MOSSDALE TRACT AREA URBAN FLOOD RISK REDUCTION PROJECT

Final Environmental Impact Report

State Clearinghouse No. 2022040471

Prepared for
San Joaquin Area Flood Control Agency

July 2026

ESA



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CHAPTER 1
Introduction and List of Commenters

1.1 Purpose of this Document

This document includes all agency and public written comments received on the Draft Environmental Impact Report (Draft EIR, SCH #2022040471) for the Mossdale Tract Area Urban Flood Risk Reduction Project (UFRR or proposed project). Also included are changes in the text of the Draft EIR either in response to written comments or initiated by staff.

Written comments were received by the San Joaquin Area Flood Control Agency (SJAFCA) during the public comment period from December 19, 2025, through February 2, 2026. This document includes written responses to each comment received on the Draft EIR. This Final EIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR (and Appendices) constitutes the EIR for the proposed project that will be used by the decision-makers during the project approval process. The responses and text changes refine, clarify, amplify, and/or correct text in the Draft EIR, as appropriate. These changes do not alter the conclusions or findings of the Draft EIR.

1.2 Summary of Proposed Project

The proposed project would include the construction and operation and maintenance of flood risk reduction and multi-benefit components in and adjacent to the proposed project area, which are summarized below. Specifically, the primary components of the proposed project include the following:

- Fix-in-place improvements with habitat enhancement and revegetation.
- Dryland levee extension.
- Ecosystem restoration at multiple sites.
- Recreational features along the levee system.

Each of these components are summarized below.

1.2.1 Flood Risk Reduction Components

Fix-in-Place Levee Improvements – The various levee improvements that would be constructed and operated within the levee rights-of-way and easements under the proposed project include the following:

- **Existing Dryland Levee Reconstruction and Seepage Berm.** These improvements would consist of raising and widening the levee and constructing a drained seepage berm. They also include reconstructing pipe penetrations that cross the levee.

- **Cutoff Walls**. The improvements would consist of constructing a fix-in-place traditional cement/bentonite slurry cutoff wall of varying depth along portions of the existing levee alignment.
- **Seepage Berm**. The improvements would consist of constructing a drained seepage berm of varying width along portions of the existing levee alignment.
- **Erosion Repairs**. The improvements would consist of supplementing riprap rock slope protections on the waterside of the levee along portions of the existing levee alignment.
- **Encroachment Remediation**. The improvements would consist of removing high-hazard encroachments.
- **Pipe Penetrations Rehabilitation**. The improvements would consist of reconstructing pipe penetrations that cross the levee.
- **Levee Raise**. The improvements would consist of raising the height of levee along portions of the existing levee alignment and extending the landside toe to meet levee slope design standards.

Dryland Levee Extension and Seepage Berm – This improvement would extend the existing dryland levee by approximately 2.9 miles east to Tinnin Road to prevent flanking during flood events. The proposed dryland levee extension would also include a seepage berm on the dryland side, as well as an operation and maintenance (O&M) corridor on both sides of the levee.

1.2.2 Multi-Benefit Components

Ecosystem Restoration – The proposed project would locate undeveloped land on the water side of the levee system to create ecosystem restoration sites. Parcels of land are currently under investigation for meeting restoration criteria based on existing land habitats, elevations, and other opportunities for gaining natural ecosystem functions appropriate for the lower San Joaquin River. Because the locations and designs of these ecosystem restoration sites are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

Recreational Features Along the Levee System – This component would develop recreational features, including recreational paths, along the top of levee and landside toe. Because the locations and design of this component are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

1.3 Public Participation and Review

The SJAFCA has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on April 22, 2022. The 30-day public review comment period for the NOP ended on May 23, 2022 (SCH# 2022040471). In accordance with PRC Section 21080.4(a) and CEQA Guidelines Section 15082(b), each responsible agency, trustee agency, and involved federal agency was requested to provide, in writing, the scope and content of the environmental information to be included in the Draft EIR related to its

area of statutory responsibility. Public notices were placed in the *Manteca Bulletin* and the *Stockton Record* to inform the general public of the scoping meetings and the availability of the NOP. The NOP was also sent to public agencies, organizations, and individuals that requested receipt of the SJAFCA's public notices, to invite them to provide input. The NOP was also available for review on the SJAFCA's website: https://www.sjafca.org/.

- Two public meetings were held during the 30-day NOP review period to solicit comments on the scope and content of the EIR, and to provide information to the public, including a description of the proposed project. An in-person meeting on May 9, 2022, at the Manteca Transit Center located at 220 Moffat Boulevard, Manteca, CA 95336; and on May 12, 2022, a virtual public meeting was conducted. Comment letters received were included in Appendix A, *Notice of Preparation*, of the Draft EIR along with a copy of the NOP.
- In accordance with the requirements of PRC Section 21080.3, SJAFCA staff conducted Native American outreach and consultation efforts. In 2022, SJAFCA contacted the Wilton Rancheria, the Confederated Villages of Lisjan (CVL), and additional Tribes identified through the Native American Heritage Commission (NAHC). Wilton Rancheria initially requested consultation but did not provide further responses. CVL requested consultation and participated in a conference call with SJAFCA in September 2022 to discuss potential impacts to cultural and tribal cultural resources; SJAFCA subsequently provided a summary of proposed mitigation measures. The Northern Valley Yokuts Tribe also requested consultation and met with SJAFCA in July and September 2022, after which SJAFCA provided a summary of mitigation measures. No additional correspondence was received from these Tribes following those communications. In 2025, SJAFCA reinitiated outreach by requesting an updated NAHC Sacred Lands File search and contacting additional Tribes; Wilton Rancheria responded that it had no comments and did not wish to open consultation, and no other responses were received.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on December 19, 2025. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on February 2, 2026. A Notice of Availability (NOA) for the Draft EIR was published in the Stockton Record on December 19, 2025. The NOA was also posted with the office of the San Joaquin County Clerk-Recorder and was sent to respondents of the NOP, and other interested parties that requested receipt of the notice. The Draft EIR and NOA were also published on the SJAFCA's website.
- Copies of the Draft EIR were available for review at the following locations:

  SJAFCA Office
  2800 W March Lane, Suite 200
  Stockton, CA 95219

  Cesar Chavez Central Library
  605 North El Dorado Street
  Stockton, CA

- During the 45-day review period, a virtual public meeting was held on Tuesday January 13, 2026. No comments were received during this meeting.

1.4 List of Commenters

The SJAFCA received 11 comment letters during the comment period on the Draft EIR for the proposed project. **Table 1-1** indicates if letters were sent by State (S) or local (L) agencies, or a private (P) entity. A numerical designation is provided for each comment letter, along with the author of the comment letter, and the date of the comment letter.

TABLE 1-1
COMMENT LETTERS REGARDING THE DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date of Comment Letter/e-mail
S1	California Department of Conservation Geologic Energy Management Division (CalGEM)	May Soe	February 2, 2026
S2	California Department of Fish and Wildlife (CDFW)	Morgan Kilgour	January 29, 2026
S3	Delta Stewardship Council (DSC)	Jeff Henderson	February 2, 2026
S4	State Water Resources Control Board (Water Boards)	Lori Schmitz	January 9, 2026
L1	Manteca Unified School District (MUSD)	Aaron Bowers	February 1, 2026
L2	San Joaquin Valley Air Pollution Control District	Daniel Martinez	January 28, 2026
P1	Martin Harris	Martin Harris	January 21, 2026
P2	Martin Harris	Martin Harris	January 21, 2026
P3	Martin Harris	Martin Harris	January 23, 2026
P4	Martin Harris	Martin Harris	February 2, 2026
P5	Brocchini Family Partnership	Lori Brocchini Mackey	January 28, 2026

1.5 Organization of the Final EIR

The Final EIR is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter summarizes the project under consideration and describes the contents of the Final EIR. This chapter also contains a summary of the public participation and review process, and a list of the agencies who submitted comments on the Draft EIR during the public review period, presented in order by agency and date received.

Chapter 2 – Revisions to the Draft EIR: This chapter describes changes and refinements made to the proposed project since publication of the Draft EIR. These refinements, clarifications, amplifications, and corrections, which are described as a narrative in the beginning of the chapter, would not change the conclusions or findings presented in the Draft EIR for the reasons discussed in Chapter 2. This chapter also summarizes text changes made to the Draft EIR in response to comments made on the Draft EIR and staff-initiated text changes. Changes to the text of the Draft EIR are shown by either ~~strikethrough~~ where text has been deleted, or <u>double underline</u> where new text has been inserted.

Chapter 3 – Comments and Responses: This chapter contains the comment letters received on the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial

with the letter number appearing first, followed by the comment number. For example, comments in Letter S1 are numbered S1-1, S1-2, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments. Attachments to comment letters are included in **Appendix A** of this Final EIR.

If the subject matter of one letter overlaps that of another letter, the reader may be referred to more than one response to review all information on a given subject. Where this occurs, cross-references to other comments are provided.

Some comments that were submitted to the SJAFCA do not pertain to environmental issues or do not address the adequacy of the analysis contained in the Draft EIR. Responses to such comments, though not required, are included to provide additional information.

Chapter 4 – Mitigation Monitoring and Reporting Program: This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to guide the SJAFCA in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

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CHAPTER 2
Revisions to the Draft EIR

2.1 Introduction

This chapter describes changes made to the proposed project since the publication of the Draft EIR as well as text changes made to the Draft EIR either in response to a comment letter or initiated by SJAFCA staff or in response to a modification to the proposed project.

Under CEQA, recirculation of all or part of an EIR may be required if significant new information is added after public review and prior to certification. According to CEQA Guidelines section 15088.5(a), new information is not considered significant "unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." More specifically, the CEQA Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The text changes described below are staff-initiated changes that update, refine, clarify, and amplify the project information presented in the Draft EIR. No new significant impacts are identified, and no information is provided that would involve a substantial increase in severity of a significant impact that would not be mitigated by measures agreed to by SJAFCA. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Therefore, there are no edits or new information that would reflect inadequacies in the Draft EIR and therefore, recirculation of any part of the EIR therefore is not required.

2.2 Text Changes to the Draft EIR

This section summarizes text changes made to the Draft EIR either in response to a comment letter, initiated by City staff, or in response to a modification to the proposed project. New text is indicated in double underline and text to be deleted is reflected by a ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

The text revisions provide clarification, amplification, and corrections that have been identified by SJAFCA since publication of the Draft EIR. These staff-initiated revisions do not result in a change in the conclusions or findings of the Draft EIR.

Executive Summary

The following bullet under ES.4.1 on page ES-3 has been deleted because it is not part of the proposed project described in Chapter 2, *Project Description*.

- ~~**Potential Setback Levee**. The improvements would consist of constructing a setback levee to meet the ULOP standards at a designated sharp bend in the San Joaquin River and connecting to existing levee segments.~~

The following text starting on page ES-3 has been revised to be consistent with the proposed project described in Chapter 2, *Project Description*.

> Dryland Levee Extension and Seepage Berm – This improvement would extend the existing dryland levee by approximately ~~1 to2 miles to the east as needed~~ 2.9 miles east to Tinnin Road to prevent flanking during flood events. The proposed dryland levee extension would also include a seepage berm on the dryland side, as well as an operation and maintenance (O&M) corridor on both sides of the levee.

The third paragraph on page ES-4 has been deleted to be consistent with the proposed project described in Chapter 2, *Project Description*.

> ~~In addition to the proposed project, the EIR will evaluate up to two variants to the proposed project that will include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project.~~

3.4 Air Quality

Mitigation Measure 3.4-1 is revised to clarify implementation of the measures under Item 1. Item 3 under Mitigation Measure 3.4-1 is revised to clarify reporting responsibilities. These edits have also been made to Table ES-1, Summary of Impacts and Mitigation Measures in the Executive Summary.

1. *Engine Requirements.* All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:

    a. ~~Portable~~ Electricity powered portable equipment, such as generators, shall be ~~powered by grid electricity~~ used. If ~~grid~~ electricity is not available to power portable equipment, propane or natural gas-powered generators shall be used.

b. Electric engines shall be used for all equipment that is commercially available (i.e., inventory is available for the contractor team to rent or buy at the time needed based on the construction schedule) as plug-in or battery-electric equipment during each construction phase and activity.

c. Engines that cannot be electrically powered must meet or exceed either U.S. EPA or CARB Tier 4 Final off-road emission standards.

d. Engines shall be fueled with alternative fuels as commercially available during each construction phase and activity. This may include biodiesel, natural gas, propane, hydrogen fuel cell, and electricity.

e. Any other control technology available in the future may be included in the Plan as substitutions for the above items a–d, provided that it can be documented that (1) the technology would result in comparable NO_X emissions reductions and (2) it would not increase other pollutant emissions or result in other additional impacts, such as noise. This may include new alternative fuels or engine technology for off-road equipment (such as electric or hydrogen fuel cell equipment) that is not available as of 2022.

Item 3 under Mitigation Measure 3.4-1 is revised to clarify reporting responsibilities. These edits have also been made to Table ES-1, Summary of Impacts and Mitigation Measures in the Executive Summary.

3. *Reporting.* After start of construction activities, the ~~SJAFCA~~ contractor shall submit biannual reports to the SJAFCA documenting compliance with the Plan. The biannual reports shall include a calculation of NO_X emissions for all construction activities completed prior to the biannual report for all phases of construction completed. Emissions shall be reported in tons per year for each calendar year.

   Within six months of the completion of construction activities, ~~SJAFCA~~ the contractor shall submit to the SJAFCA a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase (or Reach and Activity). For each phase, the report shall include detailed information required above. The report shall also include a final inventory of NO_X emissions for all construction activities completed. Emissions shall be reported in average daily pounds (for each construction period during each calendar year) and total tons per calendar year.

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CHAPTER 3
Comments and Responses

3.1 Introduction

This section contains the comment letters that were received on the Draft EIR. Following each comment letter is a response by SJAFCA intended to supplement, clarify, or amend information provided in the Draft EIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments not directly related to environmental issues may be discussed or noted for the record.

Occasionally, a response to a comment provides a cross-reference to a response to another comment. This occurs when the same comment, or a very similar comment, was made or the same or a very similar question was asked, and an appropriate response was included elsewhere.

3.2 Comments and Responses

Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter S1 are numbered S1-1, S1-2, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments. Attachments to comment letters are included in **Appendix A** of this Final EIR.

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California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director
715 P Street, MS 1803
Sacramento, CA. 95814
T: (916) 445-5986

02/02/2026

VIA EMAIL

San Joaquin Area Flood Control Agency
Ryan Curry
2800 March Lane, Suite 200, Stockton, CA 95219
Ryan.curry@sjafca.org

Assessor Parcel Number(s): *Multiple APNs throughout San Joaquin County*
Property Owner(s): *N/A*
Project Location Address: *Cities of Stockton, Lathrop, and Manteca – San Joaquin County*

PROJECT TITLE: *Mossdale Tract Area Urban Flood Risk Reduction Project*

Public Resources Code (PRC) section 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near previously abandoned oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated *12/19/2025*. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides a table in the attached enclosure of the wells within the parcel boundary or in its vicinity, based on CalGEM's Well Finder database (https://maps.conservation.ca.gov/doggr/wellfinder/).

CalGEM categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a leak.

S1-1

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CalGEM recommends that any well for which access is impeded or built over, against CalGEM's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. CalGEM recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through CalGEM's Well Finder database mentioned above. PRC section 3208, subdivision (a), provides the primary statutory authority for CalGEM to oversee adequate abandonment of wells. Additionally, CalGEM has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) section 1723 and associated sub-sections (for onshore wells), and section 1745 and associated sub-sections (for offshore wells).

There is no guarantee that a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantee that such abandoned wells will not leak.

CalGEM advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to CalGEM. CalGEM expects any wells found leaking to be reported to CalGEM immediately. S1-1 cont.

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of

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plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

Should any wells require abandonment or re-abandonment, the responsible party must submit a Notice of Intention (NOI) to CalGEM through WellSTAR. The NOI form can be accessed in the 'Plugging and Abandonment' section of the following link: https://www.conservation.ca.gov/calgem/for_operators.

No well work may be performed on any oil, gas, or geothermal well without written approval from CalGEM. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. CalGEM also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR section1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from CalGEM is required before work can start.

CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

S1-1 cont.

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding the below identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC section 3106, CalGEM has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to CalGEM's authority to order work on wells pursuant to PRC sections 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC sections 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at *916-322-1110* or via email at CalGEMNorthern@conservation.ca.gov.

Sincerely,

Docusign Envelope ID: F3F52731-3B39-4CA5-B7A4-BB048E4DAE9C

May Soe

May Soe
Supervising Oil and Gas Engineer – Northern District

Enclosure

cc: *Ryan Curry* – Senior Project Manager, ryan.curry@sjafca.org

Docusign Envelope ID: F3F52731-3B39-4CA5-B7A4-BB048E4DAE9C

Enclosure: The wells listed below are reported to be located within and nearby the parcel boundary and may have future access impeded.

API No.	**Well Name**
Multiple idle wells & abandoned wells	

Letter S1 Response **May Soe, California Department of Conservation Geologic Energy Management Division (CalGEM)**
February 2, 2026

Response to Comment S1-1

SJAFCA reviewed CalGEM's Well Finder database and identified the following two plugged wells that are in the vicinity of the proposed dryland levee alignment. Well API 0407720318 is located approximately 300-500 feet from the proposed dryland levee alignment and Well API 0407700372 which is located approximately 1,000 feet from the proposed dryland levee alignment. No other wells were identified that would be located in or around proposed project components. Due to the distance from the proposed footprint, neither well would be impacted by construction of the proposed new dryland levee alignment. However, as final design of the alignment is confirmed and if either well could be affected, SJAFCA will reach out to CalGEM to discuss if further action is required.

Docusign Envelope ID: 73B33642-3F08-45E5-8340-2E0A0CF9C398

Letter S2

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director

January 29, 2026

Ryan Curry
Senior Project Manager
San Joaquin Area Flood Control Agency
2800 West March Lane, Suite 200
Stockton, CA 95219
Ryan.Curry@sjafca.org

Subject: Mossdale Tract Area Urban Flood Risk Reduction Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2022040471

Dear Ryan Curry:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the San Joaquin Area Flood Control Agency for the Mossdale Tract Area Urban Flood Risk Reduction Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site covers 22,400 acres, and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County. The Project includes flood risk reduction actions through the construction and operation and maintenance of levees, dryland levees, and ecosystem restoration features. The Project activities will include: fix-in place improvements with habitat enhancement and revegetation, dryland levee extensions, ecosystem restoration, and recreation features along the levee system. A dryland levee extension is proposed for the Mossdale Tract area, and areas to the west of the Mossdale Tract, along the San Joaquin River, have been identified for the potential development of ecosystem restoration features.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the San Joaquin County Area Flood Control Agency (Flood Control Agency) in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: California Endangered Species Act

Issue: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project.

S2-1

Docusign Envelope ID: 73B33642-3F08-45E5-8340-2E0A0CF9C398

State-listed species with the potential to occur in the area include, but are not limited to:

Common Name	Scientific Name	Status
Crotch's bumble bee	*Bombus crotchii*	SC
Northwestern pond turtle	*Actinemys marmorata*	SSC
California tiger salamander	*Ambystoma californiense*	ST
Green sturgeon	*Acipenser medirostris*	SSC
Riparian brush rabbit	*Sylvilagus bachmani riparius*	FE, SE
Burrowing owl	*Athene cunicularia*	SC
Swainson's hawk	*Buteo swainsoni*	ST
Tricolored blackbird	*Agelaius tricolor*	ST
Northern harrier	*Circus hudsonius*	SSC
White-tailed kite	*Elanus leucrus*	SFP
Pallid bat	*Antrozous pallidus*	SSC
Riparian brush rabbit	*Sylvilagus bachmani riparius*	FE, SE
Spring-run Chinook	*Oncorhynchus tshawytscha*	FT, ST
Central Valley steelhead	*Oncorhynchus mykiss*	FT, ST

S2-1 cont.

Notes:
FE = federally endangered under ESA; SE = state endangered under CESA; ST = state threatened under CESA; SSC = state species of special concern; SC = state candidate for listing under CESA

Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP.

Recommendation: CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity. Please also note that

CESA Candidate Species are afforded the same protections as fully listed species under CESA. S2-1 cont.

COMMENT 2: Lake and Streambed Alteration Agreement

Issue: Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.
If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS. More information about LSA Notifications, paper forms and fees may be found at https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA. S2-2

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with CDFW as early as possible, since potential modification of the

proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.

2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

S2-2 cont.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site supports the San Joaquin River, and French Camp Slough and its associated riparian habitat.

Recommendation: CDFW recommends applying for an Agreement as early as possible. To prevent potential Project delays, CDFW recommends early coordination with the North Central Region (Region 2) Habitat Conservation Program, and the CDFW Conservation Engineering Branch to provide review and analysis of any proposed structures or Project elements with the potential to impact fish and wildlife resources. CDFW Conservation Engineering Branch should be provided with engineered drawings and design specification planning sheets during the initial design process, prior to design selection. The Lead Agency should re-initiate design consultation at 30% design and throughout the permitting and implementation process.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

S2-3

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative,

S2-4

Letter S2 Response **Morgan Kilgour, California Department of Fish and Wildlife (CDFW)**
January 29, 2026

Response to Comment S2-1

Table 3.6-5 Special-Status Wildlife Evaluated in Section 3.6, *Biological Resources-Terrestrial* identifies special-status animals that could occur in the proposed project area. Description of FESA and CESA Listed and CESA Candidate Wildlife Species is presented on pages 3.6-19 through 3.6-23 of the Draft EIR.

Potential impacts are described under Impact 3.6-1. Mitigation Measures 3.6-1a through 3.6-1j and 3.6-2 were proposed to reduce identified significant effects to less than significant. These measures include consultation with CDFW and USFWS to ensure compliance with CESA and FESA, as appropriate.

Similarly, Table 3.5-4, Special-Status Fish Species with the Potential to Occur in the Proposed Project Area in Section 3.5, *Biological Resources-Aquatic* identifies special-status fish species that could occur in the proposed project area. Description of special-status fish species is presented on pages 3.5-6 through 3.5-12.

Potential impacts are described under Impact 3.5-1(pages 3.5-16 through 3.5-20). Construction related impacts were determined to be less than significant because the proposed project would comply with mandatory water quality best management practices to minimize erosion and avoid hazardous materials from entering waterways. Operation and Maintenance activities were determined to not result in significant effects. No mitigation measures are required.

All of the special-status species identified in this comment were evaluated in the Draft EIR. For both terrestrial and aquatic special-status species, SJAFCA will consult with CDFW as appropriate for any required permits and will ensure adequate mitigation is implemented to meet the terms of such permits.

Response to Comment S2-2

SJAFCA will notify CDFW prior to commencing any activity that could require a Section 1602 Lake and Streambed Alteration Agreement (LSA) and will provide the required information for processing a LSA Notification.

Response to Comment S2-3

No tracked special-status species elements (such as active Swainson's hawk nests) in the California Natural Diversity Data Base (CNDDB) were observed during surveys. Any future special-status species elements tracked by CNDDB that are observed during project surveys will be submitted to CNDDB.

Response to Comment S2-4

This comment is noted. SJAFCA will file the appropriate fees at the time the Notice of Determination is filed.

Response to Comment S2-5

This comment is noted. SJAFCA will provide CDFW written notification of proposed actions and pending decisions regarding the proposed project.

Delta Stewardship Council
A CALIFORNIA STATE AGENCY

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Feb 2, 2026

Ryan Curry
San Joaquin Area Flood Control Agency
2800 March Lane, Suite 200
Stockton, CA 95219

Delivered via email: Ryan.Curry@sjafca.org

RE: Comments on the Draft Environmental Impact Report for the Mossdale Tract Area Urban Flood Risk Reduction Project, SCH#2022040471

Dear Ryan Curry:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (Draft EIR) for the Mossdale Tract Area Urban Flood Risk Reduction Project (UFRR) proposed by the San Joaquin Area Flood Control Agency (SJAFCA). The Delta Stewardship Council (Council) recognizes the objective of the UFRR is to provide increased public safety benefits by rehabilitating and improving flood management infrastructure for the 22,400-acre Mossdale Tract area, which includes Reclamation District 17 and portions of the cities of Stockton, Lathrop, Manteca and unincorporated San Joaquin County.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009. (Wat. Code, § 85000 et seq.; Delta Reform Act)

The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta and Suisun Marsh (Delta) ecosystem. (Wat. Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat. Code, § 85054.) The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, sections 5001 et seq. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of state or local public agencies that take place in whole or in part in the Delta. (Wat. Code, § 85210, 85225, 85225.10.) A state or local agency that proposes to undertake a covered action is required to prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to initiation of the implementation of the action. (Wat. Code, § 85225.)

COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the UFRR location and scope described in the Draft EIR, the proposed flood risk reduction project may meet the definition of a covered action. Water Code section 85057.5, subdivision (a), states that a covered action is a plan, program, or project, as defined pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.; CEQA) in Public Resources Code section 21065, that meets all of the following conditions: S3-1

> *(1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.*
> *(2) Will be carried out, approved, or funded by a state or a local public agency.*
> *(3) Is covered by one of the provisions of the Delta Plan.*
> *(4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.*

For purposes of Water Code section 85057.5, subdivision (a)(4), "significant impact" means "a substantial positive or negative impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects." (Cal. Code Regs., tit. 23, § 5001, subd. (ss).)

As the agency approving, funding, or carrying out a proposed action, SJFACA must determine if that proposed action is a covered action (Cal. Code Regs., tit. 23, § 5001, subd. (o)(3).) and, if so, file a certification of consistency with the Council prior to implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001, subd. (o)(1).)

S3-1 cont.

The Council's May 23, 2022, Notice of Preparation (NOP) comment letter identified Delta Plan regulatory policies that cover the proposed action. Council staff do not repeat those here. Rather, these comments are provided with the intent of identifying remaining gaps relative to that NOP letter, and to outline practical actions SJAFCA could take to address those gaps prior to, or in coordination with, a future certification of consistency.

Overall, the Draft EIR and supporting technical documents reflect substantial effort and technical rigor, and they respond to many of the issues raised by the Council during scoping. The comments below focus on areas where additional clarification, framing, or modest commitments—rather than new modeling or redesign—would strengthen alignment with the Delta Plan.

1. Adaptive Management for Restoration and Long-Term Performance Transparency (Delta Plan Policy G P1(b)(4); Cal. Code Regs., tit. 23, § 5002, subd. (b)(4).)

The Council's 2022 comments emphasized the importance of adaptive management concepts consistent with Appendix 1B, (Cal. Code Regs., tit. 23, app. 1b.) particularly for ecosystem restoration components of covered actions.

S3-2

The Draft EIR provides a project-level analysis for multi-benefit ecosystem restoration Sites 13, 14, and 16 (Chapter 3, Section 3.1) and identifies a three-year maintenance schedule and revegetation plan for restoration components (Table 2-10). These elements demonstrate that early establishment and short-term maintenance of restoration features have been considered.

Remaining gap:

Consistent with historical Delta Plan interpretation, Council regulations do not require an adaptive management plan for flood control projects (see SJAFCA Smith Canal Gate Project Determination, p. 26). While the Draft EIR identifies near-term maintenance activities, it does not include a comprehensive, long-term Adaptive Management Plan (AMP) for restoration Sites 13, 14, and 16 that defines performance standards beyond the initial three-year window or establishes clear remedial action triggers if ecological objectives are not met over time.

S3-2 cont.

Recommended action:

- Commit to developing a project-specific AMP for restoration Sites 13, 14, and 16 that includes quantitative performance standards (e.g., native plant survival thresholds), monitoring protocols, and defined remedial actions beyond the initial three-year maintenance period.

2. Avoid Introductions of and Habitat Improvement for Invasive Nonnative Species (Delta Plan Policy ER P5; Cal Code Regs., tit 23, §5009.)

The Council's 2022 NOP comment letter emphasized the importance of fully considering and avoiding or mitigating for the potential for new introductions of, or improvement of habitat conditions for, nonnative invasive species. The Council's NOP comment letter identified that "in the event that mitigation is warranted, mitigation and minimization measures must include Delta Plan Mitigation Measure 4-1 or substitute equally or more effective measures." The Draft EIR does not present or require an avoidance or mitigation plan describing how the UFFR will address these issues at restoration Sites 13, 14, and 16 (Draft EIR Ch. 3, Appendix C-2).

S3-3

Remaining gap:

The Draft EIR describes the ecological community as highly disturbed and identifies nonnative invasive species in the area (Draft EIR Ch. 3). However, the UFFR does not present or require plans to avoid the introduction of, or the improvement of habitat conditions for, nonnative invasive species during construction, including, but not limited to, improving habitat for emerging species of concern, such as nutria and Golden Mussel.

Recommended action:

The Final EIR should describe how SJAFCA fully considered and will avoid conditions that would lead to the introduction of or improvement of habitat for nonnative

invasive species. Addressing these items in the Final EIR would support a future certification of consistency with the Delta Plan.

S3-3 cont.

3. System-Wide Flood Risk Redistribution (Delta Plan Policies RR P2, RR P3, RR P4; Cal. Code Regs., tit. 23, §§ 5013, 5014, 5015.)

The Council's 2022 comment letter framed UFRR as having implications for flood risk management affecting people, property, and state interests in the Delta. This framing reflects the Delta Plan's objective to reduce flood risk across the Delta system, rather than solely at individual project locations.

The Draft EIR's hydraulic modeling demonstrates that UFRR would eliminate 200-year flood risk within the Mossdale Tract while redistributing floodwaters within the Lower San Joaquin River system. Appendix G shows that the proposed dryland levee extension prevents floodwaters from flanking into the Mossdale Tract during the 200-year event, thereby eliminating approximately 3,650 acres of flooding within the project area. Floodwaters that would have entered the Mossdale Tract are instead redirected back into the Lower San Joaquin River system. This redistribution of flow results in modest increases in in-channel water surface elevations—approximately 0.1 feet in Old River and up to 0.2 feet in the San Joaquin River—and contributes to new overbank inundation west of the San Joaquin River. Under UFRR conditions, approximately 2,970 acres of previously dry land would experience new inundation. Flood depths in most of these areas are shallow, generally less than three feet; however, localized low-lying areas experience deeper ponding, with modeled flood depths reaching approximately six feet in isolated locations west of the San Joaquin River.

S3-4

Because floodwaters are redirected rather than eliminated, it is important to ensure that adjacent levee systems—particularly those identified in the Draft EIR as geotechnically fragile—are not incrementally stressed over time.

Remaining gap:

While the Draft EIR characterizes these impacts as minor because agricultural lands are only temporarily affected by floodwaters, the discussion does not place flood risk redistribution within a Delta-wide system context, nor does it clearly explain how the redistribution aligns with Delta Plan objectives related to coordinated flood risk management, best available science, and protection of state interests.

Recommended actions:

- Explicitly acknowledge that preventing floodwaters from flanking into the Mossdale Tract through the proposed dryland levee results in a quantified redistribution of flood flows within the Lower San Joaquin River system, as reflected by modest increases in in-channel water surface elevations and new overbank inundation elsewhere.
- Clarify that SJAFCA will continue coordinating with neighboring Reclamation Districts, the Central Valley Flood Protection Board, and other relevant public agencies to ensure that a redistribution of floodwaters does not create unintended risks to adjacent levee systems.
- Explain that evaluation of cumulative and system-wide flood risk redistribution is addressed through regional and state planning efforts (e.g., Central Valley Flood Protection Plan (CVFPP) updates and Delta Plan implementation), rather than through project-specific mitigation.

S3-4 cont.

4. Cumulative Effects in a Delta Plan Context (Delta Plan Policies RR P3, RR P4; Cal. Code Regs., tit. 23, §§ 5014, 5015.)

The cumulative impacts analysis in the Draft EIR satisfies CEQA requirements. However, the Council's 2022 comments anticipated environmental documentation that could support Delta Plan consistency determinations, which often require consideration of system evolution over time.

