a cumulative scenario that looked forward at traffic corresponding to development levels past 2012. And now, because, as is discussed in a subsequent section, since the City evidently has information that the Hidden Canyon Project's trip generation will be substantially greater than considered in the 2012 Addendum, a cumulative analysis looking forward beyond 2016 should be prepared.

The City Has Failed to Provide Substantive Response to Caltrans' Requests for a Traffic Impact Analysis for the Hidden Canyon Project

On December 9, 2011 and again on March 29, 2016 the California Department of Transportation (Caltrans) formally requested that the City conduct a traffic impact analysis of the Hidden Canyon project using current traffic data, Caltrans adopted analysis procedures, and consideration of cumulative effects. Caltrans concerns apparently stem from:

- the stale and unrepresentative nature of the 1995 project traffic baseline data (relative to current conditions),
- the non-standard nature and dubious technical validity of the Addendum analysis that draws conclusions about traffic impacts by inference based

- on trip generation comparison to that of a different project, the impacts of which had been evaluated relative to a 1995 traffic baseline,
- the different character of the composition of traffic compared to the prior project (concentration of trucks and difference in trip distribution),
 - concerns for the Jack Rabbit Trail operational and safety issues described in the previous section and,
 - concern for lack of a current cumulative analysis.

This latter item is underscored by the fact that on August 26, 2015, the City of Moreno Valley filed a Notice of Determination informing the public that it had approved a project known as World Logistics Center ("WLC"), 40 million square foot industrial park, expected to generate over 69,000 daily vehicle trips on State Route 60. It is improper for the City to stonewall the reasonable request of a Responsible Agency for an adequate traffic impact analysis. If the City does not comply, Caltrans has within its powers the authority (and perhaps obligation) to close access and egress between Jack Rabbit Trail and the westbound lanes of SR 60.

The City must reasonably address the concerns of Caltrans through preparation of a thorough traffic impact study conforming to Caltrans procedures.

The City Has Information that the Trip Generation of the Project Would Be Significantly Greater than What Was Considered in the Addendum

The City's Staff Report of June 14, 2016 on the currently proposed action indicates that its current estimate of trip generation of the Hidden Canyon Industrial Park Specific Plan Project is significantly greater than what was considered in the Addendum. At page 3 under the topic of Traffic and Circulation it indicates that the project would generate "approximately 8,400 trips." This is over 54 percent more trips than the 5,438 that were the basis for the minimal and inadequate analysis in the Addendum. Apparently the City or the Project sponsor has had additional traffic analysis performed although the Staff Report does not cite to any studies performed by a qualified traffic engineer. This new and radically changed information is further reason why a new and complete traffic impact study based on current and currently forecast cumulative conditions.⁴

Conclusion

For all of the foregoing reasons, we conclude that no valid environmental determination for the Project exists. Therefore, it is improper for the City to take the contemplated action of approving the Project Site Plan.

⁴ We also note that the June 14 Staff Report continues to repeat the error of comparing the trip generation of the current project to the 11,800 gross trip generation of the BGSP project instead of the 9,900 net new trips generation of BGSP.

Ms. Meredith Wilensky
July 11, 2016
Page 7

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

Attachment 1
Resume of Daniel T. Smith Jr., P.E.



SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT
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Ms. Meredith Wilensky

July 11, 2016

Page 9

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.