Remaining gap:

The Draft EIR does not qualitatively address how UFRR, in combination with other flood risk reduction efforts along the Lower San Joaquin River, may incrementally alter flood pathways, floodplain connectivity, or residual risk across the Delta.

S3-5

Recommended actions:

- Add a qualitative narrative acknowledging that multiple flood risk reduction projects may collectively influence Delta hydraulics over time.
- Reference existing coordination and planning mechanisms, such as the CVFPP and interagency flood management efforts, that are intended to manage these cumulative system effects.

4. Climate Change Uncertainty and Future Conditions Regulatory Context: (Delta Plan Policies G P1(b)(3); Cal. Code Regs., tit. 23, § 5002, subd. (b)(3); RR P3; Cal. Code Regs., tit. 23, § 5014.)

The Draft EIR evaluates future conditions using 2022 CVFPP hydrology and incorporates sea level rise assumptions at downstream boundaries, as documented in Appendix G. These assumptions are consistent with current flood planning guidance and represent best available science for project design.

Remaining gap:
The analysis relies primarily on a single median climate projection for the year 2072. The Delta Plan's Best Available Science regulation (Cal. Code Regs., tit. 23, § 5002, subd. (b)(3).) emphasizes consideration of uncertainty and encourages transparent discussion of how projects may perform if future conditions exceed median assumptions.

S3-6

Recommended actions:

- Augment the Final EIR narrative to qualitatively describe how the UFRR's 200-year Urban Level of Protection safety margin would perform under higher-end climate futures, without requiring additional modeling.
- Clarify whether hydraulic modeling assumptions, such as Manning's n values (roughness coefficients), account for future conditions including mature vegetation associated with the proposed 40+ acres of riparian restoration, as vegetation roughness can influence final water surface elevations.

In summary, the Draft EIR substantially addresses many of the issues identified by the Council during the NOP scoping phase. The remaining gaps identified above relate primarily to clarity, framing, and scale rather than to deficiencies in technical analysis. Addressing these items through targeted clarifications and coordination commitments would strengthen alignment with the Delta Plan and support an efficient and transparent covered action review.

S3-7

If you have any questions regarding the contents of this letter, please contact Ashok Bathula at Ashok.Bathula@deltacouncil.ca.gov.

Sincerely,



Mossdale Tract Urban Flood Risk Reduction Project
Ryan Curry Feb 2, 2026
Jeff Henderson
Deputy Executive Officer

Letter S3 **Jeff Henderson, Delta Stewardship Council (DSC)**
Response February 2, 2026

Response to Comment S3-1

Comment is noted. SJAFCA has determined that the proposed project meets the definition of a covered action and will be filing a certification of consistency with the Delta Stewardship Council (DSC) prior to proposed project implementation.

See also responses to S3-2 through S3-6.

Response to Comment S3-2

Draft EIR Chapter 2, *Project Description*, Section 2.6 Operations and Maintenance, maintenance and monitoring activities for establishment of vegetation at proposed restoration sites. Impacts associated with operation and maintenance at ecosystem restoration Sites 13, 14, and 16 were evaluated in Section 3.6, *Biological Resources – Terrestrial* and 3.5, *Biological Resources – Aquatic*. Operation and maintenance activities were found to result in less than significant or less than significant with mitigation. As noted in Response S3-1, SJAFCA has determined that the proposed project meets the definition of a covered action and will file a certification of consistency with the DSC prior to proposed project implementation. As part of support for Delta Plan Consistency certification, consistent with required components, SJAFCA will prepare and submit a long-term monitoring and adaptive management plan (LMAMP) for restoration Sites 13, 14, and 16. The LMAMP will cover the long-term period following the three-year establishment period and will discuss how the restoration sites, once established, will be managed to meet the goals and objectives of the restoration sites over the long-term. The LMAMP will also summarize the legal protections of the site and the monitoring methods and schedule for detecting deviations from sustaining habitat conditions and recreation elements.

Response to Comment S3-3

Draft EIR Chapter 2, *Project Description*, Section 2.6 Operations and Maintenance, maintenance and monitoring activities for establishment of vegetation at proposed restoration sites. Impacts associated with operation and maintenance at ecosystem restoration Sites 13, 14, and 16 were evaluated in Section 3.6, *Biological Resources – Terrestrial* and 3.5, *Biological Resources – Aquatic*. Operation and maintenance activities were found to result in less than significant or less than significant with mitigation. As noted in Response S3-1, SJAFCA has determined that the proposed project meets the definition of a covered action and will file a certification of consistency with the DSC prior to proposed project implementation. As part of support for Delta Plan Consistency certification, consistent with required components, SJAFCA will develop a Monitoring and Maintenance Plan (MMP) for restoration Sites 13, 14, and 16. The MMP will provide detailed requirements for successful monitoring and maintenance during the establishment phase of the restored habitats.

The MMP's monitoring activities, management action thresholds, and management responses will address conditions of plants (establishment, survival, cover, vigor), soil surface and erosion, noxious weeds,

irrigation system condition, pest damage (beavers, vertebrates, insects, and disease organisms), and condition of plant protection structures. Specifically, the MMP will include:

- descriptions of post planting establishment and maintenance actions including irrigation, invasive species control, and plant replacement
- anticipated irrigation system and schedule
- performance standards for plant survival and thresholds that may trigger maintenance actions
- required minimum maintenance and monitoring schedules
- performance standards and monitoring protocol will be based on a 5-year maintenance period
- supplemental restoration treatments, remedial measures, and additional monitoring

Response to Comment S3-4

System-wide flood risk redistribution is evaluated and acknowledged in Section 3.12, *Hydrology and Water Quality* under Impact 3.12-4. As described on page 3.12-42, while long-term operation of the dryland levee extension would alter the existing drainage pattern in a manner which could impede or redirect flood flows. However, these changes would not be considered significant. Affected areas would experience in general 0.1 to 3 feet of inundation. The newly inundated areas are predominantly agricultural lands subject to shallow, temporary flooding during a low-probability event. In addition, in areas that would experience inundation, the water would be temporarily ponded and would reduce in depth and area over a short period of time due to infiltration and evaporation (up to 5 days). As further described there would be no change in flooded areas under more frequent, lower magnitude events (2 year, 5-year, 10-year, 50-year, and 100-year flood events). As recommended by the commenter, SJAFCA will continue to coordinate with neighboring Reclamation Districts, the Central Valley Flood Protection Board, and other relevant public agencies to ensure that the redistribution of floodwaters does not create unintended adverse impacts to adjacent levee systems.

SJAFCA acknowledges that evaluation of cumulative and system-wide flood risk redistribution is appropriately addressed through regional and state planning efforts, including the Central Valley Flood Protection Plan (CVFPP) updates, and Delta Plan implementation. Evaluation of cumulative impacts associated with flood risk redistribution attributed to proposed project implementation is evaluated in Chapter 4, *Cumulative Impacts* under subsection 4.5.11 Hydrology and Water Quality. As described on pages 4-15 and 4-16, The proposed dryland levee extension would introduce a new levee segment that would redirect flood flows away from people and property in the proposed project area potentially displacing the water elsewhere in the proposed project area and vicinity. However, the affected areas would experience in general 0.1 to 3 feet of inundation that would be temporarily ponded and would reduce in depth and area over a short period of time (up to 5 days). Therefore, the proposed project's contribution to long-term cumulative impacts to hydrology and water quality would be less than considerable.

Response to Comment S3-5

SJAFCA recognizes the value of additional qualitative discussion to support future Delta Plan consistency review and acknowledges that multiple flood risk reduction projects along the Lower San Joaquin River

may collectively influence Delta hydraulics over time. The UFRR Project is one of several flood risk reduction efforts planned or underway along the Lower San Joaquin River and within the southern Delta, including the Smith Canal Gate Project, USACE Lower San Joaquin River Project, Paradise Cut Bypass Expansion, and RD17 levee improvements. Projects that modify levee alignments or alter overbank flow paths can incrementally change how floodwaters are conveyed through and stored within the Delta system. As individual projects reduce localized overbank flooding, floodwater that would otherwise have been temporarily stored on adjacent floodplains may remain within the channel or be redirected, potentially affecting in-channel water surface elevations, peak flow timing, and residual risk to neighboring levee systems.

SJAFCA recognizes that these cumulative, system-wide effects cannot be fully evaluated at the individual project level. Draft EIR Appendix G, *Hydraulic Impact Technical Memorandum,* captures the proposed project's redistribution effects under the 200-year design event. Comprehensive assessment of how multiple overlapping projects interact across the broader Delta is more appropriately conducted through regional and statewide planning frameworks. These include the Central Valley Flood Protection Plan, which provides a system-wide framework for prioritizing flood investments and incorporates updated hydrology and planned project actions; the Central Valley Flood Protection Board, which exercises regulatory authority over encroachments within designated floodways; and the Delta Plan's covered action review process under Policies RR P2 through RR P4, which requires project proponents to demonstrate consistency with system-level flood management objectives.

SJAFCA participates in and coordinates with these regional planning efforts and will continue to contribute project-level data and analysis that supports system-wide evaluation of cumulative flood risk.

Response to Comment S3-6

The proposed project is designed to provide a 200-year Urban Level of Protection with additional allowances for future climate change and sea level rise. The additional safety margins added to the proposed project design water surface elevations are informed by the climate change projections published in the 2022 CVFPP. These inputs represent best available science at the time of analysis, but climate projections inherently carry uncertainty and change as new science becomes available. Higher-end scenarios could produce larger peak flows due to increased precipitation intensity or more rapid snowmelt, and sea level rise exceeding median projections could raise Delta tailwater conditions.

The proposed project design incorporates multiple layers of margin against these uncertainties. The 200-year standard itself provides substantial capacity above the 100-year flood level. Levee freeboard on the order of 6-feet or more above the 200-year WSEL is being considered in the design of the UFRR levee heights. This added factor of safety is consistent with the intent of the State' Urban Levee Design Criteria (ULDC) standards.

If future projections of climate change materially exceed the proposed project's current design considerations, future system improvements may be warranted, consistent with the iterative approach to flood risk management established by the CVFPP, Delta Plan, and SJAFCA's climate change adaptation policies. SJAFCA will continue to monitor advances in climate science and participate in CVFPP update cycles to ensure its flood risk reduction system is resilient over time.

The comment requested clarification as to whether hydraulic modeling assumptions account for future conditions, including mature vegetation. The proposed project hydraulic model uses Manning's n values that reflect existing land cover conditions set by the United States Geological Survey's National Land Cover Database and aerial/site survey imagery. The proposed project includes 40+ acres of riparian restoration at proposed restoration Sites 13, 14, and 16. Site 13 restoration is located outside of the San Joaquin River channel and adjacent to the segment of existing dryland levee proposed for improvement under the proposed project. The modeled overland roughness values in these areas range from 0.12 to 0.15 which is representative of a heavily vegetated, post-restoration condition. Sites 14 and 16 are located on elevated benches outside the main conveyance channel of the San Joaquin River, but within the river's levees. The in-channel roughness values range from 0.04 to 0.12 which is representative of minor to heavy in-channel vegetation. The incremental roughness increases from maturing riparian vegetation would have a negligible effect on peak water surface elevations during the 200-year design event, and the proposed project's design freeboard provides adequate margin to accommodate any minor localized increases.

Response to Comment S3-7

Comment is noted. See responses to S3-2 through S3-6.

Outlook

San Joaquin County Area Flood Control Agency, EIR, Mossdale Tract Area Urban Flood Risk Reduction Project, Information Needed

From Schmitz, Lori@Waterboards <Lori.Schmitz@waterboards.ca.gov>
Date Fri 1/9/2026 11:12 AM
To Ryan Curry <Ryan.Curry@sjafca.org>

Ryan,

I help out the Division of Drinking Water with CEQA for water supply permits.

San Joaquin County Area Flood Control Agency is circulating a EIR for a Mossdale Tract Area Urban Flood Risk Reduction Project here: https://ceqanet.lci.ca.gov/Project/2022040471 or by going to the State Clearinghouse and searching for State Clearinghouse number 2022040471.

The EIR indicates that the proposed project would result in a need to relocate existing utilities infrastructure that are within the proposed project footprint, that penetrate the existing levee, or that cross the alignment for the proposed dryland levee extension (PDF page 474). And site preparation could include the relocation of drinking water wells located within the proposed project footprint (PDF page 474). Water wells proposed for replacement would be constructed and updated within the same footprint as existing infrastructure (PDF page 474). The relocation of utilities would occur along adjacent alignments to existing lines or would be otherwise located within the proposed project footprint evaluated across the resource topics presented in the Draft EIR (PDF page 474).

If the water wells are a part of a public water system, this action would require the public water system to obtain a water supply permit amendment approval from the State Water Resource Control Board's Division of Drinking Water.

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e].

Can you let me know if the drinking water wells that will be relocated are private homeowner wells or if they are part of a larger system that serves enough people to be qualified as a public water system? (E.g. a drinking water- city well, county well, or business well (that serves up to or over the threshold of people or connections needed to qualify as a public water system).

I am trying to determine if our Division of Drinking Water Stockton District office will have an approval for this project.

S4-1

Thanks!

Lori Schmitz

Lori Schmitz
Environmental Scientist

DIVISION OF FINANCIAL ASSISTANCE
Administration/Operator Certification Branch | Loans & Grants / Environmental / Special Project Review

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Letter S4 Response **Lori Schmitz, State Water Resources Control Board (Water Boards)**
January 9, 2026

Response to Comment S4-1

As described in Chapter 2, *Project Description*, in subsection 2.5.1, Site Preparation and Mobilization, site preparation could include the relocation of drinking and agricultural water wells located within the proposed project footprint. None of the drinking water wells that could be relocated are part of a public water system. They are all private wells.

MANTECA UNIFIED SCHOOL DISTRICT
Department of Facilities & Operations | Aaron Bowers, Director II | abowers@musd.net

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New Vision High
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Sequoia
Shasta
Sierra High
Stella Brockman
Veritas
Walter Woodward

February 01, 2026

VIA E-MAIL (RYAN.CURRY@SJAFCA.ORG)
Ryan Curry
San Joaquin Area Flood Control Agency
2800 March Lane, Suite 200
Stockton, CA 95219

Re: Comments on Draft Environmental Impact Report for the Mossdale Tract Area Urban Flood Risk Reduction Project (State Clearinghouse No. 2022040471)

Dear Mr. Curry:

The Manteca Unified School District ("District") hereby submits the following comments on the Draft Environmental Impact Report ("Draft EIR") for the Mossdale Tract Area Urban Flood Risk Reduction Project ("Project"). Specifically, this letter provides the District's comments on the Project's Draft EIR and identifies the need for further analysis and/or mitigation in the areas of agricultural resources, air quality, greenhouse gases, noise, public services-schools, and alternatives. As a result, the Draft EIR needs further revision and recirculation to disclose the significant new information to the public and to allow comment on such new information. L1-1

These corrections are required before the EIR can be certified in compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA").

1. PROJECT.

The Project entails the fix-in-place levee improvements, up to two miles of dryland levee extension, ecosystem restoration, and recreational development along the 22,400-acre Mossdale Tract area within the unincorporated San Joaquin County and portions of the cities of Stockton, Lathrop, and Manteca. The Project will directly divide the District's planned Rustic Elementary School Campus ("Rustic ES") and render the campus nearly infeasible for use as an effective school site and significantly under California Department of Education ("CDE") requirements under Title 5 California Code of Regulations section 14010(a). L1-2

Further, the Project will be located within 792 feet of Lathrop High School and 898 feet from George Y. Komure Elementary School. (p. 3.11-2.)

2. AGRICULTURAL RESOURCES – IMPORTANT FARMLAND (IMPACT 3.3-1).

The Draft EIR admits, the permanent conversion of Important Farmland where it overlaps with the footprint of the flood risk reduction components would result in a significant impact. (p. 3.3-16.) It identifies Mitigation Measure 3.3-1 to acquire agricultural conservation easements or by contributing funds to a land trust other entity qualified to preserve Important Farmland at a ratio of 1:1. (p. 3.3-17.) In only a short paragraph does the Draft EIR say it would reduce impact of lost Important Farmland but quickly concludes that fully offsetting the conversion of agricultural land L1-3

is not feasible because the supply of such land is "extremely limited" and the identification of such offset property would not be feasible.

This simplistic analysis completely misses the mark and really does not amount to reasoned analysis. There is no evidence shown that such mitigation land is extremely limited or the identifying offset is not feasible. Further, there is no discussion on whether a land trust or other entity qualified to preserve Important Farmland exists or not, what they are capable of providing, and whether it is sufficient or not. Instead of what is required under CEQA, the Draft EIR only offers bare conclusions. A lead agency cannot simply jump to the conclusion that a significant impact is not mitigable; it must show why with concrete facts.

A reasoned analysis of the mitigation measures effectiveness needs to be included in a revised and recirculated Draft EIR.

L1-3 cont.

3. AIR QUALITY (IMPACTS 3.4-1, 3.4-2, 3.4-3).

The Draft EIR finds that the Project would cause a significant air quality impact due to construction nitrogen oxides ("NOx") emissions. (p. 3.4-17.) Although it provides a table of the maximum allowable construction emissions in tons per year, as determined by the SJVAPCD, in Table 3.4-5, the Draft EIR does not clearly identify how many NOx tons per year would be generated by the Project. To mitigate that to less-than significant, the Draft EIR identifies Mitigation Measure 3.4-1 that requires a Construction Emissions Minimization Plan ("CEMP") that would reduce the construction fleet by 20 percent. (pp. 3.4-17-18.) This is simply making statements. The Draft EIR is not providing its analytical route to show a significant NOx impact or that a 20% fleet reduction would reduce that impact below the 10 tons per year significance threshold.

L1-4

Moreover, the mitigation measure to provide EPA or CARB Tier 4 Final off-road emission vehicles may not be feasible. The Draft EIR assumes full contractor availability of Tier 4 equipment and electric alternatives without providing market evidence.

Thus, the Draft EIR requires it to be revised and recirculated to correct these shortcomings.

4. GREENHOUSE GAS EMISSIONS.

The Draft EIR claims that construction emissions are purely informational and not used for the evaluation of significant Greenhouse Gas ("GHG") emissions. (p. 3.10-15.) This claim rests on the notion that SVAPCD does not provide a significance threshold for construction-related GHG emissions. Yet, the Draft EIR fails to explain why the SJFCA does not have its own threshold of significance. If feasible, the SJFCA must develop a significance threshold considering that in Table 3.10-3, the Draft EIR discloses that the Project for Sites 13, 14, and 16 will generate 24,622 metric tons of greenhouse gas emissions over a 5-year period. Despite this large amount, the Draft EIR fails to analyze whether these GHG emissions are significant or not.

L1-5

The Draft EIR must include either a construction GHG emissions threshold and provide the impact analysis and mitigation if required or provide its reasoning why such a threshold cannot be set. Thus, the Draft EIR must be revised and recirculated.

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5. NOISE.

The Draft EIR adopts a 90 dBA threshold of significance for construction noise. (p. 3.14-14.) In the Air Quality Section, it also discloses that the Project is close to both Lathrop High School and George Y. Komure Elementary School. (p. 3.11-2.) However, there is no analysis of the construction noise impact on these two schools presented. Nor does the Draft EIR explain why a 90 dBA threshold is suitable for sensitive receptor schools. L1-6

SJFCA needs to model the Project's noise impact on the schools, come up with a reasoned and coherent threshold of significance for the schools, and evaluate feasible mitigation measures such as (portable barriers, phasing, alternative equipment, etc.) if it finds that a significant noise impact would occur. All of this must be included in a revised and recirculated Draft EIR.

6. PUBLIC SERVICES-SCHOOLS.

The Project would significantly impact the Rustic ES campus, by reducing the school site from approximately 18.0 acres to 13.5 acres, a 25 percent reduction in campus area. Rustic ES is planned to serve approximately 1,000 students. The CDE had determined that Rustic ES requires 23.6 acres of usable land to adequately support instructional facilities, physical education, outdoor play areas, circulation, parking, and safe daily operations per Title 5 California Code of Regulations section 14010(a). The existing 18.0 acre site is already below the CDE's standards for school site size, which already requires dense site planning and operational practices to accommodate the planned enrollment. A further reduction to 13.5 acres as a result of the Project would significantly increase this deficiency and represent a substantial departure from planning standards for MUSD schools. This reduction would materially limit the school's ability to accommodate the required educational and operational functions within the remaining site area. In fact, when a site goes 70% below the CDE acreage, a Physical Education Plan is required per Title 5 California Code or Regulation 14010(b) to show how students will receive an adequate educational program that includes physical education in the District's adopted course of study. As a result of the Project, the Rustic ES campus would be below the 70% CDE size. 70% of 23.6 acres is 16.52 acres, and the Project would cut down the acreage to 13.5 acres. The District doubts that it could come up with a feasible PE Plan and that the campus would become unusable as a school site L1-7

The reduced campus would be unable to safely and effectively support current operational demands without significant accommodations. The loss of site area would constrain outdoor instructional and physical education space, intensify circulation and safety conflicts among buses, parent vehicles, parking, and pedestrian routes, and reduce flexibility for safe utility and service access. To operate within the reduced footprint, the school's effective onsite capacity would likely need to be substantially reduced, or the educational program altered, to align with the loss of approved school site acreage. Thus, the Project would cause the campus to be infeasible at this school site.

Accordingly, the Project would cause a significant impact on a public school that could be avoided by adopting an alternative alignment that borders along the campus boundary rather than bisecting it.

The Draft EIR needs to include consideration of this significant school impact and an alternative that avoids that significant impact. Accordingly, the revised Draft EIR needs to be recirculated.

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7. CONCLUSION.

Given the deficiencies identified above, the Draft EIR does not currently comply with CEQA requirements for substantial evidence, full disclosure, and adequate impact analysis. Therefore, the District respectfully requests that SJAFCA revise the Draft EIR to correct the analytical deficiencies, adopt an alternative that does not significantly impact the Rustic ES campus, and recirculate the revised Draft EIR pursuant to CEQA Guidelines § 15088.5. L1-8

Thank you for the opportunity to comment openly on the Draft EIR.

Sincerely,

Aaron Bowers
Director II Facilities / Operations

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Letter L1 **Aaron Bowers, Manteca Unified School District (MUSD)**
Response February 1, 2026

Response to Comment L1-1

CEQA Section 15088.5 states that a lead agency is required to recirculate an EIR prior to certification when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review …" Section 15088.5 further states that "New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternatives) that the project's proponents have decline to implement."

As further stated, "Significant new information" requiring recirculation include, for example, a disclosure showing that:

> (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
>
> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Finally, Section 15088.5 states that "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

The commenter asserts that the comments provided result in the Draft EIR needing revisions and recirculation to disclose significant new information to the public and to allow comment on such information. As presented below in responses L1-2 through L1-7, the analysis included in the Draft EIR adequately identifies and evaluates impacts of the proposed project. No new or more severe impacts have been identified (see responses to L1-2 through L1-5), and the alternative alignment proposed in L1-6 does not clearly lessen the environmental impacts of the proposed project. The information added in response to comments clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

Response to Comment L1-2

This paragraph summarizes the project and alleges particular impacts to theoretical future developments. See response L1-6 for further information regarding potential impacts related to public services, including schools.

Response to Comment L1-3

The Draft EIR identifies permanent conversion of Important Farmland (Farmland) as a significant impact and includes feasible, enforceable mitigation (Mitigation Measure 3.31) that requires preservation of Farmland of equal or greater value in perpetuity through acquisition of agricultural conservation easements (ACEs), or through in lieu contributions to a qualified land trust or similar entity, at a 1:1 ratio and in conformance with the San Joaquin County MultiSpecies Habitat Conservation and Open Space Plan and applicable local ordinances. This approach is consistent with CEQA Guidelines Section 15126.4(a)(1)–(2), which states that an EIR shall describe feasible measures that would avoid or substantially lessen significant effects and to explain the basis for the selected mitigation.

Consistent with existing case law, the EIR acknowledges on page 3.3-17 that ACEs partially reduce, but do not fully offset, the conversion of Farmland. The Fifth District's decisions in *King & Gardiner Farms v. County of Kern* (2020) and *V Lions Farming, LLC v. County of Kern* (2024) Collectively found that ACEs are effective mitigation measures but questioned whether they can effectively mitigate impacts to a less-than-significant level, depending on the applicable threshold of significance. Consistent with these principles, the Draft EIR on page 3.3-17 describes the fact that implementation of Mitigation Measure 3.3-1 would reduce impacts related to permanent conversion of Farmland to a nonagricultural use by preserving in perpetuity an equivalent amount of Farmland of equal or greater quality, but conservatively finds that the impact would remain significant and unavoidable because the placement of agricultural conservation easements preserves existing Farmland but does not create new Farmland.

The Draft EIR explains on page 3.3-17 that fully offsetting the conversion of agricultural land in San Joaquin County is not feasible. SJAFCA, in coordination with its consulting team, evaluated the supply of land in the region that is suitable for agricultural use (but not currently being used for agriculture) and commercially available, and concluded that this land is extremely limited; therefore, identification of property (or properties) available for acquisition in amounts necessary to accomplish the required offset is not feasible. CEQA does not require SJAFCA, a local public agency, to demonstrate that land is not available on a parcel-by-parcel basis nor conduct a speculative countywide search for hypothetical agricultural offset lands or a detailed accounting of land trust capacity (Guidelines Sections 15126.4(a)(1)(B), 15145), particularly where such detail would not change (1) the feasibility of available mitigation or (2) the impact conclusion (Guidelines Section 15151). Rather, CEQA's standard of adequacy requires a "good faith effort at full disclosure" evaluated in light of what is reasonably feasible.

The Draft EIR complies with CEQA by (1) identifying a potentially significant Farmland conversion impact, (2) adopting feasible and enforceable compensatory mitigation through ACEs or in lieu funding to qualified entities that reduces (but does not eliminate) the severity of the impact, and (3) transparently concluding the impact remains significant and unavoidable (notwithstanding mitigation) consistent with governing case law. No additional inventory or accounting is required to meet CEQA's informational standard (Guidelines Sections 15126.4(a), 15151, 15145, 15091, 15093).

See also Response L1-1. The information added in this response to comment clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

Response to Comment L1-4

The Draft EIR acknowledges that unmitigated construction NOx emissions would exceed the SJVAPCD significance threshold of 10 tons per year on page 3.4-16 under Impact 3.4-1 (related to a conflict with the implementation of the air quality plan adopted by the SJVAPCD) and again on page 3.4-19 under Impact 3.4-2 (related to an increase of criteria pollutants). Both discussions refer to Table 3.4-9 to see the summary of total Project construction NOx emissions.

The Draft EIR includes Mitigation Measure 3.4-1 outlined on page 3.4-17, which requires implementation of a Construction Emissions Minimization Plan (CEP) resulting in a 20 percent fleet emission reduction in NOx over the statewide fleet average. Mitigation Measure 3.4-1 is effective because the Plan implements the use of construction equipment meeting Tier 4 Final standards, which modeling shows would reduce NOx emissions to below the SJVAPCD threshold of significance. Mitigated NOx emissions are presented on page 3.4-19 and page 3.4-20 in Table 3.4-7, Table 3.4-8, and Table 3.4-9, and supporting calculations showing mitigated results are located in the Appendix B of the Draft EIR.

Regarding the feasibility of Tier 4 Final equipment, the mitigation measure does not assume universal availability of such equipment. The measure requires a CEP that results in a 20 percent fleet emission reduction in NOx over the statewide average, through a "combination of" the measures listed in the EIR. The 20% is an enforceable performance standard that must be achieved to comply with the MMRP. However, the measure allows that reduction to be achieved via a variety of measures in combination, including potential technologies that become available in the future. Therefore, if one of the listed measures becomes infeasible, the measure allows SJAFCA to implement other measures, as long as it achieves the required reduction, which will be disclosed in biannual reports also required by the measure. Therefore, this measure complies with CEQA.

Response to Comment L1-5

CEQA affords agencies great deference to rely on thresholds of significance that have been approved by the lead agency or another agency, or to develop thresholds of significance on a project-by-project basis. CEQA Guidelines Section 15064.7 encourages, but does not mandate, public agencies to adopt thresholds of significance. In the context of GHG emissions specifically, CEQA affords lead agencies substantial discretion to select an appropriate methodology for evaluating significance. CEQA Guidelines Section 15064.4 provides that the determination of significance "calls for a careful judgment by the lead agency" and may rely on a quantitative analysis, a qualitative analysis, performance standards, or a combination thereof (Id., Section 15064.4(a)). The Guidelines further allow the lead agency to consider thresholds of significance "previously adopted or recommended by other public agencies, or recommended by experts," but do not require the agency to create a numeric threshold where none has been adopted by the relevant air district (Id., Sections 15064.4(b)(2), 15064.7(c)).

Consistent with this framework, the Draft EIR explains its analytical approach, which is aligned with CEQA Guidelines Section 15064.4 and supported by substantial evidence, on page 3.10-14. The Draft EIR states that the SJVAPCD does not have a recommended quantitative significance threshold for the analysis of the impact of a project's GHG emissions on the environment. The analysis in the Draft EIR instead relied upon methodologies in SJVAPCD's *Final Staff Report Addressing Greenhouse Gas Emissions Impacts under the California Environmental Quality Act* (SJVAPCD 2009); namely, a

qualitative assessment of compliance with an approved GHG reduction plan including the climate action plans adopted by the cities of Stockton, Lathrop, and Manteca as well as the CARB 2022 Scoping Plan for Achieving Carbon Neutrality, which addresses statewide GHG reduction goals.

The EIR estimated construction-related GHG emissions in Table 3.10-3 on page 3.10-15 are not measured against a quantitative numeric threshold, as the EIR uses the qualitative threshold above. Therefore, these numbers are provided for transparency and informational context only.

On page 3.10-16, the Draft EIR further explains that the state of California has identified that it can achieve its 2030 targets for GHG reduction with very limited emissions reductions in the construction sector, which is why GHG targets in state and local plans focus on operational sources, such as building energy use and vehicle travel. The Draft EIR explains that the 2022 Scoping Plan does not include any control measures addressing emissions from the construction sector applicable to the Project and that the Project would not conflict with the state's GHG reduction goals.

CEQA does not require the use of a numeric threshold for GHG emissions. Because the SJVAPCD has not adopted a construction-related GHG significance threshold, it is appropriate and consistent with CEQA for the Draft EIR to rely on the SJVAPCD's established guidance and to treat construction emissions qualitatively rather than forcing the development of a separate SJAFCA-specific numeric threshold without regional or regulatory support.

See also Response L1-1. The information added in this response to comment clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

Response to Comment L1-6

Section 3.11, *Hazards and Hazardous Materials* did identify the two schools as being located within .25 miles of proposed project components: Lathrop High School located .15 miles (or 792 feet) east of a proposed staging area; and George Y. Komure Elementary School located .17 miles (or 898 feet) to the east of the proposed cut-off wall (fix in place levee components). As described in Section 3.14, *Noise* on page 3.14-2, noise from point sources, including stationary mobile sources such as idling vehicles or on-site construction equipment, attenuates at a rate of 6.0 to 7.5 dBA per doubling of distance from a source. As further described, for the analysis, it is assumed that noise from line and point sources to a distance greater than 200 feet attenuates at a rate of 4.5 to 7.5 dBA per doubling of distance, to account for the absorption of noise waves due to ground surfaces such as soft dirt, grass, bushes, and intervening structures.

As further described on pages 3.14-10 and 3.14-11, significance determinations assume that the components implemented under the proposed project will comply with relevant federal, state, and local ordinances and regulations described in subsection 3.14.3, Regulatory Setting. Thresholds of significance used to evaluate impacts are based on Appendix G of the CEQA Guidelines. Because most jurisdictions in the proposed project area exempt daytime construction noise from their noise ordinance standards, construction noise is also evaluated and compared to criteria established by the Federal Transportation Administration (FTA). The FTA's 90 dBA criterion is used for sensitive receptors (i.e., residential, schools, learning centers, churches, hotels and motels). As described on page 3.14-11, the FTA noise

impact criteria was used to assess construction noise impacts. The results of the analysis are presented under Impact 3.14-1 on pages 3.14-12 through 3.14-22. As described, proposed project construction hours would comply with the noise ordinances of the cities of Stockton, Lathrop, and Manteca and San Joaquin County. Depending on the allowable duration/schedule for proposed project and/or each phase, night work could be necessary. However, schools are in session on weekdays during daytime hours (after 7 a.m. and before 10 p.m.) and therefore would not be impacted by potential nighttime or weekend construction activities. As further described and presented in Table 3.14-7, noise levels at the closest receptors would be below the 90 dBA daytime criteria established by FTA. Furthermore, the schools identified in the comment are 792, and 898 feet from proposed project components. Receptors identified between 700 and 900 feet in Table 3.14-7 (see page 3.14-16) were anticipated to experience temporary noise levels of 61.6 and 68.8 dBA, below the 90 dBA threshold. In addition, this noise level is what could be experienced on the exterior, and interior noise levels would be further reduced by up to 15 dBA, resulting in a temporary interior noise level of 46.6 to 53.8 dBA. Finally, construction activities would progress at an estimated linear feet per day along the proposed fix in place levee and dryland levee alignments and would therefore not be in one place for an extended period of time. As a result, exposure to construction noise would be temporary. Therefore, the impact of the effects of daytime construction activities associated with flood risk reduction components on the identified schools would be less than significant, which is consistent with the less than significant finding of the Draft EIR.

See also Response L1-1. The information added in this response to comment clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

Response to Comment L1-7

CEQA Guidelines Section 15125(a)(1) states that generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published. At the time the Notice of Preparation (NOP) was published, the Rustic ES campus school site was, and still is, agricultural land, and no school campus has been built.

As described in Section 3.15, Public Services on page 3.15-4, Appendix G of the CEQA Guidelines states that an impact is considered significant if the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. In other words, CEQA asks whether the project would result in the need for new or expanded physical facilities, and if so, whether construction of those facilities would result in significant impacts. As presented under Impact 3.15-1, implementation of proposed project components would not involve any residential, commercial, or other uses which would increase use or population of the area that could impact school capacity or facilities. As a result, there would not be an increase in need for additional schools.

Therefore, because no school campus currently exists on the mentioned site and the proposed project would not result in an increase in population that could impact school capacity or facilities, the impact is less than significant as determined under Impact 3.15-1.

It should be noted that SJAFCA has been coordinating with the Manteca Unified School District regarding their concerns over the Rustic ES campus school site.

See also Response L1-1. The information added in this response to comment clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

Response to Comment L1-8

See Responses to L1-1 through L1-6. As described in L1-1, The information added in response to comments clarifies and amplifies the analysis included in the publicly circulated Draft EIR and consistent with CEQA Section 15088.5, recirculation is not required.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

January 28, 2026

Ryan Curry
San Joaquin Flood Control Agency
2800 March Lane, Suite 200
Stockton, CA 95219

Project: Draft Environmental Impact Report for Mossdale Tract Area Urban Flood Risk Reduction Project

District CEQA Reference No: 20251460

Dear Mr. Curry:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (DEIR) from the San Joaquin Area Flood Control Agency (Agency) for the Mossdale Tract Area Urban Flood Risk Reduction Project. Per the DEIR, the project consists of would include the construction and operation and maintenance of flood risk reduction and multi-benefit components in and adjacent to the proposed project area. Project components include fix-in place improvements with habitat enhancement and revegetation, dryland levee extension, ecosystem restoration, and recreational features along the levee system (Project). The Project area covers 22,400 acres including Reclamation District 17 ([RD 17], 16,110 acres) and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County.

The District offers the following comments at this time regarding the Project:

1) Construction Emissions

The District recommends, to further reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

L2-1

2) Health Risk Screening/Assessment

The District reviewed the Health Risk Assessment (HRA) for the Project and has the following comments:

L2-2

Samir Sheikh
Executive Director/Air Pollution Control Officer

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

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

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

www.valleyair.org www.healthyairliving.com

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- The District was unable to match the emissions from the provided CalEEMod outputs to those used for HRA calculations. Please clearly identify the CalEEMod outputs that are associated with each modeled source and source group in AERMOD.
- Section 3.4.4 of the EIR (Air Quality - Impacts and Mitigation Measures), indicates that all construction areas were modeled using a 5 meter release height. Upon inspection of the provided AERMOD modeling runs, there are multiple construction area sources that have been modeled using a zero meter release height. Please confirm the release heights for all sources are accurate and update the modeling results, if necessary.
- For multiple modeled sources, normalized emission rates (1 gram/sec) were not used. In its review of the risk calculations, the District was unable to determine if the risk calculations took this into account for sources using non-normalized emission rates. In the future, the District recommends that when performing HRAs, normalized emission rates be used for all modeled sources.
- The District does not recommend using flagpole receptor heights for HRAs.

L2-2 cont.

The District performed its own analysis and determined that modifications to the HRA are not expected to change the Project's significance determination presented in the EIR. Therefore, the HRA does not need to be re-evaluated. However, the District does recommend that all future HRA/AAQA performed for the Project address the comments listed above and follow District guidance.

3) <u>District Rules and Regulations</u>

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

L2-3

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446.

3a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (209) 557-6446.

3b) District Rule 9510 - Indirect Source Review (ISR)

L2-3 cont.

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.
Information about how to comply with District Rule 9510 can be found online at:
https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview

The AIA application form can be found online at: https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

3c) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities.*

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

L2-3 cont.

The application for both the Construction Notification and Dust Control Plan can be found online at: https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx

Information about District Regulation VIII can be found online at: https://ww2.valleyair.org/dustcontrol

3d) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

If you have any questions or require further information, please contact Michael Corder by e-mail at Michael.Corder@valleyair.org or by phone at (559) 230-5818.

Sincerely,

Mark Montelongo
Director of Policy and Government Affairs



Daniel Martinez
Program Manager

Letter L2 **Daniel Martinez, San Joaquin Valley Air Pollution Control District**
Response January 28, 2026

Response to Comment L2-1

The Draft EIR includes Mitigation Measure 3.4-1 outlined on page 3.4-17, which requires implementation of a Construction Emissions Minimization Plan that includes the use of construction equipment meeting Tier 4 Final standards, which are the cleanest available off-road construction equipment, as recommended by the San Joaquin Valley Air Pollution Control District (District). Modeling shows the use of Tier 4 equipment would reduce NOx emissions to below the District's threshold of significance. Mitigated NOx emissions are presented on page 3.4-19 and page 3.4-20 in Table 3.4-7, Table 3.4-8, and Table 3.4-9, and supporting calculations showing mitigated results are located in Appendix B of the Draft EIR.

Response to Comment L2-2

Table 2-1, *Proposed Project Flood Risk Reduction Components*, in Chapter 2, *Project Description*, lists the estimated length of work for each proposed project flood risk reduction component by component ID. Table 2-2, *Summary of Potential Ecosystem Restoration Sites and Approximate Grading Volumes*, lists the grading volume for each restoration site by site number.

Section 3.4.4, *Impacts and Mitigation Measures*, under the subheading *Methods of Analysis*, starting on page 3.4-10 of the Draft EIR, discusses the construction activities and associated equipment that would generate Project emissions. This discussion also points to Table 2-8, *Construction Equipment List*, in Chapter 2, *Project Description*, which includes a list of the number of pieces of construction equipment that are anticipated to be used for each proposed project construction activity. Criteria air pollutant and TAC emissions were modeled construction activity using CalEEMod (version 2022.1.1.29) and then summarized as total emissions for each year of construction (see Tables 3.4-7 and 3.4-8 in Section 3.4, *Air Quality*, Subsection 3.4.4, *Impacts and Mitigation Measures*).

The CalEEMod outputs for diesel particulate matter (DPM) were then used to inform the modeled source and source group emissions in the U.S.'s AMS/EPA Regulatory Model (AERMOD) for the Health Risk Assessment (HRA) calculations. Inputs for the AERMOD model are included in Appendix B-3, *AERMOD Inputs and Outputs*. A summary table of emissions associated with each modeled source, presented by project component ID/restoration site number, can be found on PDF page 1,367, and a detailed table listing emissions by source group and associated project component ID/restoration site number can be found on PDF page 1,368 (Appendix B-3). A description of the project components associated with each flood risk reduction project component ID can be found in Table 2-1, *Proposed Project Flood Risk Reduction Components*, in Chapter 2, *Project Description.* A description of restoration activities associated with each ecosystem restoration site number can be found in Table 2-2, *Summary of Potential Ecosystem Restoration Sites and Approximate Grading Volumes.*

SJAFCA acknowledges that four out of 25 construction area sources were modeled in AERMOD using a zero-meter release height instead of a five-meter release height, as well as the District's guidance around normalized emission rates and flagpole receptor heights. SJAFCA also appreciates the District's efforts in performing their own analysis, and the finding that updating the current modeling with the above changes

would not change the Project's significance determination presented in the EIR and is therefore unnecessary. SJAFCA will ensure that future HRA/AAQA performed will follow the District's guidance as requested.

Response to Comment L2-3

The Draft EIR acknowledges that the proposed project would be located within the jurisdiction of the SJVAPCD on page 3.4-7, which regulates air pollutant emissions from all sources throughout the SJVAB other than motor vehicles. The Draft EIR then lists SJVAPCD rules and regulations that could apply to the proposed project, including Regulation VIII (Fugitive PM10 Prohibitions), Rule 4101 (Visibility), Rule 4102 (Nuisance), and Rule 9510 (Indirect Source Review). The project would comply with applicable SJVAPCD regulations and would obtain any required permits from the SJVAPCD prior to construction and operation, as necessary.

Letter P1

Outlook

Email #1: Opening Public Comment - UFRR Draft EIR

From Marty Harris <martyharris5151@gmail.com>
Date Wed 1/21/2026 2:39 PM
To Ryan Curry <Ryan.Curry@sjafca.org>
Cc nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>

5 attachments (7 MB)

2014 access and drainage issues as complicated by developer interactions with City of Manteca.pdf; 2025 continuing access and drainage issues.pdf; Boyce roadway easement abandoned and removed by SSJID-Boyce without notice.pdf; Confusion related to inclusion or exclusion of 241-330-32 in SJAFCA-RFP-25-02..pdf; Property Identification List (2).pdf;

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #1

Dear Project Team Members,

Background information related to UFRR comments being submitted in three or more emails
After repeated actions by my William and Lucille Harris Trust Estate co-trustees, co-manager, and business partners that has impeded my involvement, I contacted Josh Harder and Jerry McNerney's offices to assist me in gaining my right to participation in the Mossdale Tract Urban Flood Risk Reduction Project Draft EIR public comment process and I am thankful for their assistance.

Limited Authority:
To set the frame work that I will be commenting within, it is important that I advise you that I am writing in my limited authority position as a minority co-trustee for the William & Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected by the Mossdale Tract Urban Flood Risk Reduction Project. Please accept this email #1 as my first of 3 or more total emails that I plan on submitting.

Comments to include a proposed alternative levee extension routing to address unconsidered projects & effect on cumulative impacts.
Also please be advised that due to additional cumulative impacts for known projects that were not considered in the circulated Draft UFRR (City of Ripon planned Urban Expansion), my total collective group of email comments shall include an alternative levee extension routing & provisions to guard

P1-1

against uncontrolled urbanization to ensure full funding support from all project federal & state sponsors.

P1-1 cont.

Background information related to Martin Harris

My name is Martin Harris. I am 73 years old, graduated from Cal Poly with an engineering degree and had the pleasure of working side by side with my parents (William and Lucille Harris) for over 50 years.

My Father (William Harris) passed away in October 2012. Following his death, I became concerned about a number of suspect issues affecting: (i) our family property boundaries, (ii) lack of notice to City of Manteca meetings affecting our family properties, (iii) apparent lost 80,000# Truck Vehicle and EMS response access rights to Terra Land Group owned parcels 241-330-32, 241-330-33 and 241-320-60. (see attachment #1 for 3/24/2014 letter to Manteca Planning Commission detailing my efforts to both understand and correct the growing list of suspect issues confronting me)

As a result, in 2014, Lucille Harris and I hired Lee Smith (Weintraub-Tobin) law firm to assist me in dealing with the issues identified in my 3/24/2014 letter to the Manteca Planning Commission. (see attachments for vehicle access and other water mitigation issues as presented to local authorities)

In 1997, both my home and business were flooded:

I have strong recollections and opinions, and engineering backed knowledge on 1955, 1997 and 2017 San Joaquin River high water channel flows that affected the Lathrop and South Manteca areas.

February 2017 Martin Harris Reclamation District 2075 Levee Watch Patrolling Experiences

In February 2017, I volunteered for late night mobile vehicle watch patrol to Reclamation District 2075 levees looking for boils in the area known as the Pocket (totaling 800 acres) which was in the area that beached on January 7, 1997 and a few days after my watch that same general area of the levee breached again on February 20, 2017. Please note that on the night of my watch, the San Joaquin River was flowing at 40,600 CFS and well below the 52,000 CFS original design capacity set when upstream reservoirs (Melones and Don Pedro) were reconstructed.

What I remember most, was how spongy the levee was to drive on which I suspect was what the UFRR Draft Environmental Impact Report document describes as a point nearing liquidifaction. The spongy status of the levee experienced during my levee watch patrol resulted in my immediate resignation the following day over safety concerns.

I reported this to RD 2075 Board Members Brian Mizuno and Ray Quaresma and followed that statement by informing them that due to safety concerns, I was not interested in driving on that levee again.

It appears that January 2023 high water flows and erosion (especially in the area that the Stanislaus and San Joaquin Rivers converge) and resulting sedimentation have further reduced channel capacity and created a higher potential for RD 2075 levee liquidifaction and levee failures.

With high water flows once again running down the San Joaquin River channel in January 2023, I suspect that continuing erosion to the levees and resulting sedimentation has further reduced San Joaquin River channel flow capacity and increased chances for levee breaches in areas protecting RD 2075 and other affected properties.

In 2010, Lathrop Manteca Rural Fire Department Emergency Medical Responders rushed to my south Manteca Rural home and provided critical care to my 2 year old granddaughter who had stopped breathing after inhaling a significant amount of water in a swimming pool accident at our home.

As a result, I am supportive of our emergency medical care responders and have attended many local and county authority public meetings as well as responded with detailed comments to environment comment solicitations from local and State and Federal authorities.

Staffing the currently unstaffed Ripon North Ripon Fire Station?
I am also strongly in favor of staffing the Ripon (North Ripon Road) unstaffed fire station and ensuring that all development provides for adequate medical emergency response services and proper storm water retention and safe drainage. This station staffing is necessary to lessen and separate the City of Ripon's dependency on requiring Fire and EMS responses by the City of Manteca.

Other Shared services involving Manteca and Ripon
Adding to my concerns that a more thorough cumulative impact analysis is necessary. Please be advised that both Ripon and Manteca also: (i) share pubic school educational services by designating Urban Areas of South Manteca be accepted and enrolled with the Ripon Unified School District; and (ii) share drainage facilities operated by SSJID which drain into the multi-benefit component areas in or adjacent to the UFRR project.

First time ever, I have been fired
In 2024, my 2 sons, Joshua & Jacob Harris along with myself were all fired from Tuff Boy (5151 Almondwood, Manteca) in what appears to be an effort to break up the trust(s) that my parents (William & Lucille Harris) created. As the former Risk manager (including operations Flood Safety and Storm Water NONA Permit management) for Tuff Boy Sales, my termination has resulted in various employee workplace, vehicle safety & drainage safety compliance concerns being reported internally and to state authorities.

Excerpts from a recent letter that deserves a fair and equitable level of attention

"Hello everyone,

Email communication in favor of performing a flood and stormwater drainage environmental review investigation of Tuff Boy Sales Inc (TBS) and HIRT Trustees for prejudicial shared services actions involving properties in low elevation areas prone to flooding that appears shall unequitably benefit majority control stakeholders while disadvantaging other beneficial and minority interests affected by those prejudicial shared services actions.

It appears Water Under the Bridge is a problem for Manteca: (and Tuff Boy)
On Friday, November 21, 2021, the Manteca Bulletin published a front page News Article titled "Water Under the Bridge is a Problem for Manteca."

French camp outlet study accepted by SSJID in 2021 is getting a city of Manteca relook at conclusions:

"The South San Joaquin Irrigation District — that owns and maintains the outlet canal that they have allowed much of the city to drain into — more than six years ago noted a need to address outlet capacity based on Manteca's continued growth.

The city agreed and a hydrology study was done to determine what improvements were needed.

The study was completed in 2021. The SSJID accepted the study but the city wanted to relook at the conclusions. That is as far as the outlet study apparently got in terms of devising a game plan and then implementing it.

It is important to remember the French Camp outlet was designed and built to address agricultural needs only when Manteca had less than 2,000 residents.

That means it was designed only to handle any excessive flows from canals during the irrigation as well as runoff in the wet season that makes its way into the canals when there are no irrigation water deliveries."

Martin Harris comment #1/No "Project Authorization" was requested or approved in an email sent by W/L Harris Irrevocable Family Trust (HIRT) Majority control trustees on 2/21/2025, HIRT Majority control trustees responded and stated:

"I've had some time to reflect on the comments you, Martin Harris (minority control trustee) made at yesterday's meeting. You expressed a belief that the 800+ letters that were generated as part of your company-funded letter-writing campaigns had great value.

More than two years ago, after numerous opportunities to view your work products, and after hearing the expert opinions of real estate attorneys and land use consultants, The HIRT majority control interests clearly stated that we believe your past letters and "informational" campaigns were unhelpful and, on balance, counterproductive.

That's why the HIRT majority control interests voted in July 2021 to prohibit trustee spending and the use of company names for your unauthorized campaigns, and why, in 2024, we formally restated the limits of an individual co-manager's power in our memorandum titled "Reminder: Terms of Operating Agreements and Laws Governing California Corporations" (attachment upon request)

Martin Harris response

Due to what appears to be a defective Tuff Boy Sales/HIRT/WLHFT shared services agreement (OASSA) executed only by HIRT majority control interests in 2023, and considering that those majority control interests are paid employees of Tuff Boy Sales, I can't help but question: Where will the liability fall for any breaches of fiduciary duty due to management actions and/or non-actions? By TBS? By HIRT? Or by one or more of the HIRT owned LLCs?

The French Camp outlet is the lowest elevation of the three outlets the SSJID operates

"The French Camp outlet is one of three outlets the SSJID operates.

It is also the lowest elevation outlet and the one that essentially drains the most land in the district including its biggest urbanized area — Manteca except for the southwest portion of the city.

The city is currently working on an effort to send runoff water from southwest Manteca to the San Joaquin River at a point to the west of the Oakwood Shores gated community. That outlet project, when it first surfaced more than eight years ago and before southwest Manteca development took off, carried a $14 million price tag.

Until the outlet is in place, excessive water from the storm basins in southwest Manteca flows into a temporary retention basin developers put in place.

Compounding the problem in southwest Manteca is the water table in various locations is as high as three feet."

Martin Harris comment #2/Two key points that need to be considered in relation to the majority control interests decision to prohibit letter writing campaigns which ultimately resulted in restating the limits on managers powers (and apparent increases to liabilities affecting both Tuff Boy and the Trust(s))

1. See 11/13/2023 email sent by Martin Harris detailing a July 1, 2021 meeting with HIRT attorney Chris Engh and how the trustees are to avoid conflicts of interest. The email goes on to detail @ November 9, 2023 meeting (conducted by our consultant) and calls out certain majority control trustees conflicts of interests and the need of those trustees to recuse herself on voting for any issues that may serve to benefit those trustees personal property development interests. (attachment available upon request)

   800 letters and still no flood and drainage relief in sight

   Clearly the drainage challenges facing the French Camp outlet canal (as addressed in many of the 800 letters that Tuff Boy management under the watch of consultants and majority control interests blocked my access and ability to utilize during the time that the SSJID French Camp Outlet Study was performed in 2021) are in need of further investigation and review, including those purported conflicts of interest detailed in the 11/13/23 email to ensure that TLG property rights are properly defended and protected. Most important, I believe that TLG's ability to protect its right to vehicle access, legally recorded boundaries, surface water, ground water, and protection from flood impacts that clearly look to be increased by San Joaquin River channel drainage flow impedances caused by increasing amounts of storm water runoff from the developing areas both North and South of TLG APN's #241-330-32, 241-330-33, + 241-320-60 (as well as Tuff Boy properties APN 226-060-13, 14, 15,16,17,18) which appears to have been negatively affected by the majority control interests July 2021 order blocking co-managers power and abilities to defend TLG and other HIRT and WLHFT Trust property rights. (ie. WLHP, WLHR, MGR, SRH, WLHFT) I do not believe that it was William and Lucille Harris' intention when they wrote the Operating Agreements to block co-managers power to defend our family's property rights. (attachment upon request)

2. As a TLG LLC manager, Section 5.4 of the Operating Agreement grants managers conditional liability protections and specifically states:

   5.4 Performance of Duties; Liability of Manager. A Manager shall not be liable to the Company or to any Member for any loss or damage sustained by the Company or any Member, unless the loss or damage shall have been the result of fraud, deceit, gross negligence, reckless or intentional misconduct, or a knowing violation of law by the Manager. The Manager shall perform their managerial duties in good faith, in a manner they reasonably believe to be in the best interests of the Company and its Members, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs the duties of Manager shall not have any liability by reason of being or having been a Manager of the Company.

   In performing their duties, the Manager shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, of the following persons or groups unless they have knowledge concerning the matter in question that would cause such reliance to be unwarranted and provided that the Manager acts in good faith and after reasonable inquiry when the need therefor is indicated by the circumstances:

Section 5.4 also indirectly calls attention to managers/trustees duty to take protective action in the event a conflicted officer/manager/trustee fails to recuse themselves

I believe that fiduciary duty to recuse themselves in the event of a conflict applies as is provided for in all HIRT owned LLC Operating Agreements and justifies my managerial right and duty to take corrective action.

5.10 B Limitations on Powers of Manage Subject to Section 5.3B and any restrictions imposed by the Manager, any officer, acting alone, is authorized to endorse checks, drafts, and other evidences of indebtedness made payable to the order of the Company, but only for the purpose of deposit into the Company's accounts. All checks, drafts, and other instruments obligating the Company to pay money in an amount less than TEN THOUSAND DOLLARS ($10,000) may be signed by any one officer, acting alone. All checks, drafts, and other instruments obligating the Company to pay money in an amount of TEN THOUSAND DOLLARS ($10,000) or more must be signed on behalf of the Company by any two (2) officers acting together. Any two (2) officers acting together, shall be authorized to sign contracts and obligations on behalf of the Company

Other limitations on Power of manager

Section 5.3 B. Limitations on Power of Manager. Notwithstanding any other provisions of this Agreement, the Manager shall not have authority hereunder to cause the Company to engage in the following transactions without first obtaining the affirmative vote or written consent of a Majority Interest (or such greater Percentage Interests set forth below) of the Members:

(i) The sale, exchange or other disposition of all, or substantially all, of the Company's assets occurring as part of a single transaction or plan, or in multiple transactions over a twelve (12) month period, except in the orderly liquidation and winding up of the business of the Company upon its duly authorized dissolution, shall require the affirmative vote or written consent of Members holding at least seventy-five percent (75%) in Percentage Interests;

(ii) The merger of the Company with another limited liability company or limited partnership shall require the unanimous affirmative vote or written consent of the Manager Member and a majority affirmative vote or written consent of the Members; provided in no event shall a Member be required to become a general partner in a merger with a limited partnership without his express written consent or unless the agreement of merger provides each Member with the dissenter's rights described in the Act;

(iii) The merger of the Company with a corporation or a general partnership or other Person shall require the affirmative vote or written consent of the Manager Members and a majority affirmative vote or written consent of the Members;

(iv) The establishment of different classes of Members;

(v) An alteration of the primary purpose or business of the Company as set forth in Section 2.7;

(vi) Transactions between the Company and one or more of the Manager or Members or one or more of any Manager's or Member's Affiliates, or transactions in which one or more Managers or Members, or one or more of any Manager's or Member's Affiliates, has a material financial interest;

(vii) Without limiting subsection (vi), the lending of money by the Company to any Manager, Member, or officer;

(viii) Any act which would make it impossible to carry on the ordinary business of the Company;

(ix) The confession of a judgment against the Company;

(x) To file a bankruptcy petition on behalf of the Company; and

(xi) Any other transaction described in this Agreement as requiring the vote, consent, or approval of the Members.

Question: What liabilities are being created, and what insurance coverage protections are in place to protect all beneficial interests that may be affected? What conflicts does TBS have when considering its fiduciary duties to HIRT as required by its role under the TBS/HIRT/WLHFT/SRH shared services agreements?

Lack of an adopted project for either the Oakwood Lake outlet or improving the French Camp outlet

"High tides can undermine ability of outlet to move water while the city has been able to make sure developers put in place storm

retention basins in addition to storm drains on their dime, the lack of an adopted project for either the proposed Oakwood Lake outlet or improving the French Camp Outlet means growth likely isn't covering the financial impact of infrastructure costs that will be needed to move storm runoff from neighborhoods they build to the San Joaquin River.

There is also another limiting factor that comes with the city's storm runoff basically joining the San Joaquin River to a point northwest of the community of French Camp.

High tides can push up water levels in the Delta.

The is what happened when high tide occurred during a substantial period of rainfall in January of 2023.

Water lingered in some retention basins close to a week following the last rain drop.

Keep in mind, Manteca represents only a small sliver of the San Joaquin and Sacramento River basins that drain into the Delta.

It also needs to account for its geographic location as being at the river's lowest point of elevation when it reaches the Delta after collecting runoff in the 1,195 square miles of the San Joaquin River basin"

https://www.mantecabulletin.com/news/local-news/water-under-the-bridge-is-problem-for-manteca/

To better understand the continuing issues affecting the Terra Land Group 230 acre property (ie. APN #241-320-60, 241-330-32 and 241-330-33), please see attachments 1,2,3 and 4 for continuing issues complicated by developers interactions with the City of Manteca and SSJID prior to Martin Harris involvement in 2014 that continue to be unresolved today (2025)) (Also see attachment #5 for 27 each HIRT owned LLC entity property ownership list.) (Note: 18 of those properties situated in flood prone areas along the South Delta and currently used for farming, residences and commercial/industrial purposes)

I am happy to meet and discuss.

Letter P1

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Letter P1 **Martin Harris, Manteca William & Lucille Harris Irrevocable Trust (HIRT)**
Response January 21, 2026

A total of 4 e-mails that included attachments were submitted by the commenter. See Responses to Letters P1 through P4. Attachments to each e-mail are included in Appendix A of this Final EIR.

Response to Comment P1-1

The commenter asserts that there are additional cumulative impacts for known projects that were not considered in the Draft EIR; therefore, the commenter proposes "an alternative levee extension routing and provisions to guard against uncontrolled urbanization to ensure full funding support from all project federal and state sponsors."

The remainder of this e-mail discusses a variety of issues that are not related to any significant impacts of the Project; therefore, no response is required. In addition, a total of five attachments were provided to this e-mail. These attachments are included in Appendix A of the Final EIR and do not address the content or conclusions of the Draft EIR therefore no responses are required.

From: Marty Harris
To: Ryan Curry
Cc: nzarif@sjgov.org; Rickman, Robert [BOS]; styrrell@sjgov.org; Valenzuela, Maria [BOS]; Dhaliwal, Sonny [BOS]; Kelly, Beckett [BOS]; Sanchis, Claudia [BOS]; Representative Josh Harder; Reyna, Joel; Marc Nolan; kjorgensen@manteca.gov; Buchman, Fritz [PW]; marlinda.martinez@sjgov.org; CNeudeck@ksninc.com; ngmplcs@pacbell.net; pamforbus@sbcglobal.net; Danielle Barney; Karim.Kentfield@doj.ca.gov; DWR CVFPBQuestions; Michael.Wright@cvflood.ca.gov; Andrea.Buckley@cvflood.ca.gov; Yiguo.Liang@cvflood.ca.gov; Jit.Dua@cvflood.ca.gov; Hightower, Jeffrey [LAFCO]; Josh Harris; Jacob Harris; Rob Harris; Marc Nolan
Subject: Email #2: Public Comment - UFRR Draft EIR
Date: Wednesday, January 21, 2026 12:58:22 PM
Attachments: Attachment #1a.pdf
Attachment #1b.pdf
Attachment #1c.pdf
Attachment #2 (7).pdf
Attachment #3 (7).pdf
Attachment #4 (7).pdf
Attachment #5 (7).pdf
Attachment #6 (7).pdf
Attachment #7 (7).pdf
Attachment #8 (7).pdf
Attachment #9 (7).pdf

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #2

Dear Project Team Members,

To begin, I would like to address the comments made to the Mossdale Tract Urban Flood Risk Reduction Project NOP (ie. Notice of Project).

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected.

For reasons beyond my control, for some time now, I have had US Mail that was meant to be directed to or shared with me diverted to others which has affected my ability to respond to the NOP directly.

Notice of previously sent emails to SJAFCA to consider in determining total cumulative impacts as previously presented

For this reason, I would like the Project Team Members to consider three letters that I sent in 2021 (as an authorized representative for Terra Land Group and copied to SJAFCA executive director Chris Elias) as sufficient information for SJAFCA and associated Team Members to understand the importance for total scope for the UFRR Project. (see emails included as Attachment #1 (1a, 1b, and 1c) sent to Mark Niskanen; Reclamation District #17, SJAFCA and others in 2021) (more email letters available upon request) P2-1

Section 4.3 of the UFRR covers cumulative projects (This Martin Harris comment is meant to P2-2

document for the record that projects and related impacts stated in the UFRR appear to be understated) (Martin Harris recommends revisions to the cumulative impacts analysis to include additional past, present, and foreseeable future projects within the UFRR that were not fully considered).

1. Over the past 9 years, apparent movement of soil on or to developing UFRR properties has already affected historic drainage and created back water drainage blockage effects to non-developing properties proposed in the UFRR to be recharacterized as multi-benefit components in and adjacent to the proposed project area.

2. Inclusion of all drainage impacts related to City of Ripon planned expansion as documented in Ripon 2040 General Plan Update (see attachments #2)

3. What appears to be other Projects/Plans that would prove more beneficial when considered along with the new Martin Harris proposed southerly levee extension alternative directed South to Perrin Road.
    i. Central Valley Flood Protection Plan (CVFPP) - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ii. San Joaquin River Basin Lower San Joaquin River, CA Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iii. Lower San Joaquin River Urban Protection Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iv. San Joaquin River Restoration Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    v. Delta Conveyance Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vi. Smith Canal Closure Structure - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vii. Paradise Cut - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    viii. CALFED Levee Stability Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ix. Oxbow Preserve - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    x. Agreements to Support Healthy Rivers and Landscapes - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document

4. May 23, 2022 NOP comments made by Central Valley Regional Water Quality Control Board/Source: Appendix "A" of UPRR: Notice of possible regulatory issues with a high

P2-2 cont.

potential to adversely affect future regulatory compliance and unaffordable compliance costs for adjacent multi-benefit properties outside the UFRR project area.

a. Likely regulatory assistance and funding needed for Formation of Basin Plan
b. Likely regulatory assistance and funding needed for Construction of Storm Water discharge permit
c. Likely regulatory assistance and funding needed for Clean Water Act Section 404 permitting
d. Likely regulatory assistance and funding needed for Clean Water Act Section 401 permitting
e. Likely dewatering permitting shall be needed due to back water effects of UFRR
f. Possible NPDES permitting due to high water table and anticipated back water effects of UPRR

P2-2 cont.

The UFRR Draft EIR Section 4.4 of the document Cumulative Impact Approach to Analysis compels Martin Harris to propose a Southern UFRR levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal surveyed lands indicating areas considered to be swamp and overflow. (ie. The Martin Harris proposed alternative appears to be more beneficial and provide better use of sponsor funding) (see attachment #3)

P2-3

Redetermine the significance of the proposed project's cumulative impacts, as provided for in Section 4.4 of UFRR

With this new proposed South UFRR levee extension alternative in mind, I respectfully request that the Project Team reevaluate its 3 step cumulative impact process and include the adjacent multi-benefit components area and Ripon planned urban expansion areas into the proposed project area.

• "Section 4.4 of the UFRR states: First, the extent of the cumulative impacts without the proposed project was evaluated to determine whether a significant cumulative impact on a resource would exist in the future. To do so, the combined effects of the past, present, and probable future projects listed in Table 4-1 were evaluated to determine whether there would be a significant cumulative impact." (Martin Harris comment: Needs to include all Ripon and adjacent multi-benefit component areas)

• "Second, a determination was made regarding whether the proposed project's incremental contribution to any significant cumulative impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects (CEQA Guidelines Section 21083)."

P2-4

• "Third, a determination was made as to whether mitigation measures would be required to reduce the proposed project's contribution to the cumulative impact to a less-than-considerable level, thus resulting in a less-than-significant cumulative impact. If not, then the cumulative impact would remain significant and unavoidable." (Martin Harris comment: The long promised expansion of Paradise Cut needs to be honored and fulfilled in associated with the estimated 110,000 CFS (plus) high volume San Joaquin River flows estimates by Dante Nomellini (Reclamation District #17) made to the San Joaquin County Board of Supervisors with Martin Harris, Ray Quaresma and Chris Neudeck in attendance on 11/7/2017)

Cumulative Impacts

Cumulative impacts take on a much greater importance and is supported by Section 4.1 of the UFRR which states:

"This chapter describes the CEQA requirements for the analysis of cumulative impacts, the geographic scope and timeframe for cumulative analysis, existing conditions context for past activities, related projects, and the potential cumulative impacts the proposed project. As described in Chapter 2, Project Description, the proposed project would include the construction; O&M of flood risk reduction and multi-benefit components in and adjacent to the proposed project area, which are summarized below. Specifically, the following are the primary components of the proposed project:

P2-4 cont.

1. Fix-in-place improvements with habitat enhancement and revegetation
2. Dryland levee extension
3. Ecosystem restoration at multiple sites
4. Recreational features along the levee system

CEQA requires that an EIR assess the cumulative environmental impacts of a project when the project's incremental effect is "cumulatively considerable." An EIR must assess the cumulative impacts of a project with respect to past, current, and probable future projects in the region. Section 15355 of the CEQA Guidelines defines "cumulative effects" as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." According to CEQA Guidelines Section 15130(b), the purpose of the cumulative impacts discussion is to reflect "the severity of the impacts and their likelihood of occurrence," and the discussion shall "be guided by the standards of practicality and reasonableness."

The CEQA Guidelines further indicate that the discussion of cumulative impacts should include all of the following information:

• "Either (a) a list of past, present, and probable future projects producing related cumulative impacts or (b) a summary of projections in an adopted general plan or similar document, or an adopted or certified environmental document, that described or evaluated conditions contributing to a cumulative impact.

• A discussion of the geographic scope of the area affected by the cumulative effect.

• A summary of the environmental effects expected to be produced by these projects.

• Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects."

P2-4 cont.

Chapter 4 includes Section 4.5.11 which states:

"The proposed dryland levee extension would introduce a new levee segment that would redirect flood flows away from people and property in the proposed project area potentially displacing the water elsewhere in the proposed project area and vicinity. However, the affected areas would experience in general 0.1 to 3 feet of inundation that would be temporarily ponded and would reduce in depth and area over a short period of time (up to 5 days). Therefore, the proposed project's contribution to long-term cumulative impacts to hydrology and water quality would be less than considerable."

Martin Harris back water effects comment: (Tuff Boy Sales 2014 and 2018 written objections)

Tuff Boy Sales attorney Michael Babitzke Comments made in a 4/22/2014 Sustainable Communities Strategies Public Comment letter to SJCOG clearly state that objects placed in floodways may result in backwater effects on upgradient properties.

In this way, Michael Babitzke in 2014 indirectly stated Tuff Boy Sales objections to taking on any more water at the Tuff Boy 5151 Almondwood location. (see attachment #4 for January 2023 trailer parking photos at 5151 Almondwood location depicting the effects of rising storm water on site as affected by heavy rains and impeded percolation issues on sandy soil adjacent to SSJID Drain #11 as it runs along the North boundary of the Tuff Boy Almondwood property)

On 3/7/2018, Josh Harris (Tuff Boy Sales CEO) wrote a letter to SJAFCA stating concerns about Manteca flood protection planned changes, including slurry walls, affecting the Tuff Boy Sales 5151 Almondwood Trailer manufacturing and parking facilities ability to avoid having its operations either; (i) inundated by higher levels of flood waters during San Joaquin River (and associated tributaries) high river channel flow events or (ii) impacted by higher levels of ground water affecting the operation (and percolation) of its 2015 NONA permitted storm water ponds due to slurry walls impeding subsurface ground water flows typical for sandy soil in the region (see attachment #5)

P2-5

Page 4-16 of the UFRR states:

"The proposed project is consistent with the San Joaquin County General Plan, the cities of Stockton, Lathrop, and Manteca General Plans and Zoning Codes, as well as regional planning frameworks such as the Regional Blueprint, 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP), and the Land Use and Resources Management Plan (LURMP). Compliance with these policies ensures that the proposed project would not conflict with adopted plans, zoning, or land use policies. Therefore, although cumulative projects presented in Table 4-1 in combination with the proposed project would result in a cumulatively significant impact, the proposed project's contribution to land use consistency would be less than cumulatively considerable."

Question by Martin Harris: (private protective flood berm floodwater displacement effects and changes to elevations of back water to unbermed multi-benefit properties)

Did the Project Team consider flood impacts represented to be .1 to 3 feet when considering that in 2017 many South Manteca properties were hiring excavator contractors to install protective flood levee berms around their properties further impacting potential flood elevations to other non-bermed properties? If so, where is that information included in the UFRR EIR draft document? (see attachment #6) (Note: to avoid impacting and raising flood water elevations on our neighbors, Tuff Boy made a decision not to place protective flood protection berms around its 5151 Almondwood facility in 2017)

P2-5 cont.

Martin Harris comment:

When considering that the City of Manteca's urban growth is dependent on shared use of Ripon Unified Public Schools and, Fire and EMS service (Ripon consolidated Fire District's North Ripon Road Fire station continues to remain unstaffed), and increased dependency on traffic circulation utilizing West Ripon Road, I do not see how increased City of Ripon storm water drainage anticipated to be drained by means of SSJID drainage facilities through the multi-benefit component areas affected by this UFRR project can be ignored and not included in the UFRR Cumulative Impacts analysis (see attachment #7 for 8/19/2024 email chain detailing public comments to Ripon Planning Department in relation to the City of Ripon 6th Cycle Housing Element Draft update)

Martin Harris back water effects comment:

Over the past 9 years, local South County Property owners have observed that authorities have allowed developers to raise the elevation of South City of Manteca Developing Properties in a manner that already has created drainage blockages and backwater effects on upgradient so called multi-benefit component UFRR properties as well as those in Reclamation District #2096. (Weatherbee Lake) (see attachment #8 for levee height raises performed by

Reclamation District #17 to the section of existing Reclamation District #17 levee currently situated along the boundaries of Terra Land Group owned APN 241-330-33 and 241-320-60 (see annotated map showing surveyors documented increases to elevations attached)

My request for a more expansive Cumulative Impact Approach to analysis is supported by deficiencies in the UFRR Document which fail to address the Cumulative Impact Approach to Analysis called for in section 4.4 of the UFRR and the Cumulative Impact Analysis called for in section 4.5.

P2-5 cont.

Martin Harris call for mitigation comment:

Since it appears that very significant land elevation increases have resulted from development approvals over the past 9 years, I believe the UFRR is short sided and fails to consider the full extent of probable future projects that were not included in the cumulative analysis.
I also believe that irreversible back water drainage impacts have already been created by City of Manteca Urban Expansion (affecting a wide range of multi-benefit component properties both identified and separated in the UFRR) and are in need of immediate mitigation to offset even higher drainage and flood inundation impacts when considering the City of Ripon's recently updated General Plan and planned urban expansion. (see attachment #2)

P2-6

Forms of relief being considered by local authorities that appear to be most likely to be implemented in association with the Martin Harris newly proposed UFRR Draft EIR Southern levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal Surveyed lands separating Federal Surveyed Areas from swamp and overflow and extending to the San Joaquin River (USACE 404 permitted) levee in the area close to Perrin Road

1. 1000' weir proposed by KSN and discussed with Reclamation District 2075 (RD 2075) on West side of the San Joaquin River (Left Bank) in the areas able to feed. (i) Banta Carbona Irrigation District; and (ii) Paradise cut expanded volume canal.
2. Potentially re-routing Reclamation District 2075 and 2064 McMullin water rights delivery channel to convey water to its districts with primary RD 2075 delivery running parallel to Perrin Road and directed towards the proposed weir and a secondary delivery conveyance system allowing sustainable water deliveries to Walthall Slough and District farm properties receiving water from the water delivery canal running along and parallel to Manteca Road.
3. Brocchini Cut: mitigating high water flows in the Stanislaus River by bypassing water through the McMullin water rights delivery channel (RD 2075/ RD 2064) to and through Reclamation District 2075 to an outlet that can both feed and align with San Joaquin River discharges to the 1000' weir and to Banta Carbona and/or Paradise Cut. (see

P2-7

attachment #9)

4. Omission of Turtle Beach Relief Cut: the UFRR appears to completely negate and omit any future use of the Turtle Beach USACE Levee Flood Prevention Relief Cut in Reclamation District 2096. Proposed changes to location and direction of the RD 2075 McMullin water delivery channel to the right bank of the San Joaquin River opposite the 1000' weir outlet area allowing drainage into the San Joaquin River opposite to the Banta Carbona Irrigation District water intake location shall best allow to mitigate for the omission of the Turtle Beach Levee Relief cut high River flow relief drainage option previously utilized by Reclamation District #17 to mitigate flood water inundation pressures to the so-called adjacent multi-benefit components area properties targeted to be subjected to back-water effects of Lathrop and Manteca urban expansion.

P2-7 cont.

Executive Summary and Environmental settling concerns: I will make Martin Harris levee extension alternative placement comparisons to beneficial uses and reduced cumulative impacts as compared to those offered in the UFRR in my next email which will focus on UFRR sections titled Executive Summary and Environmental Settings.

P2-8

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin Couty Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)
2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.

3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2
4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3
5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River
7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: Follow-Up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project
9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting
10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update- Manteca Dryland levee Extension Project
11. Various letters from Alex Hildebrand

Letter P2 Response **Martin Harris, Manteca William & Lucille Harris Irrevocable Trust (HIRT)** January 21, 2026

Please note that while the comment noted that mail meant to be direct to or shared with the commenter had been diverted to others, it does not allege that SJAFCA failed to provided required CEQA notifications. A total of 11 attachments were provided to this e-mail. These attachments are included in Appendix A of the Final EIR and do not address the content or conclusions of the Draft EIR therefore no responses are required. In addition, this e-mail also notes "other references" that are not related to any significant impacts of the Project; therefore, no response is required.

Response to Comment P2-1

The comment is noted and will be included as part of the record for the proposed project.

As noted in response to P1-1, the commenter asserts that there are additional cumulative impacts for known projects that were not considered in the Draft EIR; therefore, the commenter proposes "an alternative levee extension routing and provisions to guard against uncontrolled urbanization to ensure full funding support from all project federal and state sponsors."

Response to Comment P2-2

As noted in response to P1-1, the commenter asserts that there are additional cumulative impacts for known projects that were not considered in the Draft EIR; therefore, the commenter proposes "an alternative levee extension routing and provisions to guard against uncontrolled urbanization to ensure full funding support from all project federal and state sponsors."

This comment does not address the proposed project evaluated in the Draft EIR. The comment presents an alternative alignment and requests that the cumulative analysis be reconsidered based on this alternative that takes into consideration the adjacent multi-benefit components area and the planned urban expansion areas of the City of Ripon that are located in the proposed project area.

CEQA does not require that a cumulative impact analysis be conducted for an alternative to the proposed project. CEQA also does not require an evaluation of projects/plans that would "prove more beneficial" when considered along with an alternative to the project. According to CEQA Guidelines Section 15130(b), the purpose of the cumulative impacts discussion is to reflect "the severity of the impacts and their likelihood of occurrence," and the discussion shall "be guided by the standards of practicality and reasonableness." The cumulative impact analysis presented in Chapter 4, *Cumulative Impacts*, evaluates the cumulative environmental impacts of the proposed project for which the project's incremental effect is "cumulatively considerable." In accordance with CEQA, the analysis assessed the cumulative impacts of the proposed project with respect to past, current, and probable future projects in the region (presented in Table 4-1, Projects Included in the Cumulative Impact Analysis.

In addition, as described in Section 4.2, Cumulative Context and Approach, subsection 4.2.1, Geographic Scope, the geographic scope of analysis varies depending on the type of environmental issue being considered, but in general the geographic scope is defined by the proposed project area described in Chapter 2, *Project Description* and as shown in Figure 2-1. As described in Chapter 2, Section 2.2, Project

Location, the proposed project area covers portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County. It includes RD 17, the proposed project area, and areas to the west along the San Joaquin River identified for the potential development of ecosystem restoration features. The City of Ripon, including its planned expansion, is not in the proposed project area and therefore, development associated with the planned expansion is not included in the proposed project cumulative impact analysis. Impacts of development associated with the City of Ripon's expansion area would be addressed in the appropriate environmental clearance document for the 2040 General Plan Update.

Response to Comment P2-3

This comment does not address the proposed project evaluated in the Draft EIR. This comment presents an alternative alignment proposed by the commenter, "a southern UFRR levee extension alternative running south and parallel ½ mile west of Airport Way along the border of 1860's federal and non-federal surveyed lands indicating areas considered to be swamp and overflow". This alignment would not meet the overall objective of the proposed project.

As described in Chapter 2, *Project Description* subsection 2.3 Project Objectives, the overall objective of the proposed project is to provide increased public safety benefits by rehabilitating, improving, and constructing flood risk reduction infrastructure to achieve a 200-year urban level of flood protection (ULOP) for the Mossdale Tract area (proposed project area). The proposed project achieves this objective because project components, including the proposed dryland levee extension, prevent floodwaters from entering the area during the project design flood event.

Hydraulic analyses completed for the proposed project indicate that during the design flood event, significant overbank flows would occur upstream of a north–south alignment along the right bank of the Stanislaus River and on the San Joaquin River near the confluence of the San Joaquin and Stanislaus Rivers. Therefore, overbank flows would occur upstream of the alignment proposed by the commentor (which is a north-south alignment), and floodwaters would flank around a levee following this alignment and would continue flowing north inundating the proposed project area. In addition, portions of Lathrop and Manteca would also be inundated. As a result, the alignment proposed by the commenter would not prevent flooding within the proposed project area and would therefore not achieve the overall objective of the proposed project. It would not provide increased public safety benefits by rehabilitating, improving, and constructing flood risk reduction infrastructure to achieve a 200-year ULOP.

Response to Comment P2-4

This comment does not address the proposed project evaluated in the Draft EIR. See response P2-2. As described in response P2-2, CEQA does not require that a cumulative impact analysis be conducted for an alternative to the proposed project. The cumulative impact analysis presented in Chapter 4, *Cumulative Impacts*, adequately evaluates the cumulative environmental impacts of the proposed project for which the project's incremental effect is "cumulatively considerable." In accordance with CEQA, the analysis assessed the cumulative impacts of the proposed project with respect to past, current, and probable future projects in the region (presented in Table 4-1, Projects Included in the Cumulative Impact Analysis. This list presents an adequate list of projects to assess potential cumulative impacts within the geographic scope of each resource topic presented in subsections 4.5.1 through 4.5.19. For all resource topics, cumulative

impacts for which the proposed project's contribution was assessed were determined to be significant. Adding additional projects would not result in a different conclusion for any of the resource topics.

Response to Comment P2-5

This comment does not address the proposed project evaluated in the Draft EIR. The additional information provided does not address the proposed project evaluated in the Draft EIR. See also responses P2-1 through P2-3.

Response to Comment P2-6

This comment does not address the proposed project evaluated in the Draft EIR. Impacts associated with development by the City of Manteca or the City of Ripon would be the subject of separate CEQA analysis prepared by these jurisdictions. Any mitigation would be recommended in those CEQA documents.

Response to Comment P2-7

This comment does not address the proposed project evaluated in the Draft EIR. The additional information provided does not address the proposed project evaluated in the Draft EIR. See also responses P2-1 through P2-3 and P2-6.

Response to Comment P2-8

Comment noted. See responses to Letter P3.

Letter P3

Outlook

Re: Email #3: Public Comment - UFRR Draft EIR

From Marty Harris <martyharris5151@gmail.com>
Date Fri 1/23/2026 4:12 PM
To Ryan Curry <Ryan.Curry@sjafca.org>
Cc nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>

8 attachments (11 MB)

Attachment #1 (8).pdf; Attachment #2 (8).pdf; Attachment #3 (8).pdf; Attachment #4 10-16-18 Phelan Lathrop Gateway specific Plan Amendment and Site Plan Review.pdf; Attachment #5 10-22-18 Permitting and expansion of three storm water drainage outfall structures along San Joaquin River.pdf; Attachment #6 12-18-18 Phelan Lathrop Gateway specific Plan Amendment and site Plan Review.pdf; Attachment #7 (8).pdf; Attachment #8 (8).pdf;

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #3

Dear Project Team Members,

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected

Due to the UFRR's complete disregard for considering the total range of cumulative impacts and associated foreseeable projects that need to be considered, on 1/21/2026, Martin Harris submitted a second Public Comment email for the UFRR Draft EIR and stated:

"The UFRR Draft EIR Section 4.4 of the document Cumulative Impact Approach to Analysis compels Martin Harris to propose a Southern UFRR levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal surveyed lands indicating areas considered to be swamp and overflow." (see attachment #1) (The Martin Harris proposed levee extension alternative appears to be more beneficial and provide better use of sponsor funding than the eastern levee extension alternative proposed in the UFRR Document.)" P3-1

The purpose of this third Public Comment email for the UFRR Draft EIR is to expand on the cumulative impact concerns stated in the two previous Martin Harris UFRR public comment emails while offering a comparative impact analysis (assuming Paradise Cut sufficient expansion) detailing what appears to be

lower impacts on the proposed Martin Harris Southerly levee extension alternative placement versus the higher back water inundation area impacts described in the UFRR Draft EIR document.

Impacts and Mitigating Assumptions:

Forms of relief being considered by local authorities that appear to be most likely to be implemented and eligible for government assistance funding in association with the Martin Harris newly proposed UFRR Draft EIR Southern levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal Surveyed lands boundary separating Federal Surveyed Areas from swamp and overflow lands and extending to the San Joaquin River (USACE 404 permitted) levee in the area close to Perrin Road

1. 1000' weir proposed by KSN and discussed with Reclamation District 2075 (RD 2075) on West side of the San Joaquin River (Left Bank) in the areas able to feed. (i) Banta Carbona Irrigation District; and (ii) Paradise cut expanded volume canal. (see 2011 annotated OES map included as attachment #2)
2. Potentially re-routing Reclamation District 2075 and 2064 McMullin water rights delivery channel to convey water to its districts with primary RD 2075 delivery running parallel to Perrin Road and directed towards the proposed weir and a secondary delivery conveyance system allowing sustainable water deliveries to Walthall Slough and District farm properties receiving water from the water delivery canal running along and parallel to Manteca Road.(see 2011 annotated OES map included as attachment #2)
3. Brocchini Cut: mitigating high water flows in the Stanislaus River by bypassing water through the McMullin water rights delivery channels (RD 2075/ RD 2064) to and through Reclamation District 2075 to an outlet that can both feed and align with San Joaquin River discharges to the 1000' weir and to Banta Carbona and/or Paradise Cut. (see 2011 annotated OES map included as attachment #2)
4. Omission of Turtle Beach Relief Cut: the UFRR appears to completely negate and omit any future use of the Turtle Beach USACE Levee Flood Prevention Relief Cut in Reclamation District 2096. Proposed changes to location and direction of the RD 2075 McMullin water delivery channel to the right bank of the San Joaquin River opposite the 1000' weir outlet area allowing drainage into the San Joaquin River opposite to the Banta Carbona Irrigation District water intake location shall best allow to mitigate for the omission of the Turtle Beach Levee Relief cut high River flow relief drainage option previously utilized by Reclamation District #17 to mitigate flood water inundation pressures to the so-called adjacent multi-benefit components area properties targeted to be subjected to back-water effects of Lathrop and Manteca urban expansion. (Martin Harris comment: The long promised expansion of Paradise Cut needs to be honored and fulfilled in associated with the estimated 110,000 CFS (plus) high volume San Joaquin River flows estimated by Dante Nomellini (Reclamation District #17) made to the San Joaquin County Board of Supervisors with Martin Harris, Ray Quaresma and Chris Neudeck in attendance on 11/7/2017) (see 2011 annotated OES map included as attachment #2)

P3-1 cont.

Other likely areas for government assistance funding needed for properties with operations affected by the UFRR:

1. Over the past 9 years, apparent movement of soil on or to developing UFRR properties has already affected historic drainage and created back water drainage blockage effects to non-developing properties proposed in the UFRR to be recharacterized as multi-benefit components in and adjacent to the proposed project area.

2. Inclusion of all drainage impacts related to City of Ripon planned expansion as documented in Ripon 2040 General Plan Update (see attachments #3)

3. What appears to be other Projects/Plans that would prove more beneficial when considered along with the new Martin Harris proposed southerly levee extension alternative directed South along the 1860's Federal Government designated swamps and overflow boundary to Perrin Road. USACE Levee (see attachment #1)
    i. Central Valley Flood Protection Plan (CVFPP) - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ii. San Joaquin River Basin Lower San Joaquin River, CA Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iii. Lower San Joaquin River Urban Protection Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iv. San Joaquin River Restoration Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    v. Delta Conveyance Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vi. Smith Canal Closure Structure - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vii. Paradise Cut - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    viii. CALFED Levee Stability Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ix. Oxbow Preserve - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    x. Agreements to Support Healthy Rivers and Landscapes - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document

4. <u>May 23, 2022 NOP comments made by Central Valley Regional Water Quality Control Board/Source: Appendix "A" of UPRR:</u> Notice of possible regulatory issues with a high potential to adversely affect future regulatory compliance and unaffordable compliance costs for adjacent multi-benefit properties outside the UFRR project area.
    a. Likely regulatory assistance and funding needed for Formation of Basin Plan
    b. Likely regulatory assistance and funding needed for Construction of Storm Water discharge permit
    c. Likely regulatory assistance and funding needed for Clean Water Act Section 404 permitting
    d. Likely regulatory assistance and funding needed for Clean Water Act Section 401 permitting
    e. Likely dewatering permitting shall be needed due to back water effects of UFRR
    f. Possible NPDES permitting due to high water table and anticipated back water effects of UPRR

P3-1 cont.

<u>Environmental setting, Impacts (including City of Ripon Planned Urban Expansion), and Mitigation Measures</u>

<u>3.2 Aesthetics</u>
<u>3.2.2 Environmental setting</u>

<u>Martin Harris Comment:</u> Forcing the levee east in a manner to avoid homes and other infrastructure already in place seems non-sensical and out of place with the surroundings as compared to directing the levee South as per the Martin Harris proposed levee placement alternative which both respects and aligns with 1860's flood drainage history by recognizing areas designated by Federal Surveyors as swamp and overflow.

P3-2

<u>3.9 Geology</u>
<u>3.9.2 Environmental setting</u>

Section 3.9.2 of the UFRR states: "Alluvium deposits located East of the San Joaquin river originate from eroded silica-based volcanic and granitic materials (sand)"

Fire and EMS response to sandy soil regions on or about 2017: A grass fire was set on the southern portion of the Cerri developing property (241-320-20) located south of the RD 17 dryland levee and in the City of Manteca. Manteca Fire District firefighters responded and had their fire suppression engine vehicle get stuck in what was characterized as beach sand common to that area. I spoke with trusted representatives directly from both the Manteca Fire Department and the Lathrop-Manteca Rural Fire Department (LMFD) following the incident and learned that the Lathrop-Manteca Rural Fire District (LMFD) who historically were the primary responders to that area had invested in heavier drive train running gear on a portion of their fire engines designated for LMFD Station #32 (Union/Nile Garden School Fire Station) to allow those fire response vehicles to better navigate through sandy areas (typical for swap and flow areas) in the region. Those same Lathrop-Manteca Rural Fire District representatives further indicated that the Manteca Fire Department's Fire response equipment was not equipped to travel through beach sand areas common to that area.

Martin Harris Comment: it appears that directing the levee South as per Martin Harris proposed levee placement alternative along with expanding Paradise Cut is a safer long term solution and supports critical infrastructure already in place.

3.12 Hydrology and water quality

Page 3.12-16 of the UFRR states: "DWR analysis predict that climate change impacts on the San Joaquin River system will be extreme in the next 50 years, which will only further exacerbate existing problems, including degradation of ecosystem habitat.

P3-2 cont.

San Joaquin County General Plan

Page 3.12-16 of the UFRR states:

"**San Joaquin County General Plan**

The San Joaquin County 2035 General Plan (San Joaquin County 2016) include goals and policies related to hydrology and water quality that are relevant to the proposed project. Goals and policies are found in the Public Health and Safety Element and the Natural and Cultural Resources Element. The goals emphasize protection of people and property from flood hazards, and protection of the quality of water for municipal and industrial uses, agriculture, recreation, and fish and wildlife. Other goals aim to protect Delta water supplies for agricultural uses and ecosystems enhancement and improve overall Delta water quality, and maintain Delta levees and infrastructure to provide safety and security to residents, visitors, and agricultural resources."

Martin Harris comment:

Undersized Lathrop warehouse storage ponds

In 2018, I personally attended both Central Valley Flood Protection Board and Lathrop Planning Commission meetings and commented to the authorities governing those respective meetings that storm water drainage collection pond deficiencies in South Lathrop exist and may result in very significant flood and other hydrology -related impacts being created to Lathrop, Ripon, and South Manteca properties located outside of the areas to be protected by the 200 year flood protections plan. (see attachments #4. #5, and #6 for emails sent on 10/16/2018, 10/22/2018 and 12/18/2018)

Slurry cutoff walls

Page 3.12-35 of the UFRR states:

"As another example, slurry cutoff walls[2] would be constructed at the levee centerline to depths that would tie into existing lower permeability soil layers below the permeable material. The dryland levee extension also includes a deep cutoff wall, approximately 17,800 feet in length. Cutoff walls are designed

to reduce levee through-seepage and under seepage by providing a barrier of low-permeability material within the higher permeability materials in the levee and levee foundation. The slurry cutoff walls could create barriers to groundwater inflow and outflow potentially affecting groundwater levels. Similarly, seepage berms that address shallow foundation and/or levee embankment through-seepage would alter the permeability and potentially affect groundwater levels."

Guarding against levee placement along beach sand areas directly blocking and in direct 90° opposition to the natural direction of groundwater flows:
As illustrated in the Martin Harris email #2 comment letter submitted on 1/21/2026 (see attachment #7 for Tuff Boy 5151 Almondwood stormwater primary and secondary stormwater retention ponding areas clearly impacted by impeded percolation during high saturation water events last experienced in January 2023), it appears that placing slurry walls into the subsurface areas beneath a levee directly placed in direct 90° opposition to the natural direction of ground water flows will lead to slower rates of percolation and increased potential for greater back-water and flooding to the multi-benefit component areas of the UFRR adjacent flood water inundation areas to be affected.

Martin Harris Comment:
It appears that the Martin Harris proposed southerly extension of the existing levee along the swamp and overflow boundary line would better align with the courses of both the San Joaquin and Stanislaus Rivers and deflect rather than obstruct natural ground water flows while offering equitable flood protection for all

3.13 Land Use Planning
3.13.2 Environmental setting
Protecting long term Property uses

P3-2 cont.

Martin Harris Comment: By utilizing the Martin Harris proposed UFRR levee extension alternative, it appears that habitat, recreation and farming uses can best be implemented and protected while protecting rights and continued access to water resources supporting our area.

3.15 Public Services
3.15.2 Environmental setting
Page 3.15-1 of the UFRR states: The Lathrop- Manteca Fire District has several fire stations located close to the southwestern portion of the proposed project components.

Martin Harris Comment: What about Lathrop-Manteca Fire Station #32 (Union Road just South of Nile Garden School) which responded to my granddaughter's pool accident on August 3, 2010 and was key to saving her life.

3.17 Transportation and Circulation
3.17.2 Environmental Setting

City of Manteca
Page 3.17-2 of the UFRR states: "Airport Way is a North/South arterial ... two-lane local road"

Martin Harris Comment:
Page 3.17-2 of the UFRR understates the importance of Airport Way which is the only means of crossing the San Joaquin River from South Manteca which makes Airport way a major escape and emergency services route. Directing the UFRR levee extension South and parallel ½ mile West of Airport Way as proposed by Martin Harris alternative levee extension routing would protect this important arterial

roadway and ensure safe public and Emergency Services Response during flood events and other emergencies.

3.19 Utilities and Service Systems

3.19.2 Environmental Setting (Stormwater)

Page 3.19-3 of the UFRR states:

"The City of Manteca operates and maintains a storm drain system to control stormwater and protect residents and business from flooding and stormwater damage. The City of Manteca's system includes approximately 150 miles of pipelines, 52 pump stations, and 54 detention basins. SSJID owns a complex network of irrigation laterals and drains that run within the City of Manteca where the city pumps stormwater, which is conveyed to the San Joaquin River either directly or via the French Camp Outlet Canal. An agreement between the City of Manteca and SSJID requires that the city monitor stormwater discharge to SSJID facilities to make sure that facility capacities are not exceeded. The City of Manteca is also required to control stormwater quality to meet applicable regulations (City of Manteca 2022)."

Martin Harris Comment:

It appears that the French Camp Outlet Canal is at capacity and it also appears that SSJID Drains #10 and #11 may no longer be able to drain into Walthall Slough as currently doing upon implementation of the UFRR. The cumulative impacts of this become even more important when considering the City of Ripon's planned expansion.

Martin Harris proposed SSJID Storm Water drainage alternative

Considering Martin Harris southernly proposed UFRR levee alternative extension to Perrin Road, Martin Harris proposes that SSJID redirect SSJID Drain #11 to extend from its current route as it runs along the north boundary of the Tuff Boy 5151 Almondwood facility and continue on that course straight through the Martin Harris proposed UFRR levee alternative extension and continue straight to the San Joaquin River right bank opposite the proposed 1000' weir (assuming that Paradise Cut shall be expanded according to Dante Nomellini November 7, 2017 statements to San Joaquin County Board of Supervisors) (see attachment #8)

P3-2 cont.

Cumulative impacts

In this way, SSJID facilities can be expanded to handle greater amount of storm water anticipated to be generated by City of Ripon in combination with continued City of Manteca urban expansion.

3.20 Wildfires

3.20.2 Environmental Setting

Page 3.20-1 of the UFRR states:

"**Emergency Evacuation Plans**

San Joaquin is exposed to many hazards, all of which have the potential to disrupt the community, causing damage, and casualties. Please natural hazards include floods, extreme weather, and fires."

Martin Harris Comment:

Fire and EMS response to sandy soil regions: On or about 2017, a grass fire was set on the southern portion of the Cerri developing property (241-320-20) located south of the RD 17 dryland levee and in the City of Manteca. Manteca Fire District firefighters responded and had their fire suppression engine vehicle get stuck in what was characterized as beach sand common to that area. I spoke with trusted representatives directly from both the Manteca Fire Department and the Lathrop-Manteca Rural Fire Department (LMFD) following the incident and learned that the Lathrop-Manteca Rural Fire District

(LMFD) who historically were the primary responders to that area had invested in heavier drive train running gear on a portion of their fire engines designated for LMFD Station #32 (Union/Nile Garden School Fire Station) to allow those fire response vehicles to better navigate through sandy areas (typical for swap and flow areas) in the region. Those same Lathrop-Manteca Rural Fire District representatives further indicated that the Manteca Fire Department's Fire response equipment was not equipped to travel through beach sand areas common to that area.

P3-2 cont.

Executive Summary

Page ES-1 of the UFRR EIR Document states:
" **ES.1 Introduction**
The San Joaquin Flood Control Agency (SJAFCA) proposed to implement the Mossdale Tract Urban Flood Risk Reduction Project (UFRR or proposed project) to provide increased public safety benefits by rehabilitating and improving flood management infrastructure for the 22,400-acre Mossdale Tract area (proposed project area), which includes Reclamation District 17 (RD 17) and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County. Pursuant to the California Environmental Quality Act (CEQA), SJAFCA is the lead agency and has prepared this draft environmental impact report (EIR) to analyze potentially significant environmental effects of the proposed project and other actions associated with construction and operation of the proposed project.

ES.2 Objectives of the Proposed Project
The general objective of the proposed project is to provide increased public safety benefits by rehabilitating, improving, and construction flood risk reduction infrastructure to achieve a 200-year urban level of flood protection (ULOP) for the Mossdale Tract area. The objectives include the following:

- Improve long-term operation, maintenance, repair, rehabilitation, and replacement over time.
- Modernize the flood risk reduction infrastructure to accommodate future performance and climate change resiliency goals identified in the Central Valley Flood Protection Plan and in SJAFCA's Climate Change Adaptation Policy.
- Implement a multi-benefit flood risk reduction project that: (1) improves ecological function and habitat in the flood system, and (2) contributes additional societal benefits such as recreation where feasible.

ES.3 Project Areas
The proposed project area covers 22,400 acres, RD 17 (16,110 acres), and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County (see Figure ES-1)."

Page ES-4 of the UFRR Document describes multi-benefit component of the inundation area and further states:
"**ES 4.2 Multi-Benefit Components**
Ecosystem Restoration - The proposed project would locate undeveloped land on the water side of the levee system to create ecosystem restoration sites. Parcels of land are currently under investigation for meeting restoration criteria based on existing land habitats, elevations, and other opportunities for gaining natural ecosystem functions appropriate for the lower San Joaquin River. Because the locations and designs of these ecosystem restoration sites are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

Recreational Features Along the Levee System - This component would develop recreational features, including recreational paths, along the top of levee and landslide toe. Because the locations and design of this component are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

In addition to the proposed project, the EIR will evaluate up to two variants to the proposed project that will include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project."

Finally, page ES-8 of the UFRR document provides and summary of impacts and mitigation measures for the proposed project.
"**ES.8 Summary of Impacts**
Table ES-1 presents a summary of the impacts and mitigation measures identified for the proposed project evaluated in the DRAFT EIR. The complete impact statements and mitigation measures are presented in the resource sections in Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures.* The level of significance for each impact was determined using thresholds of significance presented in each resource section of Chapter 3. Significant impacts are those adverse environmental impacts that meet or exceed the standards of significance; less-than-significant impacts would not exceed the standards of significance. For each impact identified, Table ES-1 presents the following information:

- The environmental impact statement.
- The level of significance before mitigation for each proposed project component: S – Significant; LS – Less than Significant; NI – No Impact.
- For significant impacts, recommended mitigation measures. Each mitigation measure identifies which proposed project component that it applies to using the following abbreviations:

  – Flood Risk Reduction Components – FRR.

  – Ecosystem Restoration Sites 13, 14, and 16 – RS.

  – Other Multi-Benefit Components – MB.
- For significant impacts, the level of significance after mitigation for the applicable proposed project component (LSM – Less than Significant after Mitigation; SU – Significant and Unavoidable)."

Martin Harris Comment:

The UFRR document included a summary of impacts and mitigation measures as included in TABLE ES-1

1. **3.4 Air Quality**
   3.4-2, 3.4-3, and 3.4-5 potential increase in criteria pollutants

   Martin Harris Comment: by use of Martin Harris proposed South levee extension alternative, chronic/prolonged exposure to dust and mold pollutants is expected to be significantly decreased.

2. **3.12 Hydrology and Water Quality**
   3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6

P3-3

Martin Harris Comment: by use of (i) Martin Harris proposed south levee extension alternative, known water quality and drainage flaws in the area can be corrected to best meet Sustainable Water Plan directives of SGMA (ii) Risks associated with the proposed South levee extension alternative project are significantly less risky to release pollutants as compared to the UFRR east levee alternative extension (and flood water inundation) plan (see attachment #7).

3. **3.13 Land Use and Planning**

   Martin Harris comment: it appears that any obstacles or impacts related to Land Use Planning Environmental Setting Impacts 3.13-1 & 3.13-2 will be better served & significantly reduced by following the Martin Harris proposed southern levee extension alternative levee placement alternative.

4. **3.15 Public Services:**

   Martin Harris Comment: Fire and EMS response services meeting impacts called for in 3.15-1 and providing timely response to fires, medical emergencies, and violent crimes shall be best served by protecting key road infrastructure like Airport way which is best served by following the proposed Martin Harris southern levee extension route to Perrin Road. (with Paradise Cut expansion)

5. **3.17 Transportation and Circulation use of major roadways and arterials**

   Martin Harris Comment: for impact 3.17-1 and 3.17-4 same comment as 3.15 Public Services

6. **3.19 Utilities and Service Systems SSJID water delivery and drainage services as included in the UFRR in ES 3.19-1 & 3.19-2**

   Martin Harris Comment: Corrective changes to SSJID delivery and drainage infrastructure locations in association with following the Martin Harris southern levee extension alternative to Perrin Road will finally correct long overdue changes to SSJID water delivery and drainage infrastructure to the South Manteca areas.
   However, those SSJID infrastructure changes shall only prove to be more effective and result in less overall impacts if made in conjunction with the Martin Harris proposed southern levee alternative placement in association with the long promised expansion of the Paradise Cut bypass canal as estimated to the San Joaquin Board of Supervisors by Dante Nomellini on November 7, 2017 to need 110,000 (plus) CFS of San Joaquin River Flow Volume by passing the primary flow of the San Joaquin River.

P3-3 cont.

3.20 Wildfire

Significant risks to downstream flooding

The UFRR Environmental Setting Impacts 3.20-4 states Implementation of the proposed project may expose people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability, or drainage changes.

Martin Harris Comment:

I personally have interviewed many people in South Manteca over the past 9 years and I can declare with certainly that no one in the South Manteca region wants to be targeted with being subjected to increased levels of storm water and flood water affecting their quality of life and ability to make a living. With that in mind, I believe that it is time for the long-promised expansion (110,000 plus CFS) of Paradise Cut to be constructed as part of any proposed UFRR project to be considered. That will require

the approval of all affected property owners on the west side of the San Joaquin River and along the expanded Paradise Cut Bypass channel footprint. I trust that this has already been completed. P3-3 cont.

Martin Harris Final Comment: I am opposed to the UFRR eastern levee extension. P3-4

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin Couty Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)
2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.
3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2
4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3
5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River
7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director)

Letter P3

Re: Follow-Up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.

8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project
9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting
10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update- Manteca Dryland levee Extension Project
11. Various letters from Alex Hildebrand

From: Marty Harris <martyharris5151@gmail.com>
Sent: Wednesday, January 21, 2026 12:57 PM
To: Ryan Curry <ryan.curry@sjafca.org>
Cc: nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>; Andrea.Buckley@cvflood.ca.gov <Andrea.Buckley@cvflood.ca.gov>; Yiguo.Liang@cvflood.ca.gov <Yiguo.Liang@cvflood.ca.gov>; Jit.Dua@cvflood.ca.gov <jit.dua@cvflood.ca.gov>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Marc Nolan <marc.nolan@doj.ca.gov>
Subject: Email #2: Public Comment - UFRR Draft EIR

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #2

P3-5

Dear Project Team Members,

To begin, I would like to address the comments made to the Mossdale Tract Urban Flood Risk Reduction Project NOP (ie. Notice of Project).

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected.

For reasons beyond my control, for some time now, I have had US Mail that was meant to be directed to or shared with me diverted to others which has affected my ability to respond to the NOP directly.

Letter P3

Notice of previously sent emails to SJAFCA to consider in determining total cumulative impacts as previously presented

For this reason, I would like the Project Team Members to consider three letters that I sent in 2021 (as an authorized representative for Terra Land Group and copied to SJAFCA executive director Chris Elias) as sufficient information for SJAFCA and associated Team Members to understand the importance for total scope for the UFRR Project. (see emails included as Attachment #1 (1a, 1b, and 1c) sent to Mark Niskanen; Reclamation District #17, SJAFCA and others in 2021) (more email letters available upon request)

Section 4.3 of the UFRR covers cumulative projects (This Martin Harris comment is meant to document for the record that projects and related impacts stated in the UFRR appear to be understated) (Martin Harris recommends revisions to the cumulative impacts analysis to include additional past, present, and foreseeable future projects within the UFRR that were not fully considered).

1. Over the past 9 years, apparent movement of soil on or to developing UFRR properties has already affected historic drainage and created back water drainage blockage effects to non-developing properties proposed in the UFRR to be recharacterized as multi-benefit components in and adjacent to the proposed project area.

2. Inclusion of all drainage impacts related to City of Ripon planned expansion as documented in Ripon 2040 General Plan Update (see attachments #2)

3. What appears to be other Projects/Plans that would prove more beneficial when considered along with the new Martin Harris proposed southerly levee extension alternative directed South to Perrin Road.
    i. Central Valley Flood Protection Plan (CVFPP) - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ii. San Joaquin River Basin Lower San Joaquin River, CA Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iii. Lower San Joaquin River Urban Protection Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iv. San Joaquin River Restoration Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    v. Delta Conveyance Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vi. Smith Canal Closure Structure - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vii. Paradise Cut - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    viii. CALFED Levee Stability Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ix. Oxbow Preserve - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    x. Agreements to Support Healthy Rivers and Landscapes - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document

4. May 23, 2022 NOP comments made by Central Valley Regional Water Quality Control Board/Source: Appendix "A" of UPRR: Notice of possible regulatory issues with a high potential to adversely affect future regulatory compliance and unaffordable compliance costs for adjacent multi-benefit properties outside the UFRR project area.
    a. Likely regulatory assistance and funding needed for Formation of Basin Plan

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b. Likely regulatory assistance and funding needed for Construction of Storm Water discharge permit
c. Likely regulatory assistance and funding needed for Clean Water Act Section 404 permitting
d. Likely regulatory assistance and funding needed for Clean Water Act Section 401 permitting
e. Likely dewatering permitting shall be needed due to back water effects of UFRR
f. Possible NPDES permitting due to high water table and anticipated back water effects of UPRR

The UFRR Draft EIR Section 4.4 of the document Cumulative Impact Approach to Analysis compels Martin Harris to propose a Southern UFRR levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal surveyed lands indicating areas considered to be swamp and overflow. (ie. The Martin Harris proposed alternative appears to be more beneficial and provide better use of sponsor funding) (see attachment #3)

Redetermine the significance of the proposed project's cumulative impacts, as provided for in Section 4.4 of UFRR

With this new proposed South UFRR levee extension alternative in mind, I respectfully request that the Project Team reevaluate its 3 step cumulative impact process and include the adjacent multi-benefit components area and Ripon planned urban expansion areas into the proposed project area.

• "Section 4.4 of the UFRR states: First, the extent of the cumulative impacts without the proposed project was evaluated to determine whether a significant cumulative impact on a resource would exist in the future. To do so, the combined effects of the past, present, and probable future projects listed in Table 4-1 were evaluated to determine whether there would be a significant cumulative impact." (Martin Harris comment: Needs to include all Ripon and adjacent multi-benefit component areas)

• "Second, a determination was made regarding whether the proposed project's incremental contribution to any significant cumulative impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects (CEQA Guidelines Section 21083)."

• "Third, a determination was made as to whether mitigation measures would be required to reduce the proposed project's contribution to the cumulative impact to a less-than-considerable level, thus resulting in a less-than-significant cumulative impact. If not, then the cumulative impact would remain significant and unavoidable." (Martin Harris comment: The long promised expansion of Paradise Cut needs to be honored and fulfilled in associated with the estimated 110,000 CFS (plus) high volume San Joaquin River flows estimates by Dante Nomellini (Reclamation District #17) made to the San Joaquin County Board of Supervisors with Martin Harris, Ray Quaresma and Chris Neudeck in attendance on 11/7/2017)

Cumulative Impacts

Cumulative impacts take on a much greater importance and is supported by Section 4.1 of the UFRR which states:

"This chapter describes the CEQA requirements for the analysis of cumulative impacts, the geographic scope and timeframe for cumulative analysis, existing conditions context for past activities, related projects, and the potential cumulative impacts the proposed project. As described in Chapter 2, Project Description, the proposed project would include the construction; O&M of flood risk reduction and multi-benefit components in and adjacent to the proposed project area, which are summarized below. Specifically, the following are the primary components of the proposed project:

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1. Fix-in-place improvements with habitat enhancement and revegetation

2. Dryland levee extension

3. Ecosystem restoration at multiple sites

4. Recreational features along the levee system

CEQA requires that an EIR assess the cumulative environmental impacts of a project when the project's incremental effect is "cumulatively considerable." An EIR must assess the cumulative impacts of a project with respect to past, current, and probable future projects in the region. Section 15355 of the CEQA Guidelines defines "cumulative effects" as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." According to CEQA Guidelines Section 15130(b), the purpose of the cumulative impacts discussion is to reflect "the severity of the impacts and their likelihood of occurrence," and the discussion shall "be guided by the standards of practicality and reasonableness."

The CEQA Guidelines further indicate that the discussion of cumulative impacts should include all of the following information:

• "Either (a) a list of past, present, and probable future projects producing related cumulative impacts or (b) a summary of projections in an adopted general plan or similar document, or an adopted or certified environmental document, that described or evaluated conditions contributing to a cumulative impact.

• A discussion of the geographic scope of the area affected by the cumulative effect.

• A summary of the environmental effects expected to be produced by these projects.

• Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects."

Chapter 4 includes Section 4.5.11 which states:
"The proposed dryland levee extension would introduce a new levee segment that would redirect flood flows away from people and property in the proposed project area potentially displacing the water elsewhere in the proposed project area and vicinity. However, the affected areas would experience in general 0.1 to 3 feet of inundation that would be temporarily ponded and would reduce in depth and area over a short period of time (up to 5 days). Therefore, the proposed project's contribution to long-term cumulative impacts to hydrology and water quality would be less than considerable."

Martin Harris back water effects comment: (Tuff Boy Sales 2014 and 2018 written objections)
Tuff Boy Sales attorney Michael Babitzke Comments made in a 4/22/2014 Sustainable Communities Strategies Public Comment letter to SJCOG clearly state that objects placed in floodways may result in backwater effects on upgradient properties.
In this way, Michael Babitzke in 2014 indirectly stated Tuff Boy Sales objections to taking on any more water at the Tuff Boy 5151 Almondwood location. (see attachment #4 for January 2023 trailer parking photos at 5151 Almondwood location depicting the effects of rising storm water on site as affected by heavy rains and impeded percolation issues on sandy soil adjacent to SSJID Drain #11 as it runs along the North boundary of the Tuff Boy Almondwood property)

On 3/7/2018, Josh Harris (Tuff Boy Sales CEO) wrote a letter to SJAFCA stating concerns about Manteca flood protection planned changes, including slurry walls, affecting the Tuff Boy Sales 5151 Almondwood Trailer manufacturing and parking facilities ability to avoid having its operations either; (i) inundated by higher levels of flood waters during San Joaquin River (and associated tributaries) high river channel flow

events or (ii) impacted by higher levels of ground water affecting the operation (and percolation) of its 2015 NONA permitted storm water ponds due to slurry walls impeding subsurface ground water flows typical for sandy soil in the region (see attachment #5)

Page 4-16 of the UFRR states:
"The proposed project is consistent with the San Joaquin County General Plan, the cities of Stockton, Lathrop, and Manteca General Plans and Zoning Codes, as well as regional planning frameworks such as the Regional Blueprint, 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP), and the Land Use and Resources Management Plan (LURMP). Compliance with these policies ensures that the proposed project would not conflict with adopted plans, zoning, or land use policies. Therefore, although cumulative projects presented in Table 4-1 in combination with the proposed project would result in a cumulatively significant impact, the proposed project's contribution to land use consistency would be less than cumulatively considerable."

Question by Martin Harris: (private protective flood berm floodwater displacement effects and changes to elevations of back water to unbermed multi-benefit properties)
Did the Project Team consider flood impacts represented to be .1 to 3 feet when considering that in 2017 many South Manteca properties were hiring excavator contractors to install protective flood levee berms around their properties further impacting potential flood elevations to other non-bermed properties? If so, where is that information included in the UFRR EIR draft document? (see attachment #6) (Note: to avoid impacting and raising flood water elevations on our neighbors, Tuff Boy made a decision not to place protective flood protection berms around its 5151 Almondwood facility in 2017)

Martin Harris comment:
When considering that the City of Manteca's urban growth is dependent on shared use of Ripon Unified Public Schools and, Fire and EMS service (Ripon consolidated Fire District's North Ripon Road Fire station continues to remain unstaffed), and increased dependency on traffic circulation utilizing West Ripon Road, I do not see how increased City of Ripon storm water drainage anticipated to be drained by means of SSJID drainage facilities through the multi-benefit component areas affected by this UFRR project can be ignored and not included in the UFRR Cumulative Impacts analysis (see attachment #7 for 8/19/2024 email chain detailing public comments to Ripon Planning Department in relation to the City of Ripon 6th Cycle Housing Element Draft update)

Martin Harris back water effects comment:
Over the past 9 years, local South County Property owners have observed that authorities have allowed developers to raise the elevation of South City of Manteca Developing Properties in a manner that already has created drainage blockages and backwater effects on upgradient so called multi-benefit component UFRR properties as well as those in Reclamation District #2096. (Weatherbee Lake) (see attachment #8 for levee height raises performed by Reclamation District #17 to the section of existing Reclamation District #17 levee currently situated along the boundaries of Terra Land Group owned APN 241-330-33 and 241-320-60 (see annotated map showing surveyors documented increases to elevations attached)

My request for a more expansive Cumulative Impact Approach to analysis is supported by deficiencies in the UFRR Document which fail to address the Cumulative Impact Approach to Analysis called for in section 4.4 of the UFRR and the Cumulative Impact Analysis called for in section 4.5.

Martin Harris call for mitigation comment:
Since it appears that very significant land elevation increases have resulted from development approvals over the past 9 years, I believe the UFRR is short sided and fails to consider the full extent of probable

future projects that were not included in the cumulative analysis.
I also believe that irreversible back water drainage impacts have already been created by City of Manteca Urban Expansion (affecting a wide range of multi-benefit component properties both identified and separated in the UFRR) and are in need of immediate mitigation to offset even higher drainage and flood inundation impacts when considering the City of Ripon's recently updated General Plan and planned urban expansion. (see attachment #2)

Forms of relief being considered by local authorities that appear to be most likely to be implemented in association with the Martin Harris newly proposed UFRR Draft EIR Southern levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal Surveyed lands separating Federal Surveyed Areas from swamp and overflow and extending to the San Joaquin River (USACE 404 permitted) levee in the area close to Perrin Road

1. 1000' weir proposed by KSN and discussed with Reclamation District 2075 (RD 2075) on West side of the San Joaquin River (Left Bank) in the areas able to feed. (i) Banta Carbona Irrigation District; and (ii) Paradise cut expanded volume canal.
2. Potentially re-routing Reclamation District 2075 and 2064 McMullin water rights delivery channel to convey water to its districts with primary RD 2075 delivery running parallel to Perrin Road and directed towards the proposed weir and a secondary delivery conveyance system allowing sustainable water deliveries to Walthall Slough and District farm properties receiving water from the water delivery canal running along and parallel to Manteca Road.
3. Brocchini Cut: mitigating high water flows in the Stanislaus River by bypassing water through the McMullin water rights delivery channel (RD 2075/ RD 2064) to and through Reclamation District 2075 to an outlet that can both feed and align with San Joaquin River discharges to the 1000' weir and to Banta Carbona and/or Paradise Cut. (see attachment #9)
4. Omission of Turtle Beach Relief Cut: the UFRR appears to completely negate and omit any future use of the Turtle Beach USACE Levee Flood Prevention Relief Cut in Reclamation District 2096. Proposed changes to location and direction of the RD 2075 McMullin water delivery channel to the right bank of the San Joaquin River opposite the 1000' weir outlet area allowing drainage into the San Joaquin River opposite to the Banta Carbona Irrigation District water intake location shall best allow to mitigate for the omission of the Turtle Beach Levee Relief cut high River flow relief drainage option previously utilized by Reclamation District #17 to mitigate flood water inundation pressures to the so-called adjacent multi-benefit components area properties targeted to be subjected to back-water effects of Lathrop and Manteca urban expansion.

Executive Summary and Environmental settling concerns: I will make Martin Harris levee extension alternative placement comparisons to beneficial uses and reduced cumulative impacts as compared to those offered in the UFRR in my next email which will focus on UFRR sections titled Executive Summary and Environmental Settings.

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

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Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin Couty Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)
2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.
3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2
4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3
5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River
7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: Follow-Up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project
9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting
10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update- Manteca Dryland levee Extension Project
11. Various letters from Alex Hildebrand

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From: Marty Harris <martyharris5151@gmail.com>
Sent: Wednesday, January 21, 2026 12:50 PM
To: Ryan Curry <ryan.curry@sjafca.org>
Cc: nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>; Andrea.Buckley@cvflood.ca.gov <Andrea.Buckley@cvflood.ca.gov>; Yiguo.Liang@cvflood.ca.gov <Yiguo.Liang@cvflood.ca.gov>; Jit.Dua@cvflood.ca.gov <jit.dua@cvflood.ca.gov>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Marc Nolan <marc.nolan@doj.ca.gov>
Subject: Email #1: Opening Public Comment - UFRR Draft EIR

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #1

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Dear Project Team Members,

Background information related to UFRR comments being submitted in three or more emails
After repeated actions by my William and Lucille Harris Trust Estate co-trustees, co-manager, and business partners that has impeded my involvement, I contacted Josh Harder and Jerry McNerney's offices to assist me in gaining my right to participation in the Mossdale Tract Urban Flood Risk Reduction Project Draft EIR public comment process and I am thankful for their assistance.

Limited Authority:
To set the frame work that I will be commenting within, it is important that I advise you that I am writing in my limited authority position as a minority co-trustee for the William & Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected by the Mossdale Tract Urban Flood Risk Reduction Project. Please accept this email #1 as my first of 3 or more total emails that I plan on submitting.

Comments to include a proposed alternative levee extension routing to address unconsidered projects & effect on cumulative impacts.
Also please be advised that due to additional cumulative impacts for known projects that were not considered in the circulated Draft UFRR (City of Ripon planned Urban Expansion), my total collective group of email comments shall include an alternative levee extension routing & provisions to guard against uncontrolled urbanization to ensure full funding support from all project federal & state sponsors.

Background information related to Martin Harris
My name is Martin Harris. I am 73 years old, graduated from Cal Poly with an engineering degree and had the pleasure of working side by side with my parents (William and Lucille Harris) for over 50 years.

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My Father (William Harris) passed away in October 2012. Following his death, I became concerned about a number of suspect issues affecting: (i) our family property boundaries, (ii) lack of notice to City of Manteca meetings affecting our family properties, (iii) apparent lost 80,000# Truck Vehicle and EMS response access rights to Terra Land Group owned parcels 241-330-32, 241-330-33 and 241-320-60. (see attachment #1 for 3/24/2014 letter to Manteca Planning Commission detailing my efforts to both understand and correct the growing list of suspect issues confronting me)

As a result, in 2014, Lucille Harris and I hired Lee Smith (Weintraub-Tobin) law firm to assist me in dealing with the issues identified in my 3/24/2014 letter to the Manteca Planning Commission. (see attachments for vehicle access and other water mitigation issues as presented to local authorities)

In 1997, both my home and business were flooded:
I have strong recollections and opinions, and engineering backed knowledge on 1955, 1997 and 2017 San Joaquin River high water channel flows that affected the Lathrop and South Manteca areas.

February 2017 Martin Harris Reclamation District 2075 Levee Watch Patrolling Experiences
In February 2017, I volunteered for late night mobile vehicle watch patrol to Reclamation District 2075 levees looking for boils in the area known as the Pocket (totaling 800 acres) which was in the area that beached on January 7, 1997 and a few days after my watch that same general area of the levee breached again on February 20, 2017. Please note that on the night of my watch, the San Joaquin River was flowing at 40,600 CFS and well below the 52,000 CFS original design capacity set when upstream reservoirs (Melones and Don Pedro) were reconstructed.

What I remember most, was how spongy the levee was to drive on which I suspect was what the UFRR Draft Environmental Impact Report document describes as a point nearing liquidifaction. The spongy status of the levee experienced during my levee watch patrol resulted in my immediate resignation the following day over safety concerns.

I reported this to RD 2075 Board Members Brian Mizuno and Ray Quaresma and followed that statement by informing them that due to safety concerns, I was not interested in driving on that levee again.

It appears that January 2023 high water flows and erosion (especially in the area that the Stanislaus and San Joaquin Rivers converge) and resulting sedimentation have further reduced channel capacity and created a higher potential for RD 2075 levee liquidifaction and levee failures.

With high water flows once again running down the San Joaquin River channel in January 2023, I suspect that continuing erosion to the levees and resulting sedimentation has further reduced San Joaquin River channel flow capacity and increased chances for levee breaches in areas protecting RD 2075 and other affected properties.

In 2010, Lathrop Manteca Rural Fire Department Emergency Medical Responders rushed to my south Manteca Rural home and provided critical care to my 2 year old granddaughter who had stopped breathing after inhaling a significant amount of water in a swimming pool accident at our home.
As a result, I am supportive of our emergency medical care responders and have attended many local and county authority public meetings as well as responded with detailed comments to environment comment solicitations from local and State and Federal authorities.

Staffing the currently unstaffed Ripon North Ripon Fire Station?
I am also strongly in favor of staffing the Ripon (North Ripon Road) unstaffed fire station and ensuring that all development provides for adequate medical emergency response services and proper storm

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water retention and safe drainage. This station staffing is necessary to lessen and separate the City of Ripon's dependency on requiring Fire and EMS responses by the City of Manteca.

Other Shared services involving Manteca and Ripon

Adding to my concerns that a more thorough cumulative impact analysis is necessary. Please be advised that both Ripon and Manteca also: (i) share pubic school educational services by designating Urban Areas of South Manteca be accepted and enrolled with the Ripon Unified School District; and (ii) share drainage facilities operated by SSJID which drain into the multi-benefit component areas in or adjacent to the UFRR project.

First time ever, I have been fired

In 2024, my 2 sons, Joshua & Jacob Harris along with myself were all fired from Tuff Boy (5151 Almondwood, Manteca) in what appears to be an effort to break up the trust(s) that my parents (William & Lucille Harris) created. As the former Risk manager (including operations Flood Safety and Storm Water NONA Permit management) for Tuff Boy Sales, my termination has resulted in various employee workplace, vehicle safety & drainage safety compliance concerns being reported internally and to state authorities.

Excerpts from a recent letter that deserves a fair and equitable level of attention

"Hello everyone,

Email communication in favor of performing a flood and stormwater drainage environmental review investigation of Tuff Boy Sales Inc (TBS) and HIRT Trustees for prejudicial shared services actions involving properties in low elevation areas prone to flooding that appears shall unequitably benefit majority control stakeholders while disadvantaging other beneficial and minority interests affected by those prejudicial shared services actions.

It appears Water Under the Bridge is a problem for Manteca: (and Tuff Boy)

On Friday, November 21, 2021, the Manteca Bulletin published a front page News Article titled "Water Under the Bridge is a Problem for Manteca."

French camp outlet study accepted by SSJID in 2021 is getting a city of Manteca relook at conclusions:

"The South San Joaquin Irrigation District — that owns and maintains the outlet canal that they have allowed much of the city to drain into — more than six years ago noted a need to address outlet capacity based on Manteca's continued growth.

The city agreed and a hydrology study was done to determine what improvements were needed.

The study was completed in 2021. The SSJID accepted the study but the city wanted to relook at the conclusions. That is as far as the outlet study apparently got in terms of devising a game plan and then implementing it.

It is important to remember the French Camp outlet was designed and built to address agricultural needs only when Manteca had less than 2,000 residents.

That means it was designed only to handle any excessive flows from canals during the irrigation as well as runoff in the wet season that makes its way into the canals when there are no irrigation water deliveries."

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Martin Harris comment #1/No "Project Authorization" was requested or approved in an email sent by W/L Harris Irrevocable Family Trust (HIRT) Majority control trustees on 2/21/2025, HIRT Majority control trustees responded and stated:

"I've had some time to reflect on the comments you, Martin Harris (minority control trustee) made at yesterday's meeting. You expressed a belief that the 800+ letters that were generated as part of your company-funded letter-writing campaigns had great value.

More than two years ago, after numerous opportunities to view your work products, and after hearing the expert opinions of real estate attorneys and land use consultants, The HIRT majority control interests clearly stated that we believe your past letters and "informational" campaigns were unhelpful and, on balance, counterproductive.

That's why the HIRT majority control interests voted in July 2021 to prohibit trustee spending and the use of company names for your unauthorized campaigns, and why, in 2024, we formally restated the limits of an individual co-manager's power in our memorandum titled "Reminder: Terms of Operating Agreements and Laws Governing California Corporations" (attachment upon request)

Martin Harris response

Due to what appears to be a defective Tuff Boy Sales/HIRT/WLHFT shared services agreement (OASSA) executed only by HIRT majority control interests in 2023, and considering that those majority control interests are paid employees of Tuff Boy Sales, I can't help but question: Where will the liability fall for any breaches of fiduciary duty due to management actions and/or non-actions? By TBS? By HIRT? Or by one or more of the HIRT owned LLCs?

The French Camp outlet is the lowest elevation of the three outlets the SSJID operates

"The French Camp outlet is one of three outlets the SSJID operates.

It is also the lowest elevation outlet and the one that essentially drains the most land in the district including its biggest urbanized area — Manteca except for the southwest portion of the city.

The city is currently working on an effort to send runoff water from southwest Manteca to the San Joaquin River at a point to the west of the Oakwood Shores gated community. That outlet project, when it first surfaced more than eight years ago and before southwest Manteca development took off, carried a $14 million price tag.

Until the outlet is in place, excessive water from the storm basins in southwest Manteca flows into a temporary retention basin developers put in place.

Compounding the problem in southwest Manteca is the water table in various locations is as high as three feet."

Martin Harris comment #2/Two key points that need to be considered in relation to the majority control interests decision to prohibit letter writing campaigns which ultimately resulted in restating the limits on managers powers (and apparent increases to liabilities affecting both Tuff Boy and the Trust(s))

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1. See 11/13/2023 email sent by Martin Harris detailing a July 1, 2021 meeting with HIRT attorney Chris Engh and how the trustees are to avoid conflicts of interest. The email goes on to detail @ November 9, 2023 meeting (conducted by our consultant) and calls out certain majority control trustees conflicts of interests and the need of those trustees to recuse herself on voting for any issues that may serve to benefit those trustees personal property development interests. (attachment available upon request)

   800 letters and still no flood and drainage relief in sight

   Clearly the drainage challenges facing the French Camp outlet canal (as addressed in many of the 800 letters that Tuff Boy management under the watch of consultants and majority control interests blocked my access and ability to utilize during the time that the SSJID French Camp Outlet Study was performed in 2021) are in need of further investigation and review, including those purported conflicts of interest detailed in the 11/13/23 email to ensure that TLG property rights are properly defended and protected. Most important, I believe that TLG's ability to protect its right to vehicle access, legally recorded boundaries, surface water, ground water, and protection from flood impacts that clearly look to be increased by San Joaquin River channel drainage flow impedances caused by increasing amounts of storm water runoff from the developing areas both North and South of TLG APN's #241-330-32, 241-330-33, + 241-320-60 (as well as Tuff Boy properties APN 226-060-13, 14, 15,16,17,18) which appears to have been negatively affected by the majority control interests July 2021 order blocking co-managers power and abilities to defend TLG and other HIRT and WLHFT Trust property rights. (ie. WLHP, WLHR, MGR, SRH, WLHFT) I do not believe that it was William and Lucille Harris' intention when they wrote the Operating Agreements to block co-managers power to defend our family's property rights. (attachment upon request)

2. As a TLG LLC manager, Section 5.4 of the Operating Agreement grants managers conditional liability protections and specifically states:

   5.4 Performance of Duties; Liability of Manager. A Manager shall not be liable to the Company or to any Member for any loss or damage sustained by the Company or any Member, unless the loss or damage shall have been the result of fraud, deceit, gross negligence, reckless or intentional misconduct, or a knowing violation of law by the Manager. The Manager shall perform their managerial duties in good faith, in a manner they reasonably believe to be in the best interests of the Company and its Members, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs the duties of Manager shall not have any liability by reason of being or having been a Manager of the Company.

   In performing their duties, the Manager shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, of the following persons or groups unless they have knowledge concerning the matter in question that would cause such reliance to be unwarranted and provided that the Manager acts in good faith and after reasonable inquiry when the need therefor is indicated by the circumstances:

   Section 5.4 also indirectly calls attention to managers/trustees duty to take protective action in the event a conflicted officer/manager/trustee fails to recuse themselves

   I believe that fiduciary duty to recuse themselves in the event of a conflict applies as is provided for in all HIRT owned LLC Operating Agreements and justifies my managerial right and duty to take corrective action.

Letter P3

5.10 B Limitations on Powers of Manage Subject to Section 5.3B and any restrictions imposed by the Manager, any officer, acting alone, is authorized to endorse checks, drafts, and other evidences of indebtedness made payable to the order of the Company, but only for the purpose of deposit into the Company's accounts. All checks, drafts, and other instruments obligating the Company to pay money in an amount less than TEN THOUSAND DOLLARS ($10,000) may be signed by any one officer, acting alone. All checks, drafts, and other instruments obligating the Company to pay money in an amount of TEN THOUSAND DOLLARS ($10,000) or more must be signed on behalf of the Company by any two (2) officers acting together. Any two (2) officers acting together, shall be authorized to sign contracts and obligations on behalf of the Company

Other limitations on Power of manager

Section 5.3 B. Limitations on Power of Manager. Notwithstanding any other provisions of this Agreement, the Manager shall not have authority hereunder to cause the Company to engage in the following transactions without first obtaining the affirmative vote or written consent of a Majority Interest (or such greater Percentage Interests set forth below) of the Members:

(i) The sale, exchange or other disposition of all, or substantially all, of the Company's assets occurring as part of a single transaction or plan, or in multiple transactions over a twelve (12) month period, except in the orderly liquidation and winding up of the business of the Company upon its duly authorized dissolution, shall require the affirmative vote or written consent of Members holding at least seventy-five percent (75%) in Percentage Interests;

(ii) The merger of the Company with another limited liability company or limited partnership shall require the unanimous affirmative vote or written consent of the Manager Member and a majority affirmative vote or written consent of the Members; provided in no event shall a Member be required to become a general partner in a merger with a limited partnership without his express written consent or unless the agreement of merger provides each Member with the dissenter's rights described in the Act;

(iii) The merger of the Company with a corporation or a general partnership or other Person shall require the affirmative vote or written consent of the Manager Members and a majority affirmative vote or written consent of the Members;

(iv) The establishment of different classes of Members;

(v) An alteration of the primary purpose or business of the Company as set forth in Section 2.7;

(vi) Transactions between the Company and one or more of the Manager or Members or one or more of any Manager's or Member's Affiliates, or transactions in which one or more Managers or Members, or one or more of any Manager's or Member's Affiliates, has a material financial interest;

(vii) Without limiting subsection (vi), the lending of money by the Company to any Manager, Member, or officer;

(viii) Any act which would make it impossible to carry on the ordinary business of the Company;

(ix) The confession of a judgment against the Company;

(x) To file a bankruptcy petition on behalf of the Company; and

Letter P3

(xi) Any other transaction described in this Agreement as requiring the vote, consent, or approval of the Members.

Question: What liabilities are being created, and what insurance coverage protections are in place to protect all beneficial interests that may be affected? What conflicts does TBS have when considering its fiduciary duties to HIRT as required by its role under the TBS/HIRT/WLHFT/SRH shared services agreements?

Lack of an adopted project for either the Oakwood Lake outlet or improving the French Camp outlet

"High tides can undermine ability of outlet to move water while the city has been able to make sure developers put in place storm

retention basins in addition to storm drains on their dime, the lack of an adopted project for either the proposed Oakwood Lake outlet or improving the French Camp Outlet means growth likely isn't covering the financial impact of infrastructure costs that will be needed to move storm runoff from neighborhoods they build to the San Joaquin River.

There is also another limiting factor that comes with the city's storm runoff basically joining the San Joaquin River to a point northwest of the community of French Camp.

High tides can push up water levels in the Delta.

The is what happened when high tide occurred during a substantial period of rainfall in January of 2023.

Water lingered in some retention basins close to a week following the last rain drop.

Keep in mind, Manteca represents only a small sliver of the San Joaquin and Sacramento River basins that drain into the Delta.

It also needs to account for its geographic location as being at the river's lowest point of elevation when it reaches the Delta after collecting runoff in the 1,195 square miles of the San Joaquin River basin"

https://www.mantecabulletin.com/news/local-news/water-under-the-bridge-is-problem-for-manteca/

To better understand the continuing issues affecting the Terra Land Group 230 acre property (ie. APN #241-320-60, 241-330-32 and 241-330-33), please see attachments 1,2,3 and 4 for continuing issues complicated by developers interactions with the City of Manteca and SSJID prior to Martin Harris involvement in 2014 that continue to be unresolved today (2025)) (Also see attachment #5 for 27 each HIRT owned LLC entity property ownership list.) (Note: 18 of those properties situated in flood prone areas along the South Delta and currently used for farming, residences and commercial/industrial purposes)

I am happy to meet and discuss.

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

Letter P3

(former residence before 2017 levee breach and associated flood evacuation: 22911 Olean er, Manteca, CA)

Letter P3 Response **Martin Harris, Manteca William & Lucille Harris Irrevocable Trust (HIRT)**
January 23, 2026

A total of eight attachments were provided to this e-mail. These attachments are included in Appendix A of the Final EIR and do not address the content or conclusions of the Draft EIR therefore no responses are required. In addition, this e-mail also notes "other references" that are not related to any significant impacts of the Project; therefore, no response is required.

Response to Comment P3-1

This comment does not address the proposed project evaluated in the Draft EIR. The comment presents an alternative alignment. See response to P2-3. As described in response to P2-3, the alignment proposed by the commenter would not prevent flooding within the proposed project area and would therefore not achieve the overall objective of the proposed project. It would not provide increased public safety benefits by rehabilitating, improving, and constructing flood risk reduction infrastructure to achieve a 200-year ULOP.

Response to Comment P3-2

This comment does not address the proposed project evaluated in the Draft EIR. The comment addresses analysis of potential impacts associated with the commenter's proposed alternative alignment. See response to P3-1.

See also responses to P2-2, P2-3, P2-4 and P2-6.

Response to Comment P3-3

This comment does not address the proposed project evaluated in the Draft EIR. The comment addresses analysis of potential impacts associated with the commenter's proposed alternative alignment. See response to P3-1. See also response to P2-3.

Response to Comment P3-4

The comment addresses the merits of the proposed project and does not address the adequacy or content of the Draft EIR; therefore, no further response is required. It will be included as part of the record for the proposed project.

Response to Comment P3-5

See responses to Letter P2.

Response to Comment P3-6

See Responses to Letter P1.

Letter P4

Outlook

Re: Email #4: Public Comment - UFRR Draft EIR

From Marty Harris <martyharris5151@gmail.com>
Date Mon 2/2/2026 10:21 AM
To Ryan Curry <Ryan.Curry@sjafca.org>
Cc nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>

6 attachments (7 MB)

Attachment #1 SSJID 2014 approved drain 10 piped undercrossing.pdf; Attachment #2 4-28-80 Deeed Buyer - Boyce Seller - Harris-Bonzi.pdf; Attachment #3 2025 WL Harris Family Irrevocable HIRT trust property 241-330-32, 241-330-33, 241-330-34, 241-320-60 access issues.pdf; Attachment #4 2014 WL Harris Family Irrevocable HIRT trust 241-330-22,241-330-33,241-330-34,241-320-60 acecss issues.pdf; Attachment #6 APN 241-330-32 water pumping plant infrastructure.pdf; Attachment #7 Meeting Request With SSJID (2).pdf;

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #4

Dear Project Team Members,

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected
To ensure proper oversight by SJAFCA as well as full consideration of any and all increases to cumulative impacts to be created, I have included this SSJID meeting request email to be included (see attachment #7) as part of my four (4) total public comment letters presented in response to the UFRR Draft EIR pubic circulation document. P4-1

I continue to oppose the Eastern RD17 Levee Alternative Extension. P4-2

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated floor evacuation: 22911 Oleander, Manteca, CA)

Letter P4

Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin County Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)

2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.

3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2

4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3

5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.

6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River

7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: Follow-up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.

8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project

9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting

10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update - Manteca Dryland Levee Extension Project

11. Various letters from Alex Hildebrand

From: Marty Harris <martyharris5151@gmail.com>
Sent: Friday, January 23, 2026 2:34 PM
To: Ryan Curry <ryan.curry@sjafca.org>
Cc: nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>; Andrea.Buckley@cvflood.ca.gov <Andrea.Buckley@cvflood.ca.gov>; Yiguo.Liang@cvflood.ca.gov <Yiguo.Liang@cvflood.ca.gov>; Jit.Dua@cvflood.ca.gov <jit.dua@cvflood.ca.gov>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Marc Nolan <marc.nolan@doj.ca.gov>; hsalazar@lmfire.org <hsalazar@lmfire.org>; sislas@mantecafire.org <sislas@mantecafire.org>; edehart@riponfire.com <edehart@riponfire.com>; ksikma@riponfire.com <ksikma@riponfire.com>; kzuidervaart@cityofripon.org <kzuidervaart@cityofripon.org>; anderson@sjcog.org <anderson@sjcog.org>; jkilgore@cityofripon.org <jkilgore@cityofripon.org>
Subject: Re: Email #3: Public Comment - UFRR Draft EIR

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #3

P4-3

Dear Project Team Members,

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected

Due to the UFRR's complete disregard for considering the total range of cumulative impacts and associated foreseeable projects that need to be considered, on 1/21/2026, Martin Harris submitted a second Public Comment email for the UFRR Draft EIR and stated:

"The UFRR Draft EIR Section 4.4 of the document Cumulative Impact Approach to Analysis compels Martin Harris to propose a Southern UFRR levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal surveyed lands indicating areas considered to be swamp and overflow." (see attachment #1) (The Martin Harris proposed levee extension alternative appears to be more beneficial and provide better use of sponsor funding than the eastern levee extension alternative proposed in the UFRR Document.)"

The purpose of this third Public Comment email for the UFRR Draft EIR is to expand on the cumulative impact concerns stated in the two previous Martin Harris UFRR public comment emails while offering a comparative impact analysis (assuming Paradise Cut sufficient expansion) detailing what appears to be lower impacts on the proposed Martin Harris Southerly levee extension alternative placement versus the higher back water inundation area impacts described in the UFRR Draft EIR document.

Impacts and Mitigating Assumptions:

Forms of relief being considered by local authorities that appear to be most likely to be implemented and eligible for government assistance funding in association with the Martin Harris newly proposed UFRR Draft EIR Southern levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal Surveyed lands boundary separating Federal Surveyed Areas from swamp and overflow lands and extending to the San Joaquin River (USACE 404 permitted) levee in the area close to Perrin Road

1. 1000' weir proposed by KSN and discussed with Reclamation District 2075 (RD 2075) on West side of the San Joaquin River (Left Bank) in the areas able to feed. (i) Banta Carbona Irrigation District; and (ii) Paradise cut expanded volume canal. (see 2011 annotated OES map included as attachment #2)
2. Potentially re-routing Reclamation District 2075 and 2064 McMullin water rights delivery channel to convey water to its districts with primary RD 2075 delivery running parallel to Perrin Road and directed towards the proposed weir and a secondary delivery conveyance system allowing sustainable water deliveries to Walthall Slough and District farm properties receiving water from the water delivery canal running along and parallel to Manteca Road.(see 2011 annotated OES map included as attachment #2)
3. Brocchini Cut: mitigating high water flows in the Stanislaus River by bypassing water through the McMullin water rights delivery channels (RD 2075/ RD 2064) to and through Reclamation District 2075 to an outlet that can both feed and align with San Joaquin River discharges to the 1000' weir and to Banta Carbona and/or Paradise Cut. (see 2011 annotated OES map included as attachment #2)
4. Omission of Turtle Beach Relief Cut: the UFRR appears to completely negate and omit any future use of the Turtle Beach USACE Levee Flood Prevention Relief Cut in Reclamation District 2096. Proposed changes to location and direction of the RD 2075 McMullin water delivery channel to the right bank of the San Joaquin River opposite the 1000' weir outlet area allowing drainage into the San Joaquin River opposite to the Banta Carbona Irrigation District water intake location shall best allow to mitigate for the omission of the Turtle Beach Levee Relief cut high River flow relief drainage option previously utilized by Reclamation District #17 to mitigate flood water inundation pressures to the so-called adjacent multi-benefit components area properties targeted to be subjected to back-water effects of Lathrop and Manteca urban expansion. (Martin Harris comment: The long promised expansion of Paradise Cut needs to be honored and fulfilled in associated with the estimated 110,000 CFS (plus) high volume San Joaquin River flows estimated by Dante Nomellini (Reclamation District #17) made to the San Joaquin County Board of Supervisors with Martin Harris, Ray Quaresma and Chris Neudeck in attendance on 11/7/2017) (see 2011 annotated OES map included as attachment #2)

Other likely areas for government assistance funding needed for properties with operations affected by the UFRR:

1. Over the past 9 years, apparent movement of soil on or to developing UFRR properties has already affected historic drainage and created back water drainage blockage effects to non-developing properties proposed in the UFRR to be recharacterized as multi-benefit components in and adjacent to the proposed project area.

2. Inclusion of all drainage impacts related to City of Ripon planned expansion as documented in Ripon 2040 General Plan Update (see attachments #3)

3. What appears to be other Projects/Plans that would prove more beneficial when considered along with the new Martin Harris proposed southerly levee extension alternative directed South along the 1860's Federal Government designated swamps and overflow boundary to Perrin Road. USACE Levee (see attachment #1)
    i. Central Valley Flood Protection Plan (CVFPP) - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ii. San Joaquin River Basin Lower San Joaquin River, CA Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iii. Lower San Joaquin River Urban Protection Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iv. San Joaquin River Restoration Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    v. Delta Conveyance Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vi. Smith Canal Closure Structure - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vii. Paradise Cut - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    viii. CALFED Levee Stability Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ix. Oxbow Preserve - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    x. Agreements to Support Healthy Rivers and Landscapes - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document

4. May 23, 2022 NOP comments made by Central Valley Regional Water Quality Control Board/Source: Appendix "A" of UPRR: Notice of possible regulatory issues with a high potential to adversely affect future regulatory compliance and unaffordable compliance costs for adjacent multi-benefit properties outside the UFRR project area.
    a. Likely regulatory assistance and funding needed for Formation of Basin Plan
    b. Likely regulatory assistance and funding needed for Construction of Storm Water discharge permit
    c. Likely regulatory assistance and funding needed for Clean Water Act Section 404 permitting
    d. Likely regulatory assistance and funding needed for Clean Water Act Section 401 permitting
    e. Likely dewatering permitting shall be needed due to back water effects of UFRR
    f. Possible NPDES permitting due to high water table and anticipated back water effects of UPRR

Environmental setting, Impacts (including City of Ripon Planned Urban Expansion), and Mitigation Measures

3.2 Aesthetics
3.2.2 Environmental setting

Martin Harris Comment: Forcing the levee east in a manner to avoid homes and other infrastructure already in place seems non-sensical and out of place with the surroundings as compared to directing the levee South as per the Martin Harris proposed levee placement alternative which both respects and aligns with 1860's flood drainage history by recognizing areas designated by Federal Surveyors as swamp and overflow.

3.9 Geology

3.9.2 Environmental setting

Section 3.9.2 of the UFRR states: "Alluvium deposits located East of the San Joaquin river originate from eroded silica-based volcanic and granitic materials (sand)"

Fire and EMS response to sandy soil regions on or about 2017: A grass fire was set on the southern portion of the Cerri developing property (241-320-20) located south of the RD 17 dryland levee and in the City of Manteca. Manteca Fire District firefighters responded and had their fire suppression engine vehicle get stuck in what was characterized as beach sand common to that area. I spoke with trusted representatives directly from both the Manteca Fire Department and the Lathrop-Manteca Rural Fire Department (LMFD) following the incident and learned that the Lathrop-Manteca Rural Fire District (LMFD) who historically were the primary responders to that area had invested in heavier drive train running gear on a portion of their fire engines designated for LMFD Station #32 (Union/Nile Garden School Fire Station) to allow those fire response vehicles to better navigate through sandy areas (typical for swap and flow areas) in the region. Those same Lathrop-Manteca Rural Fire District representatives further indicated that the Manteca Fire Department's Fire response equipment was not equipped to travel through beach sand areas common to that area.

Martin Harris Comment: it appears that directing the levee South as per Martin Harris proposed levee placement alternative along with expanding Paradise Cut is a safer long term solution and supports critical infrastructure already in place.

3.12 Hydrology and water quality

Page 3.12-16 of the UFRR states: "DWR analysis predict that climate change impacts on the San Joaquin River system will be extreme in the next 50 years, which will only further exacerbate existing problems, including degradation of ecosystem habitat.

San Joaquin County General Plan

Page 3.12-16 of the UFRR states:

"**San Joaquin County General Plan**

The San Joaquin County 2035 General Plan (San Joaquin County 2016) include goals and policies related to hydrology and water quality that are relevant to the proposed project. Goals and policies are found in the Public Health and Safety Element and the Natural and Cultural Resources Element. The goals emphasize protection of people and property from flood hazards, and protection of the quality of water for municipal and industrial uses, agriculture, recreation, and fish and wildlife. Other goals aim to protect Delta water supplies for agricultural uses and ecosystems enhancement and improve overall Delta water quality, and maintain Delta levees and infrastructure to provide safety and security to residents, visitors, and agricultural resources."

Martin Harris comment:

Undersized Lathrop warehouse storage ponds

In 2018, I personally attended both Central Valley Flood Protection Board and Lathrop Planning Commission meetings and commented to the authorities governing those respective meetings that storm water drainage collection pond deficiencies in South Lathrop exist and may result in very significant flood and other hydrology -related impacts being created to Lathrop, Ripon, and South Manteca properties located outside of the areas to be protected by the 200 year flood protections plan. (see attachments #4. #5, and #6 for emails sent on 10/16/2018, 10/22/2018 and 12/18/2018)

Slurry cutoff walls

Page 3.12-35 of the UFRR states:

"As another example, slurry cutoff walls[2] would be constructed at the levee centerline to depths that would tie into existing lower permeability soil layers below the permeable material. The dryland levee extension also includes a deep cutoff wall, approximately 17,800 feet in length. Cutoff walls are designed to reduce levee through-seepage and under seepage by providing a barrier of low-permeability material within the higher permeability materials in the levee and levee foundation. The slurry cutoff walls could create barriers to groundwater inflow and outflow potentially affecting groundwater levels. Similarly, seepage berms that address shallow foundation and/or levee embankment through-seepage would alter the permeability and potentially affect groundwater levels."

Guarding against levee placement along beach sand areas directly blocking and in direct 90° opposition to the natural direction of groundwater flows:
As illustrated in the Martin Harris email #2 comment letter submitted on 1/21/2026 (see attachment #7 for Tuff Boy 5151 Almondwood stormwater primary and secondary stormwater retention ponding areas clearly impacted by impeded percolation during high saturation water events last experienced in January 2023), it appears that placing slurry walls into the subsurface areas beneath a levee directly placed in direct 90° opposition to the natural direction of ground water flows will lead to slower rates of percolation and increased potential for greater back-water and flooding to the multi-benefit component areas of the UFRR adjacent flood water inundation areas to be affected.

Martin Harris Comment:
It appears that the Martin Harris proposed southerly extension of the existing levee along the swamp and overflow boundary line would better align with the courses of both the San Joaquin and Stanislaus Rivers and deflect rather than obstruct natural ground water flows while offering equitable flood protection for all

3.13 Land Use Planning
3.13.2 Environmental setting
Protecting long term Property uses

Martin Harris Comment: By utilizing the Martin Harris proposed UFRR levee extension alternative, it appears that habitat, recreation and farming uses can best be implemented and protected while protecting rights and continued access to water resources supporting our area.

3.15 Public Services
3.15.2 Environmental setting
Page 3.15-1 of the UFRR states: The Lathrop- Manteca Fire District has several fire stations located close to the southwestern portion of the proposed project components.

Martin Harris Comment: What about Lathrop-Manteca Fire Station #32 (Union Road just South of Nile Garden School) which responded to my granddaughter's pool accident on August 3, 2010 and was key to saving her life.

3.17 Transportation and Circulation
3.17.2 Environmental Setting

City of Manteca
Page 3.17-2 of the UFRR states: "Airport Way is a North/South arterial ... two-lane local road"

Martin Harris Comment:
Page 3.17-2 of the UFRR understates the importance of Airport Way which is the only means of crossing the San Joaquin River from South Manteca which makes Airport way a major escape and emergency

services route. Directing the UFRR levee extension South and parallel ½ mile West of Airport Way as proposed by Martin Harris alternative levee extension routing would protect this important arterial roadway and ensure safe public and Emergency Services Response during flood events and other emergencies.

3.19 Utilities and Service Systems

3.19.2 Environmental Setting (Stormwater)

Page 3.19-3 of the UFRR states:

"The City of Manteca operates and maintains a storm drain system to control stormwater and protect residents and business from flooding and stormwater damage. The City of Manteca's system includes approximately 150 miles of pipelines, 52 pump stations, and 54 detention basins. SSJID owns a complex network of irrigation laterals and drains that run within the City of Manteca where the city pumps stormwater, which is conveyed to the San Joaquin River either directly or via the French Camp Outlet Canal. An agreement between the City of Manteca and SSJID requires that the city monitor stormwater discharge to SSJID facilities to make sure that facility capacities are not exceeded. The City of Manteca is also required to control stormwater quality to meet applicable regulations (City of Manteca 2022)."

Martin Harris Comment:

It appears that the French Camp Outlet Canal is at capacity and it also appears that SSJID Drains #10 and #11 may no longer be able to drain into Walthall Slough as currently doing upon implementation of the UFRR. The cumulative impacts of this become even more important when considering the City of Ripon's planned expansion.

Martin Harris proposed SSJID Storm Water drainage alternative

Considering Martin Harris southernly proposed UFRR levee alternative extension to Perrin Road, Martin Harris proposes that SSJID redirect SSJID Drain #11 to extend from its current route as it runs along the north boundary of the Tuff Boy 5151 Almondwood facility and continue on that course straight through the Martin Harris proposed UFRR levee alternative extension and continue straight to the San Joaquin River right bank opposite the proposed 1000' weir (assuming that Paradise Cut shall be expanded according to Dante Nomellini November 7, 2017 statements to San Joaquin County Board of Supervisors) (see attachment #8)

Cumulative impacts

In this way, SSJID facilities can be expanded to handle greater amount of storm water anticipated to be generated by City of Ripon in combination with continued City of Manteca urban expansion.

3.20 Wildfires

3.20.2 Environmental Setting

Page 3.20-1 of the UFRR states:

"**Emergency Evacuation Plans**

San Joaquin is exposed to many hazards, all of which have the potential to disrupt the community, causing damage, and casualties. Please natural hazards include floods, extreme weather, and fires."

Martin Harris Comment:

Fire and EMS response to sandy soil regions: On or about 2017, a grass fire was set on the southern portion of the Cerri developing property (241-320-20) located south of the RD 17 dryland levee and in the City of Manteca. Manteca Fire District firefighters responded and had their fire suppression engine vehicle get stuck in what was characterized as beach sand common to that area. I spoke with trusted

representatives directly from both the Manteca Fire Department and the Lathrop-Manteca Rural Fire Department (LMFD) following the incident and learned that the Lathrop-Manteca Rural Fire District (LMFD) who historically were the primary responders to that area had invested in heavier drive train running gear on a portion of their fire engines designated for LMFD Station #32 (Union/Nile Garden School Fire Station) to allow those fire response vehicles to better navigate through sandy areas (typical for swap and flow areas) in the region. Those same Lathrop-Manteca Rural Fire District representatives further indicated that the Manteca Fire Department's Fire response equipment was not equipped to travel through beach sand areas common to that area.

Executive Summary

Page ES-1 of the UFRR EIR Document states:
" **ES.1 Introduction**
The San Joaquin Flood Control Agency (SJAFCA) proposed to implement the Mossdale Tract Urban Flood Risk Reduction Project (UFRR or proposed project) to provide increased public safety benefits by rehabilitating and improving flood management infrastructure for the 22,400-acre Mossdale Tract area (proposed project area), which includes Reclamation District 17 (RD 17) and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County. Pursuant to the California Environmental Quality Act (CEQA), SJAFCA is the lead agency and has prepared this draft environmental impact report (EIR) to analyze potentially significant environmental effects of the proposed project and other actions associated with construction and operation of the proposed project.

ES.2 Objectives of the Proposed Project
The general objective of the proposed project is to provide increased public safety benefits by rehabilitating, improving, and construction flood risk reduction infrastructure to achieve a 200-year urban level of flood protection (ULOP) for the Mossdale Tract area. The objectives include the following:

- Improve long-term operation, maintenance, repair, rehabilitation, and replacement over time.
- Modernize the flood risk reduction infrastructure to accommodate future performance and climate change resiliency goals identified in the Central Valley Flood Protection Plan and in SJAFCA's Climate Change Adaptation Policy.
- Implement a multi-benefit flood risk reduction project that: (1) improves ecological function and habitat in the flood system, and (2) contributes additional societal benefits such as recreation where feasible.

ES.3 Project Areas
The proposed project area covers 22,400 acres, RD 17 (16,110 acres), and portions of the cities of Stockton, Lathrop, Manteca, and unincorporated San Joaquin County (see Figure ES-1)."

Page ES-4 of the UFRR Document describes multi-benefit component of the inundation area and further states:
"**ES 4.2 Multi-Benefit Components**
Ecosystem Restoration - The proposed project would locate undeveloped land on the water side of the levee system to create ecosystem restoration sites. Parcels of land are currently under investigation for meeting restoration criteria based on existing land habitats, elevations, and other opportunities for gaining natural ecosystem functions appropriate for the lower San Joaquin River. Because the locations

and designs of these ecosystem restoration sites are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

Recreational Features Along the Levee System - This component would develop recreational features, including recreational paths, along the top of levee and landslide toe. Because the locations and design of this component are still under development, analysis of these proposed project components will be done at a programmatic level in the EIR.

In addition to the proposed project, the EIR will evaluate up to two variants to the proposed project that will include the same general types of flood risk reduction and multi-benefit components as those proposed under the proposed project."

Finally, page ES-8 of the UFRR document provides and summary of impacts and mitigation measures for the proposed project.
"**ES.8 Summary of Impacts**
Table ES-1 presents a summary of the impacts and mitigation measures identified for the proposed project evaluated in the DRAFT EIR. The complete impact statements and mitigation measures are presented in the resource sections in Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures.* The level of significance for each impact was determined using thresholds of significance presented in each resource section of Chapter 3. Significant impacts are those adverse environmental impacts that meet or exceed the standards of significance; less-than-significant impacts would not exceed the standards of significance. For each impact identified, Table ES-1 presents the following information:

- The environmental impact statement.
- The level of significance before mitigation for each proposed project component: S – Significant; LS – Less than Significant; NI – No Impact.
- For significant impacts, recommended mitigation measures. Each mitigation measure identifies which proposed project component that it applies to using the following abbreviations:

  – Flood Risk Reduction Components – FRR.

  – Ecosystem Restoration Sites 13, 14, and 16 – RS.

  – Other Multi-Benefit Components – MB.
- For significant impacts, the level of significance after mitigation for the applicable proposed project component (LSM – Less than Significant after Mitigation; SU – Significant and Unavoidable)."

Martin Harris Comment:

The UFRR document included a summary of impacts and mitigation measures as included in TABLE ES-1

1. **3.4 Air Quality**
   3.4-2, 3.4-3, and 3.4-5 potential increase in criteria pollutants

   Martin Harris Comment: by use of Martin Harris proposed South levee extension alternative, chronic/prolonged exposure to dust and mold pollutants is expected to be significantly decreased.

2. **3.12 Hydrology and Water Quality**
   3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6

   Martin Harris Comment: by use of (i) Martin Harris proposed south levee extension alternative, known water quality and drainage flaws in the area can be corrected to best meet Sustainable Water Plan directives of SGMA (ii) Risks associated with the proposed South levee extension alternative project are significantly less risky to release pollutants as compared to the UFRR east levee alternative extension (and flood water inundation) plan (see attachment #7).

3. **3.13 Land Use and Planning**

   Martin Harris comment: it appears that any obstacles or impacts related to Land Use Planning Environmental Setting Impacts 3.13-1 & 3.13-2 will be better served & significantly reduced by following the Martin Harris proposed southern levee extension alternative levee placement alternative.

4. **3.15 Public Services:**

   Martin Harris Comment: Fire and EMS response services meeting impacts called for in 3.15-1 and providing timely response to fires, medical emergencies, and violent crimes shall be best served by protecting key road infrastructure like Airport way which is best served by following the proposed Martin Harris southern levee extension route to Perrin Road. (with Paradise Cut expansion)

5. **3.17 Transportation and Circulation use of major roadways and arterials**

   Martin Harris Comment: for impact 3.17-1 and 3.17-4 same comment as 3.15 Public Services

6. **3.19 Utilities and Service Systems SSJID water delivery and drainage services as included in the UFRR in ES 3.19-1 & 3.19-2**

   Martin Harris Comment: Corrective changes to SSJID delivery and drainage infrastructure locations in association with following the Martin Harris southern levee extension alternative to Perrin Road will finally correct long overdue changes to SSJID water delivery and drainage infrastructure to the South Manteca areas.
   However, those SSJID infrastructure changes shall only prove to be more effective and result in less overall impacts if made in conjunction with the Martin Harris proposed southern levee alternative placement in association with the long promised expansion of the Paradise Cut bypass canal as estimated to the San Joaquin Board of Supervisors by Dante Nomellini on November 7, 2017 to need 110,000 (plus) CFS of San Joaquin River Flow Volume by passing the primary flow of the San Joaquin River.

3.20 Wildfire

Significant risks to downstream flooding

The UFRR Environmental Setting Impacts 3.20-4 states Implementation of the proposed project may expose people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability, or drainage changes.

Martin Harris Comment:

I personally have interviewed many people in South Manteca over the past 9 years and I can declare with certainly that no one in the South Manteca region wants to be targeted with being subjected to increased levels of storm water and flood water affecting their quality of life and ability to make a living.

With that in mind, I believe that it is time for the long-promised expansion (110,000 plus CFS) of Paradise Cut to be constructed as part of any proposed UFRR project to be considered. That will require the approval of all affected property owners on the west side of the San Joaquin River and along the expanded Paradise Cut Bypass channel footprint. I trust that this has already been completed.

Martin Harris Final Comment: I am opposed to the UFRR eastern levee extension.

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin Couty Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)
2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.
3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2
4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3
5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River

7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: Follow-Up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project
9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting
10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update- Manteca Dryland levee Extension Project
11. Various letters from Alex Hildebrand

From: Marty Harris <martyharris5151@gmail.com>
Sent: Wednesday, January 21, 2026 12:57 PM
To: Ryan Curry <ryan.curry@sjafca.org>
Cc: nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>; Andrea.Buckley@cvflood.ca.gov <Andrea.Buckley@cvflood.ca.gov>; Yiguo.Liang@cvflood.ca.gov <Yiguo.Liang@cvflood.ca.gov>; Jit.Dua@cvflood.ca.gov <jit.dua@cvflood.ca.gov>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Marc Nolan <marc.nolan@doj.ca.gov>
Subject: Email #2: Public Comment - UFRR Draft EIR

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #2

P4-4

Dear Project Team Members,

To begin, I would like to address the comments made to the Mossdale Tract Urban Flood Risk Reduction Project NOP (ie. Notice of Project).

Once again, I am writing in my limited authority position as co-trustee for Willliam and Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected.

For reasons beyond my control, for some time now, I have had US Mail that was meant to be directed to or shared with me diverted to others which has affected my ability to respond to the NOP directly.

Notice of previously sent emails to SJAFCA to consider in determining total cumulative impacts as previously presented

For this reason, I would like the Project Team Members to consider three letters that I sent in 2021 (as an authorized representative for Terra Land Group and copied to SJAFCA executive director Chris Elias) as sufficient information for SJAFCA and associated Team Members to understand the importance for total scope for the UFRR Project. (see emails included as Attachment #1 (1a, 1b, and 1c) sent to Mark Niskanen; Reclamation District #17, SJAFCA and others in 2021) (more email letters available upon request)

Section 4.3 of the UFRR covers cumulative projects (This Martin Harris comment is meant to document for the record that projects and related impacts stated in the UFRR appear to be understated) (Martin Harris recommends revisions to the cumulative impacts analysis to include additional past, present, and foreseeable future projects within the UFRR that were not fully considered).

1. Over the past 9 years, apparent movement of soil on or to developing UFRR properties has already affected historic drainage and created back water drainage blockage effects to non-developing properties proposed in the UFRR to be recharacterized as multi-benefit components in and adjacent to the proposed project area.

2. Inclusion of all drainage impacts related to City of Ripon planned expansion as documented in Ripon 2040 General Plan Update (see attachments #2)

3. What appears to be other Projects/Plans that would prove more beneficial when considered along with the new Martin Harris proposed southerly levee extension alternative directed South to Perrin Road.
    i. Central Valley Flood Protection Plan (CVFPP) - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ii. San Joaquin River Basin Lower San Joaquin River, CA Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iii. Lower San Joaquin River Urban Protection Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    iv. San Joaquin River Restoration Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    v. Delta Conveyance Project - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vi. Smith Canal Closure Structure - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    vii. Paradise Cut - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    viii. CALFED Levee Stability Program - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    ix. Oxbow Preserve - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document
    x. Agreements to Support Healthy Rivers and Landscapes - Reference table 4-1 pages 4-3 & 4-4 of UFRR Draft EIR document

4. May 23, 2022 NOP comments made by Central Valley Regional Water Quality Control Board/Source: Appendix "A" of UPRR: Notice of possible regulatory issues with a high potential to adversely affect future regulatory compliance and unaffordable compliance costs for adjacent multi-benefit properties outside the UFRR project area.

a. Likely regulatory assistance and funding needed for Formation of Basin Plan
b. Likely regulatory assistance and funding needed for Construction of Storm Water discharge permit
c. Likely regulatory assistance and funding needed for Clean Water Act Section 404 permitting
d. Likely regulatory assistance and funding needed for Clean Water Act Section 401 permitting
e. Likely dewatering permitting shall be needed due to back water effects of UFRR
f. Possible NPDES permitting due to high water table and anticipated back water effects of UPRR

The UFRR Draft EIR Section 4.4 of the document Cumulative Impact Approach to Analysis compels Martin Harris to propose a Southern UFRR levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal surveyed lands indicating areas considered to be swamp and overflow. (ie. The Martin Harris proposed alternative appears to be more beneficial and provide better use of sponsor funding) (see attachment #3)

Redetermine the significance of the proposed project's cumulative impacts, as provided for in Section 4.4 of UFRR

With this new proposed South UFRR levee extension alternative in mind, I respectfully request that the Project Team reevaluate its 3 step cumulative impact process and include the adjacent multi-benefit components area and Ripon planned urban expansion areas into the proposed project area.

• "Section 4.4 of the UFRR states: First, the extent of the cumulative impacts without the proposed project was evaluated to determine whether a significant cumulative impact on a resource would exist in the future. To do so, the combined effects of the past, present, and probable future projects listed in Table 4-1 were evaluated to determine whether there would be a significant cumulative impact." (Martin Harris comment: Needs to include all Ripon and adjacent multi-benefit component areas)

• "Second, a determination was made regarding whether the proposed project's incremental contribution to any significant cumulative impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects (CEQA Guidelines Section 21083)."

• "Third, a determination was made as to whether mitigation measures would be required to reduce the proposed project's contribution to the cumulative impact to a less-than-considerable level, thus resulting in a less-than-significant cumulative impact. If not, then the cumulative impact would remain significant and unavoidable." (Martin Harris comment: The long promised expansion of Paradise Cut needs to be honored and fulfilled in associated with the estimated 110,000 CFS (plus) high volume San Joaquin River flows estimates by Dante Nomellini (Reclamation District #17) made to the San Joaquin County Board of Supervisors with Martin Harris, Ray Quaresma and Chris Neudeck in attendance on 11/7/2017)

Cumulative Impacts

Cumulative impacts take on a much greater importance and is supported by Section 4.1 of the UFRR which states:

"This chapter describes the CEQA requirements for the analysis of cumulative impacts, the geographic scope and timeframe for cumulative analysis, existing conditions context for past activities, related projects, and the potential cumulative impacts the proposed project. As described in Chapter 2, Project Description, the proposed project would include the construction; O&M of flood risk reduction and

multi-benefit components in and adjacent to the proposed project area, which are summarized below. Specifically, the following are the primary components of the proposed project:

1. Fix-in-place improvements with habitat enhancement and revegetation

2. Dryland levee extension

3. Ecosystem restoration at multiple sites

4. Recreational features along the levee system

CEQA requires that an EIR assess the cumulative environmental impacts of a project when the project's incremental effect is "cumulatively considerable." An EIR must assess the cumulative impacts of a project with respect to past, current, and probable future projects in the region. Section 15355 of the CEQA Guidelines defines "cumulative effects" as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." According to CEQA Guidelines Section 15130(b), the purpose of the cumulative impacts discussion is to reflect "the severity of the impacts and their likelihood of occurrence," and the discussion shall "be guided by the standards of practicality and reasonableness."

The CEQA Guidelines further indicate that the discussion of cumulative impacts should include all of the following information:

• "Either (a) a list of past, present, and probable future projects producing related cumulative impacts or (b) a summary of projections in an adopted general plan or similar document, or an adopted or certified environmental document, that described or evaluated conditions contributing to a cumulative impact.

• A discussion of the geographic scope of the area affected by the cumulative effect.

• A summary of the environmental effects expected to be produced by these projects.

• Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects."

Chapter 4 includes Section 4.5.11 which states:
"The proposed dryland levee extension would introduce a new levee segment that would redirect flood flows away from people and property in the proposed project area potentially displacing the water elsewhere in the proposed project area and vicinity. However, the affected areas would experience in general 0.1 to 3 feet of inundation that would be temporarily ponded and would reduce in depth and area over a short period of time (up to 5 days). Therefore, the proposed project's contribution to long-term cumulative impacts to hydrology and water quality would be less than considerable."

Martin Harris back water effects comment: (Tuff Boy Sales 2014 and 2018 written objections)
Tuff Boy Sales attorney Michael Babitzke Comments made in a 4/22/2014 Sustainable Communities Strategies Public Comment letter to SJCOG clearly state that objects placed in floodways may result in backwater effects on upgradient properties.
In this way, Michael Babitzke in 2014 indirectly stated Tuff Boy Sales objections to taking on any more water at the Tuff Boy 5151 Almondwood location. (see attachment #4 for January 2023 trailer parking photos at 5151 Almondwood location depicting the effects of rising storm water on site as affected by heavy rains and impeded percolation issues on sandy soil adjacent to SSJID Drain #11 as it runs along the North boundary of the Tuff Boy Almondwood property)

On 3/7/2018, Josh Harris (Tuff Boy Sales CEO) wrote a letter to SJAFCA stating concerns about Manteca flood protection planned changes, including slurry walls, affecting the Tuff Boy Sales 5151 Almondwood Trailer manufacturing and parking facilities ability to avoid having its operations either; (i) inundated by higher levels of flood waters during San Joaquin River (and associated tributaries) high river channel flow events or (ii) impacted by higher levels of ground water affecting the operation (and percolation) of its 2015 NONA permitted storm water ponds due to slurry walls impeding subsurface ground water flows typical for sandy soil in the region (see attachment #5)

Page 4-16 of the UFRR states:
"The proposed project is consistent with the San Joaquin County General Plan, the cities of Stockton, Lathrop, and Manteca General Plans and Zoning Codes, as well as regional planning frameworks such as the Regional Blueprint, 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP), and the Land Use and Resources Management Plan (LURMP). Compliance with these policies ensures that the proposed project would not conflict with adopted plans, zoning, or land use policies. Therefore, although cumulative projects presented in Table 4-1 in combination with the proposed project would result in a cumulatively significant impact, the proposed project's contribution to land use consistency would be less than cumulatively considerable."

Question by Martin Harris: (private protective flood berm floodwater displacement effects and changes to elevations of back water to unbermed multi-benefit properties)
Did the Project Team consider flood impacts represented to be .1 to 3 feet when considering that in 2017 many South Manteca properties were hiring excavator contractors to install protective flood levee berms around their properties further impacting potential flood elevations to other non-bermed properties? If so, where is that information included in the UFRR EIR draft document? (see attachment #6) (Note: to avoid impacting and raising flood water elevations on our neighbors, Tuff Boy made a decision not to place protective flood protection berms around its 5151 Almondwood facility in 2017)

Martin Harris comment:
When considering that the City of Manteca's urban growth is dependent on shared use of Ripon Unified Public Schools and, Fire and EMS service (Ripon consolidated Fire District's North Ripon Road Fire station continues to remain unstaffed), and increased dependency on traffic circulation utilizing West Ripon Road, I do not see how increased City of Ripon storm water drainage anticipated to be drained by means of SSJID drainage facilities through the multi-benefit component areas affected by this UFRR project can be ignored and not included in the UFRR Cumulative Impacts analysis (see attachment #7 for 8/19/2024 email chain detailing public comments to Ripon Planning Department in relation to the City of Ripon 6th Cycle Housing Element Draft update)

Martin Harris back water effects comment:
Over the past 9 years, local South County Property owners have observed that authorities have allowed developers to raise the elevation of South City of Manteca Developing Properties in a manner that already has created drainage blockages and backwater effects on upgradient so called multi-benefit component UFRR properties as well as those in Reclamation District #2096. (Weatherbee Lake) (see attachment #8 for levee height raises performed by Reclamation District #17 to the section of existing Reclamation District #17 levee currently situated along the boundaries of Terra Land Group owned APN 241-330-33 and 241-320-60 (see annotated map showing surveyors documented increases to elevations attached)

My request for a more expansive Cumulative Impact Approach to analysis is supported by deficiencies in the UFRR Document which fail to address the Cumulative Impact Approach to Analysis called for in section 4.4 of the UFRR and the Cumulative Impact Analysis called for in section 4.5.

Martin Harris call for mitigation comment:
Since it appears that very significant land elevation increases have resulted from development approvals over the past 9 years, I believe the UFRR is short sided and fails to consider the full extent of probable future projects that were not included in the cumulative analysis.
I also believe that irreversible back water drainage impacts have already been created by City of Manteca Urban Expansion (affecting a wide range of multi-benefit component properties both identified and separated in the UFRR) and are in need of immediate mitigation to offset even higher drainage and flood inundation impacts when considering the City of Ripon's recently updated General Plan and planned urban expansion. (see attachment #2)

Forms of relief being considered by local authorities that appear to be most likely to be implemented in association with the Martin Harris newly proposed UFRR Draft EIR Southern levee extension alternative running South and parallel ½ mile West of Airport way along the border of 1860's Federal and Non-Federal Surveyed lands separating Federal Surveyed Areas from swamp and overflow and extending to the San Joaquin River (USACE 404 permitted) levee in the area close to Perrin Road

1. 1000' weir proposed by KSN and discussed with Reclamation District 2075 (RD 2075) on West side of the San Joaquin River (Left Bank) in the areas able to feed. (i) Banta Carbona Irrigation District; and (ii) Paradise cut expanded volume canal.
2. Potentially re-routing Reclamation District 2075 and 2064 McMullin water rights delivery channel to convey water to its districts with primary RD 2075 delivery running parallel to Perrin Road and directed towards the proposed weir and a secondary delivery conveyance system allowing sustainable water deliveries to Walthall Slough and District farm properties receiving water from the water delivery canal running along and parallel to Manteca Road.
3. Brocchini Cut: mitigating high water flows in the Stanislaus River by bypassing water through the McMullin water rights delivery channel (RD 2075/ RD 2064) to and through Reclamation District 2075 to an outlet that can both feed and align with San Joaquin River discharges to the 1000' weir and to Banta Carbona and/or Paradise Cut. (see attachment #9)
4. Omission of Turtle Beach Relief Cut: the UFRR appears to completely negate and omit any future use of the Turtle Beach USACE Levee Flood Prevention Relief Cut in Reclamation District 2096. Proposed changes to location and direction of the RD 2075 McMullin water delivery channel to the right bank of the San Joaquin River opposite the 1000' weir outlet area allowing drainage into the San Joaquin River opposite to the Banta Carbona Irrigation District water intake location shall best allow to mitigate for the omission of the Turtle Beach Levee Relief cut high River flow relief drainage option previously utilized by Reclamation District #17 to mitigate flood water inundation pressures to the so-called adjacent multi-benefit components area properties targeted to be subjected to back-water effects of Lathrop and Manteca urban expansion.

Executive Summary and Environmental settling concerns: I will make Martin Harris levee extension alternative placement comparisons to beneficial uses and reduced cumulative impacts as compared to those offered in the UFRR in my next email which will focus on UFRR sections titled Executive Summary and Environmental Settings.

Thank you,

Martin Harris
801 Bogarin Lane

Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Other references:

1. 2/7/2018 letter from Terra Land Group representative Martin Harris to LAFCO (James Glaser) Re: February 8, 2018 Meeting San Joaquin Couty Local Agency Formation Commission Agenda Items 4: Amendment to the City of Manteca Sphere of Influence (LAFC 01-18); and item 5: Griffen Park Reorganization to the City of Manteca (LAFC 26-15)
2. 2/26/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.
3. 3/5/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #2
4. 3/8/2018 letter from Terra Land Group representative Martin Harris to SJAFCA (Juan Neira) Re: January 2018 San Joaquin River Basin Lower San Joaquin, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment #3
5. 7/2/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (John Cain/Conservation Director) Re: July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
6. 6/18/2108 letter from Terra Land Group representative Martin Harris to Tri-Dam Project Board of Directors Re: June 21, 2018 Regular Board Meeting of the Tri-Dam Project of the Oakdale Irrigation District and the South San Joaquin Irrigation District, Agenda Item 5: Possible Spring Operations on the Stanislaus River
7. 7/16/2018 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: Follow-Up to Request for Stakeholder Input Relating to the Recently-Conducted July 11, 2018 Public Meeting Regarding the Paradise Cut Bypass Expansion Project: Agenda Items 2: Presentation and discussion on the proposed Paradise Cut Expansion Project; Item 3: Presentation and discussion of draft existing conditions report; Item 4: Presentation and discussion on the hydraulic model analysis of the proposed project; and Item 5: Discussions and Questions.
8. 6/17/2019 letter from Terra Land Group representative Martin Harris to: (i) San Joaquin River County Resource Conservation District and (ii) American Rivers (Aysha Massell/Associate Director) Re: June 20, 2019 Public Meeting on the Proposed Paradise Cut Bypass Expansion Project
9. 3/30/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: Dryland Levee Project Meeting
10. 5/19/2021 letter from Terra Land Group representative Martin Harris to SJAFCA (Chris Elias) Re: May 20, 2021 San Joaquin Area Flood Control Agency ("SJAFCA") Board Meeting Agenda Item 4.2: Update- Manteca Dryland levee Extension Project

11. Various letters from Alex Hildebrand

From: Marty Harris <martyharris5151@gmail.com>
Sent: Wednesday, January 21, 2026 12:50 PM
To: Ryan Curry <ryan.curry@sjafca.org>
Cc: nzarif@sjgov.org <nzarif@sjgov.org>; Rickman, Robert [BOS] <rrickman@sjgov.org>; styrrell@sjgov.org <styrrell@sjgov.org>; Valenzuela, Maria [BOS] <mariavalenzuela@sjgov.org>; Dhaliwal, Sonny [BOS] <sdhaliwal@sjgov.org>; Kelly, Beckett [BOS] <bkelly@sjgov.org>; Sanchis, Claudia [BOS] <csanchis@sjgov.org>; Representative Josh Harder <ca09jh.districtservices@mail.house.gov>; Reyna, Joel <joel.reyna@sen.ca.gov>; Marc Nolan <marc.nolan@doj.ca.gov>; kjorgensen@manteca.gov <kjorgensen@manteca.gov>; Buchman, Fritz [PW] <fbuchman@sjgov.org>; marlinda.martinez@sjgov.org <marlinda.martinez@sjgov.org>; CNeudeck@ksninc.com <cneudeck@ksninc.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; pamforbus@sbcglobal.net <pamforbus@sbcglobal.net>; Danielle Barney <danielle.barney@ssjid.gov>; Karim.Kentfield@doj.ca.gov <Karim.Kentfield@doj.ca.gov>; DWR CVFPBQuestions <questions@cvflood.ca.gov>; Michael.Wright@cvflood.ca.gov <Michael.Wright@cvflood.ca.gov>; Andrea.Buckley@cvflood.ca.gov <Andrea.Buckley@cvflood.ca.gov>; Yiguo.Liang@cvflood.ca.gov <Yiguo.Liang@cvflood.ca.gov>; Jit.Dua@cvflood.ca.gov <jit.dua@cvflood.ca.gov>; Hightower, Jeffrey [LAFCO] <jhightower@sjgov.org>; Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>; Marc Nolan <marc.nolan@doj.ca.gov>
Subject: Email #1: Opening Public Comment - UFRR Draft EIR

Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471: Comment Submission #1

P4-5

Dear Project Team Members,

Background information related to UFRR comments being submitted in three or more emails
After repeated actions by my William and Lucille Harris Trust Estate co-trustees, co-manager, and business partners that has impeded my involvement, I contacted Josh Harder and Jerry McNerney's offices to assist me in gaining my right to participation in the Mossdale Tract Urban Flood Risk Reduction Project Draft EIR public comment process and I am thankful for their assistance.

Limited Authority:
To set the frame work that I will be commenting within, it is important that I advise you that I am writing in my limited authority position as a minority co-trustee for the William & Lucille Harris Irrevocable Trust (HIRT) and co-manager of HIRT owned entities affected by the Mossdale Tract Urban Flood Risk Reduction Project. Please accept this email #1 as my first of 3 or more total emails that I plan on submitting.

Comments to include a proposed alternative levee extension routing to address unconsidered projects & effect on cumulative impacts.
Also please be advised that due to additional cumulative impacts for known projects that were not considered in the circulated Draft UFRR (City of Ripon planned Urban Expansion), my total collective group of email comments shall include an alternative levee extension routing & provisions to guard against uncontrolled urbanization to ensure full funding support from all project federal & state sponsors.

Background information related to Martin Harris

My name is Martin Harris. I am 73 years old, graduated from Cal Poly with an engineering degree and had the pleasure of working side by side with my parents (William and Lucille Harris) for over 50 years.

My Father (William Harris) passed away in October 2012. Following his death, I became concerned about a number of suspect issues affecting: (i) our family property boundaries, (ii) lack of notice to City of Manteca meetings affecting our family properties, (iii) apparent lost 80,000# Truck Vehicle and EMS response access rights to Terra Land Group owned parcels 241-330-32, 241-330-33 and 241-320-60. (see attachment #1 for 3/24/2014 letter to Manteca Planning Commission detailing my efforts to both understand and correct the growing list of suspect issues confronting me)

As a result, in 2014, Lucille Harris and I hired Lee Smith (Weintraub-Tobin) law firm to assist me in dealing with the issues identified in my 3/24/2014 letter to the Manteca Planning Commission. (see attachments for vehicle access and other water mitigation issues as presented to local authorities)

In 1997, both my home and business were flooded:

I have strong recollections and opinions, and engineering backed knowledge on 1955, 1997 and 2017 San Joaquin River high water channel flows that affected the Lathrop and South Manteca areas.

February 2017 Martin Harris Reclamation District 2075 Levee Watch Patrolling Experiences

In February 2017, I volunteered for late night mobile vehicle watch patrol to Reclamation District 2075 levees looking for boils in the area known as the Pocket (totaling 800 acres) which was in the area that beached on January 7, 1997 and a few days after my watch that same general area of the levee breached again on February 20, 2017. Please note that on the night of my watch, the San Joaquin River was flowing at 40,600 CFS and well below the 52,000 CFS original design capacity set when upstream reservoirs (Melones and Don Pedro) were reconstructed.

What I remember most, was how spongy the levee was to drive on which I suspect was what the UFRR Draft Environmental Impact Report document describes as a point nearing liquidifaction. The spongy status of the levee experienced during my levee watch patrol resulted in my immediate resignation the following day over safety concerns.

I reported this to RD 2075 Board Members Brian Mizuno and Ray Quaresma and followed that statement by informing them that due to safety concerns, I was not interested in driving on that levee again.

It appears that January 2023 high water flows and erosion (especially in the area that the Stanislaus and San Joaquin Rivers converge) and resulting sedimentation have further reduced channel capacity and created a higher potential for RD 2075 levee liquidifaction and levee failures.

With high water flows once again running down the San Joaquin River channel in January 2023, I suspect that continuing erosion to the levees and resulting sedimentation has further reduced San Joaquin River channel flow capacity and increased chances for levee breaches in areas protecting RD 2075 and other affected properties.

In 2010, Lathrop Manteca Rural Fire Department Emergency Medical Responders rushed to my south Manteca Rural home and provided critical care to my 2 year old granddaughter who had stopped breathing after inhaling a significant amount of water in a swimming pool accident at our home.

As a result, I am supportive of our emergency medical care responders and have attended many local and county authority public meetings as well as responded with detailed comments to environment comment solicitations from local and State and Federal authorities.

Staffing the currently unstaffed Ripon North Ripon Fire Station?
I am also strongly in favor of staffing the Ripon (North Ripon Road) unstaffed fire station and ensuring that all development provides for adequate medical emergency response services and proper storm water retention and safe drainage. This station staffing is necessary to lessen and separate the City of Ripon's dependency on requiring Fire and EMS responses by the City of Manteca.

Other Shared services involving Manteca and Ripon
Adding to my concerns that a more thorough cumulative impact analysis is necessary. Please be advised that both Ripon and Manteca also: (i) share pubic school educational services by designating Urban Areas of South Manteca be accepted and enrolled with the Ripon Unified School District; and (ii) share drainage facilities operated by SSJID which drain into the multi-benefit component areas in or adjacent to the UFRR project.

First time ever, I have been fired
In 2024, my 2 sons, Joshua & Jacob Harris along with myself were all fired from Tuff Boy (5151 Almondwood, Manteca) in what appears to be an effort to break up the trust(s) that my parents (William & Lucille Harris) created. As the former Risk manager (including operations Flood Safety and Storm Water NONA Permit management) for Tuff Boy Sales, my termination has resulted in various employee workplace, vehicle safety & drainage safety compliance concerns being reported internally and to state authorities.

Excerpts from a recent letter that deserves a fair and equitable level of attention

"Hello everyone,

Email communication in favor of performing a flood and stormwater drainage environmental review investigation of Tuff Boy Sales Inc (TBS) and HIRT Trustees for prejudicial shared services actions involving properties in low elevation areas prone to flooding that appears shall unequitably benefit majority control stakeholders while disadvantaging other beneficial and minority interests affected by those prejudicial shared services actions.

It appears Water Under the Bridge is a problem for Manteca: (and Tuff Boy)
On Friday, November 21, 2021, the Manteca Bulletin published a front page News Article titled "Water Under the Bridge is a Problem for Manteca."

French camp outlet study accepted by SSJID in 2021 is getting a city of Manteca relook at conclusions:

"The South San Joaquin Irrigation District — that owns and maintains the outlet canal that they have allowed much of the city to drain into — more than six years ago noted a need to address outlet capacity based on Manteca's continued growth.

The city agreed and a hydrology study was done to determine what improvements were needed.

The study was completed in 2021. The SSJID accepted the study but the city wanted to relook at the conclusions. That is as far as the outlet study apparently got in terms of devising a game plan and then implementing it.

It is important to remember the French Camp outlet was designed and built to address agricultural needs only when Manteca had less than 2,000 residents.

That means it was designed only to handle any excessive flows from canals during the irrigation as well as runoff in the wet season that makes its way into the canals when there are no irrigation water deliveries."

Martin Harris comment #1/No "Project Authorization" was requested or approved in an email sent by W/L Harris Irrevocable Family Trust (HIRT) Majority control trustees on 2/21/2025, HIRT Majority control trustees responded and stated:

"I've had some time to reflect on the comments you, Martin Harris (minority control trustee) made at yesterday's meeting. You expressed a belief that the 800+ letters that were generated as part of your company-funded letter-writing campaigns had great value.

More than two years ago, after numerous opportunities to view your work products, and after hearing the expert opinions of real estate attorneys and land use consultants, The HIRT majority control interests clearly stated that we believe your past letters and "informational" campaigns were unhelpful and, on balance, counterproductive.

That's why the HIRT majority control interests voted in July 2021 to prohibit trustee spending and the use of company names for your unauthorized campaigns, and why, in 2024, we formally restated the limits of an individual co-manager's power in our memorandum titled "Reminder: Terms of Operating Agreements and Laws Governing California Corporations" (attachment upon request)

Martin Harris response

Due to what appears to be a defective Tuff Boy Sales/HIRT/WLHFT shared services agreement (OASSA) executed only by HIRT majority control interests in 2023, and considering that those majority control interests are paid employees of Tuff Boy Sales, I can't help but question: Where will the liability fall for any breaches of fiduciary duty due to management actions and/or non-actions? By TBS? By HIRT? Or by one or more of the HIRT owned LLCs?

The French Camp outlet is the lowest elevation of the three outlets the SSJID operates

"The French Camp outlet is one of three outlets the SSJID operates.

It is also the lowest elevation outlet and the one that essentially drains the most land in the district including its biggest urbanized area — Manteca except for the southwest portion of the city.

The city is currently working on an effort to send runoff water from southwest Manteca to the San Joaquin River at a point to the west of the Oakwood Shores gated community. That outlet project, when it first surfaced more than eight years ago and before southwest Manteca development took off, carried a $14 million price tag.

Until the outlet is in place, excessive water from the storm basins in southwest Manteca flows into a temporary retention basin developers put in place.

Compounding the problem in southwest Manteca is the water table in various locations is as high as three feet."

Martin Harris comment #2/Two key points that need to be considered in relation to the majority control interests decision to prohibit letter writing campaigns which ultimately resulted in

restating the limits on managers powers (and apparent increases to liabilities affecting both Tuff Boy and the Trust(s))

1. See 11/13/2023 email sent by Martin Harris detailing a July 1, 2021 meeting with HIRT attorney Chris Engh and how the trustees are to avoid conflicts of interest. The email goes on to detail @ November 9, 2023 meeting (conducted by our consultant) and calls out certain majority control trustees conflicts of interests and the need of those trustees to recuse herself on voting for any issues that may serve to benefit those trustees personal property development interests. (attachment available upon request)

   800 letters and still no flood and drainage relief in sight

   Clearly the drainage challenges facing the French Camp outlet canal (as addressed in many of the 800 letters that Tuff Boy management under the watch of consultants and majority control interests blocked my access and ability to utilize during the time that the SSJID French Camp Outlet Study was performed in 2021) are in need of further investigation and review, including those purported conflicts of interest detailed in the 11/13/23 email to ensure that TLG property rights are properly defended and protected. Most important, I believe that TLG's ability to protect its right to vehicle access, legally recorded boundaries, surface water, ground water, and protection from flood impacts that clearly look to be increased by San Joaquin River channel drainage flow impedances caused by increasing amounts of storm water runoff from the developing areas both North and South of TLG APN's #241-330-32, 241-330-33, + 241-320-60 (as well as Tuff Boy properties APN 226-060-13, 14, 15,16,17,18) which appears to have been negatively affected by the majority control interests July 2021 order blocking co-managers power and abilities to defend TLG and other HIRT and WLHFT Trust property rights. (ie. WLHP, WLHR, MGR, SRH, WLHFT) I do not believe that it was William and Lucille Harris' intention when they wrote the Operating Agreements to block co-managers power to defend our family's property rights. (attachment upon request)

2. As a TLG LLC manager, Section 5.4 of the Operating Agreement grants managers conditional liability protections and specifically states:

   5.4 Performance of Duties; Liability of Manager. A Manager shall not be liable to the Company or to any Member for any loss or damage sustained by the Company or any Member, unless the loss or damage shall have been the result of fraud, deceit, gross negligence, reckless or intentional misconduct, or a knowing violation of law by the Manager. The Manager shall perform their managerial duties in good faith, in a manner they reasonably believe to be in the best interests of the Company and its Members, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. A Manager who so performs the duties of Manager shall not have any liability by reason of being or having been a Manager of the Company.

   In performing their duties, the Manager shall be entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, of the following persons or groups unless they have knowledge concerning the matter in question that would cause such reliance to be unwarranted and provided that the Manager acts in good faith and after reasonable inquiry when the need therefor is indicated by the circumstances:

   Section 5.4 also indirectly calls attention to managers/trustees duty to take protective action in the event a conflicted officer/manager/trustee fails to recuse themselves

I believe that fiduciary duty to recuse themselves in the event of a conflict applies as is provided for in all HIRT owned LLC Operating Agreements and justifies my managerial right and duty to take corrective action.

5.10 B Limitations on Powers of Manage Subject to Section 5.3B and any restrictions imposed by the Manager, any officer, acting alone, is authorized to endorse checks, drafts, and other evidences of indebtedness made payable to the order of the Company, but only for the purpose of deposit into the Company's accounts. All checks, drafts, and other instruments obligating the Company to pay money in an amount less than TEN THOUSAND DOLLARS ($10,000) may be signed by any one officer, acting alone. All checks, drafts, and other instruments obligating the Company to pay money in an amount of TEN THOUSAND DOLLARS ($10,000) or more must be signed on behalf of the Company by any two (2) officers acting together. Any two (2) officers acting together, shall be authorized to sign contracts and obligations on behalf of the Company

Other limitations on Power of manager

Section 5.3 B. Limitations on Power of Manager. Notwithstanding any other provisions of this Agreement, the Manager shall not have authority hereunder to cause the Company to engage in the following transactions without first obtaining the affirmative vote or written consent of a Majority Interest (or such greater Percentage Interests set forth below) of the Members:

(i) The sale, exchange or other disposition of all, or substantially all, of the Company's assets occurring as part of a single transaction or plan, or in multiple transactions over a twelve (12) month period, except in the orderly liquidation and winding up of the business of the Company upon its duly authorized dissolution, shall require the affirmative vote or written consent of Members holding at least seventy-five percent (75%) in Percentage Interests;

(ii) The merger of the Company with another limited liability company or limited partnership shall require the unanimous affirmative vote or written consent of the Manager Member and a majority affirmative vote or written consent of the Members; provided in no event shall a Member be required to become a general partner in a merger with a limited partnership without his express written consent or unless the agreement of merger provides each Member with the dissenter's rights described in the Act;

(iii) The merger of the Company with a corporation or a general partnership or other Person shall require the affirmative vote or written consent of the Manager Members and a majority affirmative vote or written consent of the Members;

(iv) The establishment of different classes of Members;

(v) An alteration of the primary purpose or business of the Company as set forth in Section 2.7;

(vi) Transactions between the Company and one or more of the Manager or Members or one or more of any Manager's or Member's Affiliates, or transactions in which one or more Managers or Members, or one or more of any Manager's or Member's Affiliates, has a material financial interest;

(vii) Without limiting subsection (vi), the lending of money by the Company to any Manager, Member, or officer;

(viii) Any act which would make it impossible to carry on the ordinary business of the Company;

(ix) The confession of a judgment against the Company;

(x) To file a bankruptcy petition on behalf of the Company; and

(xi) Any other transaction described in this Agreement as requiring the vote, consent, or approval of the Members.

Question: What liabilities are being created, and what insurance coverage protections are in place to protect all beneficial interests that may be affected? What conflicts does TBS have when considering its fiduciary duties to HIRT as required by its role under the TBS/HIRT/WLHFT/SRH shared services agreements?

Lack of an adopted project for either the Oakwood Lake outlet or improving the French Camp outlet

"High tides can undermine ability of outlet to move water while the city has been able to make sure developers put in place storm

retention basins in addition to storm drains on their dime, the lack of an adopted project for either the proposed Oakwood Lake outlet or improving the French Camp Outlet means growth likely isn't covering the financial impact of infrastructure costs that will be needed to move storm runoff from neighborhoods they build to the San Joaquin River.

There is also another limiting factor that comes with the city's storm runoff basically joining the San Joaquin River to a point northwest of the community of French Camp.

High tides can push up water levels in the Delta.

The is what happened when high tide occurred during a substantial period of rainfall in January of 2023.

Water lingered in some retention basins close to a week following the last rain drop.

Keep in mind, Manteca represents only a small sliver of the San Joaquin and Sacramento River basins that drain into the Delta.

It also needs to account for its geographic location as being at the river's lowest point of elevation when it reaches the Delta after collecting runoff in the 1,195 square miles of the San Joaquin River basin"

https://www.mantecabulletin.com/news/local-news/water-under-the-bridge-is-problem-for-manteca/

To better understand the continuing issues affecting the Terra Land Group 230 acre property (ie. APN #241-320-60, 241-330-32 and 241-330-33), please see attachments 1,2,3 and 4 for continuing issues complicated by developers interactions with the City of Manteca and SSJID prior to Martin Harris involvement in 2014 that continue to be unresolved today (2025)) (Also see attachment #5 for 27 each HIRT owned LLC entity property ownership list.) (Note: 18 of those properties situated in flood prone areas along the South Delta and currently used for farming, residences and commercial/industrial purposes)

I am happy to meet and discuss.

Thank you,

Martin Harris
801 Bogarin Lane
Ripon, CA 95366

(former residence before 2017 levee breach and associated flood evacuation: 22911 Oleander, Manteca, CA)

Letter P4 Response **Martin Harris, Manteca William & Lucille Harris Irrevocable Trust (HIRT)**
February 2, 2026

A total of six attachments were provided to this e-mail. These attachments are included in Appendix A of the Final EIR and do not address the content or conclusions of the Draft EIR therefore no responses are required. In addition, this e-mail also notes "other references" that are not related to any significant impacts of the Project; therefore, no response is required.

Response to Comment P4-1

The comment addresses the merits of the proposed project and does not address the adequacy or content of the Draft EIR; therefore, no further response is required. It will be included as part of the record for the proposed project.

Response to Comment P4-2

The comment addresses the merits of the proposed project and does not address the adequacy or content of the Draft EIR; therefore, no further response is required. It will be included as part of the record for the proposed project.

Response to Comment P4-3

See responses to Letter P3.

Response to Comment P4-4

See responses to Letter P2.

Response to Comment P4-5

See Responses to Letter P1.

From: Lori Mackey <lorimackey@me.com>
Sent: Wednesday, January 28, 2026 4:06 PM
To: Ryan Curry <Ryan.Curry@sjafca.org>; Lloyd Mackey <lloydmackey@gmail.com>; Lori Mackey <lorimackey@me.com>
Subject: OBJECTION of levee alignment: 5451 E. Fig Avenue

San Joaquin Area Flood Control Agency
2800 W March Ln Suite 200
Stockton, CA 95219

Dear Mr. Curry and SJAFCA Representatives,

On behalf of **Brocchini Family Partnership**, - ourselves, Lori and Lloyd Mackey - we are writing to formally express that we **do NOT agree with the proposed levee alignment** as currently depicted in your materials.

The attached image illustrates our parcels (outlined in yellow), with the **proposed levee footprint shown as the black line with shaded blue area**. As shown, the proposed levee alignment runs **directly behind our residence**, creating a significant and unnecessary impact on our home, our privacy, use of property, and long-term enjoyment of the land.

We respectfully request that SJAFCA **reconsider the alignment** and evaluate an alternative route that places the levee **along the northern boundary (rear) of our property**, as indicated by the yellow line to the north. This alternative alignment would still achieve flood protection objectives while substantially reducing adverse impacts to an existing residence and minimizing disruption to our family's property.

Our family has been long-term landowners and stewards of this property, and we are committed to working collaboratively with SJAFCA toward a solution that balances flood protection needs with reasonable property impacts. However, the current proposed alignment is not acceptable to us in its present form.

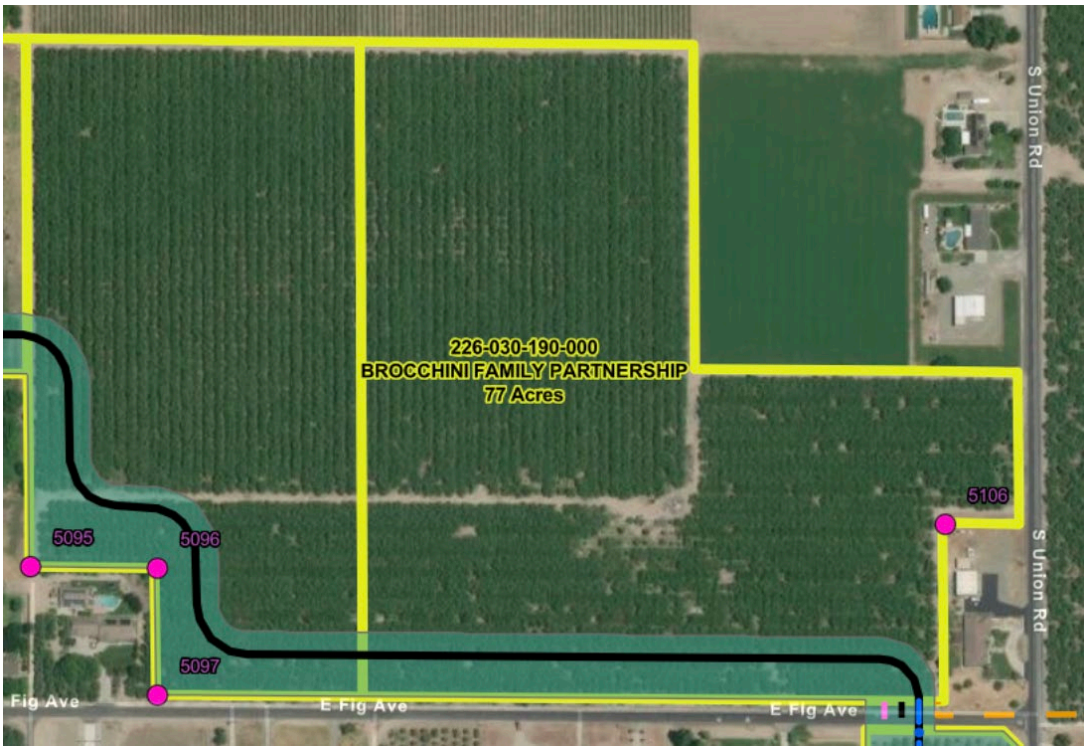
We appreciate your consideration of this request and welcome the opportunity to meet on-site or discuss potential alternatives in more detail.

Sincerely,

P5-1

Lori Brocchini Mackey
Brocchini Family Partnership
5451 E. Fig Avenue
Manteca, CA 95337
209-601-8236

Letter P5



P5-1
cont.

Letter P5 **Lori Brocchini Mackey, Brocchini Family Partnership**
Response January 28, 2026

Response to Comment P5-1

The comment addresses the merits of the proposed project and does not address the adequacy or content of the Draft EIR; therefore, no further response is required. It will be included as part of the record for the proposed project.

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CHAPTER 4
Mitigation Monitoring and Reporting Program

4.1 Introduction

Public Resources Code section 21081.6 and section 15097 of the CEQA Guidelines require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a mitigated negative declaration or specified environmental findings related to environmental impact reports.

The following is the MMRP for the Mossdale Tract Urban Flood Risk Reduction Project (proposed project). The intent of the MMRP is to track and successfully implement the mitigation measures identified within the EIR for the proposed project. The EIR includes the Draft EIR, as revised in the Final EIR.

4.2 Mitigation Measures

The mitigation measures are taken from the proposed project EIR and are assigned the same number as in the EIR. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

4.3 MMRP Table

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the proposed project EIR are presented, and numbered accordingly.

Component: This column identifies the relevant component of the proposed project to which the mitigation measure applies, using the following abbreviations:

- Flood Risk Reduction Components – FRR
- Ecosystem Restoration Sites 13, 14, and 16 – RS
- Other Multi-Benefit Components – MB
- All Project Components - ALL

Action(s): For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for

determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action; this may be SJAFCA or some other responsible party.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring and Reporting Party: The SJAFCA is primarily responsible for ensuring that mitigation measures are successfully implemented and monitored.

TABLE 4-1
MOSSDALE TRACT URBAN FLOOD RISK REDUCTION PROJECT MITIGATION MONITORING PROGRAM

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
3.2 Aesthetics					
Mitigation Measure 3.2-3 (FRR/RS/MB): SJAFCA shall require its construction contractors to ensure that all temporary lighting used for security of the staging areas is shielded or directed away from nearby residences to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the proposed project area.	FRR/RS/MB	Ensure that all temporary lighting used for security of the staging areas is shielded or directed away from nearby residences.	Contractor	During construction activities.	SJAFCA
3.3 Agriculture Resources					
Mitigation Measure 3.3-1 (FRR/RS/MB): Permanent conversion of Important Farmland shall be mitigated by adhering to the requirements of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, as well as other local ordinances, related to agricultural conservation and mitigation. Specifically, any loss or conversion of Important Farmland due to implementation of the proposed project shall be mitigated by preserving other Important Farmland of equal or greater value in perpetuity by acquiring an agricultural conservation easement, or by contributing funds to a land trust or other entity qualified to preserve Important Farmland in perpetuity at a ratio of 1:1.	FRR/RS/MB Adhering	Adhere to the requirements of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, as well as other local ordinances, related to agricultural conservation and mitigation. Acquire agricultural conservation easements or contribute funds to a land trust or other entity qualified to preserve Important Farmland in perpetuity at a ratio of 1:1.	SJAFCA	Prior to any proposed project activity that would result in the loss or conversion of Important Farmland.	SJAFCA
3.4 Air Quality					
Mitigation Measure 3.4-1 (FRR/RS/MB): Before starting onsite construction activities, construction contractors shall be required to submit a Construction Emissions Minimization Plan (Plan) to the SJAFCA for review and approval. The Plan shall state, in reasonable detail, how the contractor will achieve fleet reduction of 20 percent in NOx emissions over the statewide fleet average. The Plan shall rely on any combination of the following measures to meet this requirement: 1. *Engine Requirements*. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: a. Electric powered portable equipment, such as generators, shall be used. If electricity is not available to power portable equipment, propane or natural gas-powered generators shall be used. b. Electric engines shall be used for all equipment that is commercially available (i.e., inventory is available for the contractor team to rent or buy at the time needed based on the construction schedule) as plug-in or battery-electric equipment during each construction phase and activity. c. Engines that cannot be electrically powered must meet or exceed either U.S. EPA or CARB Tier 4 Final off-road emission standards. d. Engines shall be fueled with alternative fuels as commercially available during each construction phase and activity. This may include biodiesel, natural gas, propane, hydrogen fuel cell, and electricity. e. Any other control technology available in the future may be included in the Plan as substitutions for the above items a–d, provided that it can be documented that (1) the technology would result in comparable NOX emissions reductions and (2) it would not increase other pollutant emissions or result in other additional impacts, such as noise. This may include new alternative fuels or engine technology for off-road equipment (such as electric or hydrogen fuel cell equipment) that is not available as of 2022. 2. *Emissions Estimates*. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel type (e.g., diesel, gasoline, electric, propane, natural gas), and hours of operation. The Plan shall also include an updated calculation of expected annual construction NOX emissions. The Plan shall document the project's performance in relation to the threshold of 10 tons of NOX per year. 3. *Reporting*. After start of construction activities, the contractor shall submit biannual reports to the SJAFCA documenting compliance with the Plan. The biannual reports shall include a calculation of NOX emissions for all construction activities completed prior to the biannual report for all phases of construction completed. Emissions shall be reported in tons per year for each calendar year. Within six months of the completion of construction activities, the contractor shall submit to the SJAFCA a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase (or Reach and Activity). For each phase, the report shall include detailed information required above. The report shall also include a final inventory of NOX emissions for all construction activities completed. Emissions shall be reported in average daily pounds (for each construction period during each calendar year) and total tons per calendar year.	FRR/RS/MB	Develop and submit a Construction Emissions Minimization Plan to the SJAFCA for review and approval. Incorporate requirements into construction contract specifications and certify compliance. Submit biannual reports that document compliance with the Construction Emissions Minimization Plan. Submit final report summarizing activities at construction completion.	Contractor	Prior to, during and following completion of construction.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
4. *Certification Statement and Onsite Requirements*. Prior to commencing construction activities, SJAFCA shall certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.					
3.6 Biological Resources – Terrestrial					
Mitigation Measure 3.6-1a (FRR/RS/MB): Before SJAFCA initiates any work in the proposed project area, including grading, a qualified biologist would conduct mandatory contractor/worker awareness training for all construction (FRR/RS/MB) and operations (MB) personnel. It would be provided to brief them on the need to avoid effects on sensitive biological resources (e.g., riparian habitat, special-status species, wetlands and other sensitive biological communities) and the penalties for not complying with permit requirements. The biologist would inform all construction personnel about the life history of special-status species, including but not limited to VELB, Swainson's hawk, riparian brush rabbit, northwestern pond turtle, burrowing owl, MBTA species, bats, and special-status plants with potential for occurrence on the site, the importance of maintaining habitat and the terms and any applicable regulatory permit conditions. The training would also cover the restrictions and guidelines that must be followed by all personnel to reduce or avoid effects on sensitive biological communities and special-status species during project construction. The crew leader would be responsible for ensuring that crew members adhere to the guidelines and restrictions. Educational training would be conducted for new personnel as they are brought on the job. General restrictions and guidelines for vegetation and wildlife that must be followed by personnel include the life history and status and of special-status species and their habitat, how to identify these species and their habitats (e.g., nesting, roosting and foraging habitat, elderberry shrubs, and riparian habitat), what to do if these species are encountered during proposed project construction activities and explain the state and federal laws pertaining to them and the possible penalties for non-compliance.	FRR/RS/MB	Conduct mandatory biological resource awareness training for all construction and operations personnel. Ensure that all construction personnel adhere to guidelines and restrictions.	Contractor Qualified Biologist. Contractor	Prior to and during construction activities.	SJAFCA
Mitigation Measure 3.6-1b (FRR/MB): SJAFCA shall implement the following measures to avoid and minimize effects on Crotch's bumble bee for construction (FRR/MB) and O&M (MB) activities as long as Crotch's bumble bee is considered a CESA candidate species or is listed under CESA: a. Pre-Activity Nest Survey. If ground-disturbing activities will occur during the nesting season (February 1 through October 31) in an area with burrows, a pre-activity nest survey shall be conducted within 30 days of initiation of activities to evaluate whether an active nest is present within work areas. Bee identification shall be documented using photos of bees taken from multiple angles. Only approved biologists are allowed to handle, capture, or net bees if needed for identification, as described in the California Department of Fish and Wildlife's 2023 Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species, or most recent version. b. Nest Avoidance. If an active Crotch's bumble bee nest is detected within a work area, an avoidance buffer of 100 feet (30.5 meters) shall be established. The buffer may be reduced if determined by a qualified biologist that, based on bee behavior, a reduced buffer will not affect nesting individuals. Ground-disturbing activities shall avoid active nests during the Crotch's bumble bee nesting period (February 1 through October 31), to the maximum extent feasible, or until the nest is determined to no longer be active by a qualified biologist. c. Consultation. If impacts cannot be feasibly avoided and construction could result in potential direct or indirect impacts to Crotch's bumble bee and/or occupied habitats, SJAFCA shall consult with CDFW to ensure compliance with the California Endangered Species Act, which may include obtaining a "take" permit (e.g., CESA Section 2081 Incidental take Permit from CDFW).	FRR/MB (construction activities) and MB (operation and maintenance activities)	Conduct preconstruction nest surveys for the presence of Crotch's bumble bee. Establish buffer of 100 feet (30.5 meters) if active nest is identified. Avoid identified nest during nesting period (February 1 through October 31) to the maximum extent feasible or until nest is determined to no longer be active. Consult with CDFW to ensure compliance with CESA if impacts cannot be feasibly avoided.	SJAFCA Qualified Biologist Contractor Qualified Biologist SJAFCA	30 days before initiation of ground disturbing activities that occur February 1 through October 31. If nest is identified in work area when conducting ground disturbing activities February 1 through October 31. Prior to indirect or direct impacts that cannot be feasibly avoided.	SJAFCA
Mitigation Measure 3.6-1c (FRR/RS/MB): During construction (FRR/RS/MB) and operational (MB) activities SJAFCA shall implement the measures included in the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017; see Appendix E to the Draft EIR) to reduce effects on valley elderberry longhorn beetle. The framework includes avoidance and minimization measures for shrubs that would not be transplanted within 50 meters of the proposed project, methodologies for transplanting of shrubs, and methodologies for compensatory mitigation guidance for removed habitat.	FRR/RS/MB	Implement measures included in the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017).	Contractor	During construction (FRR/RS/MB) and operational (MB) activities.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
Mitigation Measure 3.6-1d (FRR/RS/MB): SJAFCA shall implement the following measures to reduce effects on nesting Swainson's hawks during construction (FRR/RS/MB) and O&M (MB) activities. a. Breeding Season Survey. If work occurs during the Swainson's hawk breeding season, SJAFCA would conduct a breeding season survey for nesting birds that would be conducted for all trees and shrubs that would be removed or disturbed that are located within 0.5 mile of construction activities, including grading. Swainson's hawk surveys would be completed during at least two of the following survey periods: January 1 to March 20; March 20 to April 5; April 5 to April 20; and June 10 to July 30, with no fewer than three surveys completed in at least two survey periods and with at least one of these surveys conducted no more than 48 hours from the initiation the proposed project activities to confirm the absence of nesting. If the biologist determines that the area surveyed does not contain any active nests, construction activities, including removal or pruning of trees and shrubs, could commence without any further mitigation. b. Active Nest Buffer. If active nests are found, a buffer of 0.25 mile shall be established until the nest is no longer active. A qualified biologist may propose a smaller distance from the nest subject to SJAFCA approval in coordination with CDFW. The purpose of the buffer shall be to avoid any take of nesting birds until the nest is no longer active (i.e., the young have fledged or the nest otherwise becomes inactive). The extent of an alternative buffer will depend on the level of noise or construction disturbance compared to ambient noise or other disturbances, line of sight, barriers, or development between the next and activities, and other site-specific circumstances. A qualified biologist shall be present on-site daily during construction activities within .025 mile of an active nest to ensure the buffer distance is adequate and the birds are not showing any signs of stress. If signs of stress that could cause nest abandonment are noted (such as defensive flights at intruders, getting up from a brooding position, or flying off the nest), construction activities shall cease until they can be resumed without signs of stress.	FRR/RS/MB (construction activities) and MB (operation and maintenance activities)	Conduct breeding season survey for the presence of Swainson's hawk active nests. Establish buffer of 0.25 mile if active nest is identified and maintain buffer until nest is determined to no longer be active.	SJAFCA Qualified Biologist Contractor Qualified Biologist	During at least two survey periods, no more than 48 hours from the initiation of project activities. If active nest is identified in work area.	SJAFCA
Mitigation Measure 3.6-1e (FRR/RS/MB): SJAFCA shall implement the following for construction (FRR/RS/MB) and O&M (MB) activities to reduce effects on riparian brush rabbit per USFWS guidance (USFWS, 2019): a. **Pre-construction Surveys.** Prior to the initiation of any ground-disturbing construction activities, an approved biologist shall conduct a reconnaissance-level survey to determine if any riparian brush rabbits occur within the proposed work areas. If any riparian brush rabbits are observed within the construction areas, construction shall only be allowed to commence when the observed riparian brush rabbit has exited the work area and at the discretion of the qualified biologist. b. **Silt Fencing.** Prior to initiation of any ground-disturbing construction activities, silt fencing shall be installed at the top of the waterside of the levee to prevent encroachment of construction personnel and equipment as well as minimize the potential for sedimentation to avoided riparian habitat and Oxbow Preserve. c. **Exclusion Fencing.** The boundary of the proposed project footprint shall be delineated with exclusionary fencing (silt fence with bottom buried) to prevent riparian brush rabbits from entering the site during construction. Only tightly woven netting or similar material shall be used for erosion control materials, such as coir rolls and geo-textiles, within or adjacent to suitable habitat of sensitive species. No plastic monofilament matting shall be used.	FRR/RS/MB	Conduct preconstruction nest surveys for the presence of riparian brush rabbit. Install silt fencing at the top of the waterside of the levee. Delineate exclusion fencing around the boundary of the proposed project footprint.	SJAFCA Qualified Biologist Contractor Qualified Biologist Contractor Qualified Biologist	Prior to the initiation of any ground-disturbing construction activities. Prior to the initiation of any ground-disturbing construction activities. Prior to construction activities.	SJAFCA
Mitigation Measure 3.6-1f (FRR/RS/MB): SJAFCA shall implement the following measures to avoid and minimize effects on northwestern pond turtle for construction (FRR/RS/MB) and O&M (MB) activities: a. A qualified biologist shall conduct a pre-construction survey within 7 days before the start of project activities. If no northwestern pond turtles are observed, SJAFCA shall document that information for the file, and no additional measures would be required, except as described below for dewatering activities. b. Should any northwestern pond turtles be detected on land during the pre-construction survey, the qualified biologist shall identify the location using GPS coordinates. With prior CDFW approval, a qualified biologist may relocate any northwestern pond turtles found on land or in aquatic habitat within the construction footprint to suitable aquatic habitat at least 200 feet away from the construction footprint. c. If northwestern pond turtles are observed on land within the construction footprint during proposed project activities, work shall be stopped within approximately 200 feet of the turtle, and a qualified biologist shall be notified immediately. If possible, the turtle will be allowed to leave on its own and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, with prior CDFW approval, the qualified biologist may capture and relocate the turtle unharmed to suitable habitat at least 200 feet outside the construction footprint. If a northwestern pond turtle nest is unintentionally uncovered during project activities, work shall be stopped within 200 feet of the nest and SJAFCA shall contact CDFW to determine the appropriate next steps.	FRR/RS/MB	Conduct preconstruction surveys for the presence of northwestern pond turtles. Identify the location of any northwestern pond turtles that are discovered and may relocate the species at least 200 feet away from the construction footprint. Stop work within approximately 200 feet of any northwestern pond turtles observed within the construction footprint and notify a qualified biologist.	SJAFCA Qualified Biologists. Qualified Biologists Contractor Qualified Biologists	Within 7 days before start of construction activities. During preconstruction survey. During construction activities	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
Mitigation Measure 3.6-1g (FRR/RS/MB): SJAFCA shall implement the following measures to avoid and minimize effects on burrowing owl for construction (FRR/RS/MB) and O&M (MB) activities: a. Prior to initiation of any excavation activities at borrow sites, SJAFCA shall conduct a pre-construction survey for burrowing owls in accordance with CDFW guidelines described in the Staff Report on Burrowing Owl Mitigation. If no burrowing owls are located during these surveys, then effects to burrowing owls would be less than significant and no mitigation would be required. b. If burrowing owls are located on or immediately adjacent to the site, then coordination would occur to determine the proper measures that would need to be implemented to ensure that burrowing owls are not impacted by the proposed project. Potential mitigation measures that could be implemented include: i. A qualified biologist shall conduct appropriate surveys at and around material source sites, to determine the presence/absence of burrowing owls. At least one survey shall be conducted no more than 1 week prior to the onset of any construction activity. ii. A 250-foot buffer, within which no new activity would be permissible, shall be maintained between the proposed project activities and nesting burrowing owls. This protected area shall remain in effect until August 31 or at the discretion of a qualified biologist, until the young owls are foraging independently. iii. No burrowing owls shall be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season could be permitted pending evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction.	FRR/RS/MB	Conduct preconstruction surveys for the presence of burrowing owl. Conduct coordination to determine the proper measures that would need to be implemented to avoid impacts to burrowing owl. Conduct surveys at and around material source sites to determine the presence/absence of burrowing owls. Maintain a 250-foot buffer between the proposed project activities and nesting burrowing owls.	SJAFCA Qualified Biologist SJAFCA Contractor Qualified Biologists Contractor Qualified Biologists	Prior to initiation of any excavation activities at borrow sites. During construction activities if burrowing owls are located on or immediately adjacent to the site. No more than 1 week prior to the onset of any construction activity. During construction activities, until August 31 or at the discretion of a qualified biologist.	SJAFCA
Mitigation Measure 3.6-1h (FRR/RS/MB): SJAFCA shall implement the following measures to avoid and minimize effects on breeding and migratory birds for construction (FRR/RS/MB) and O&M (MB) activities: a. **Clearing and Grubbing.** Tree and shrub removal and work in other areas scheduled for vegetation clearing, grading, or other construction or O&M activities shall not be conducted during the nesting season (generally February 15 through September 30, depending on the species and environmental conditions for any given year), when feasible. b. **Pre-construction Surveys.** Conduct surveys to locate any nest sites within proposed construction and O&M areas in the spring. Surveys shall be conducted by a qualified biologist using approved methods. If nests or young of these species are not located, construction may proceed. If nests or young are located, nest buffer requirements shall be implemented as described below. c. **Active Nest Buffer.** If nesting birds have been identified within or adjacent to the construction footprint, avoidance buffers shall be established of 500 feet for white-tailed kite, northern harrier, and loggerhead shrike; 300 feet for common raptors; 200 feet for heron or egret rookeries, and 100 feet for common passerines. Reduced buffers may be implemented if recommended by the monitoring biologist. Buffers shall be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. No construction activities shall occur within the buffer zone, which would be maintained until the young have fledged (as determined by a qualified biologist).	FRR/RS/MB	Conduct preconstruction surveys for the presence of nests. Establish avoidance buffers (distance based on species) if nesting birds have been identified within or adjacent to construction footprint.	SJAFCA Qualified Biologists Contractor Qualified Biologists	Prior to construction activities. During construction activities.	SJAFCA
Mitigation Measure 3.6-1i (FRR/RS/MB): In advance of tree and structure removal, a pre-construction survey for bats shall be conducted by a qualified biologist to characterize potential bat habitat and identify active roost sites within the proposed project area. Should potential roosting habitat or active bat roosts be found in trees and/or structures to be removed, the following measures shall be implemented: a. Removal of trees and structures shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15, and outside of bat maternity roosting season (approximately April 15 – August 31) and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible. b. If removal of trees and structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the proposed project area where tree and structure removal is planned, a no-disturbance buffer of 100 feet shall be established around these roost sites until they are determined to be no longer active by the qualified biologist. c. The qualified biologist shall be present during tree and structure removal if active bat roosts, which are not being used for maternity or hibernation purposes, are present. Trees and structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for three days and when daytime temperatures are at least 50°F. d. Removal of trees with active or potentially active roost sites shall follow a two-step removal process: i. On the first day of tree removal and under supervision of the qualified biologist, branches and limbs not containing cavities or fissures in which bats could roost, shall be cut only using chainsaws.	FRR/RS/MB	Conduct preconstruction surveys for the presence of bats. Remove trees and structures when bats are active (March 1 to April 15 and August 15 to October 15), and outside of bat maternity roosting season (April 15 – August 31) and outside of months of winter torpor (October 15 – February 28). Establish a no-disturbance buffer of 100 feet around active roost sites. Remove trees and structures with active roosts when no rain is occurring or is forecasted to occur for three days when daytime temperatures are at least 50°F. Follow two step process for removal of tress with active or potentially active roost sites.	SJAFCA Qualified Biologists Contractor Qualified Biologists Contractor Qualified Biologists Contractor Qualified Biologists Contractor Qualified Biologists	Prior to construction activities. During tree and structure removal activities. During tree and structure removal activities. During tree and structure removal activities. During tree and structure removal activities.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
ii. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be removed, either using chainsaws or other equipment (e.g., excavator or backhoe). e. Removal of structures containing or suspected to contain active bat roosts, which are not being used for maternity or hibernation purposes, shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost. If deemed necessary by a qualified biologist, bat exclusion devises may be installed to prevent the re-entry of bats to a roost.		Remove structures containing or suspected to contain active bat roosts, which are not being used for maternity or hibernation purposes, in the evening and after bats have emerged from the roost to forage.	Contractor Qualified Biologists	During tree and structure removal activities.	
Mitigation Measure 3.6-1j (RS/MB): SJAFCA shall implement the following measures to avoid and minimize effects on special-status plants during restoration activities: a. **Pre-construction Surveys.** Qualified botanists shall survey the proposed project area to document the presence of special-status plants before project implementation and would conduct a floristic survey that follows the CDFW botanical survey guidelines (CDFW, 2018). All plant species observed would be identified to the level necessary to determine whether they qualify as special-status plants or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special-status plants that could occur in the area are evident and identifiable, generally during the reported blooming period. To account for different special-status plant identification periods, one or more series of field surveys may be required in spring and summer. If any special-status plants are identified during the surveys, the botanist would photograph and map locations of the plants, document the location and extent of the special-status plant population on a CNDDB Survey Form and submit the completed Survey Form to the CNDDB. The amount of compensatory mitigation required would be based on the results of these surveys. b. **Avoidance.** If one or more special-status plants is identified in the proposed project area during pre-construction surveys, SJAFCA shall redesign or modify the proposed project components to avoid indirect or direct effects on special-status plants wherever feasible. If special-status plants cannot be avoided by redesigning proposed project components, implementation of mitigation would avoid significant effects on special-status plants. c. **Preservation.** If complete avoidance of special-status plants is not feasible, the effects of the proposed project on special-status plants would be compensated through off-site preservation at a one-to-one ratio or as negotiated with the resource agencies. Suitable habitat for affected special-status plant species would be purchased in a conservation area or established onsite and preserved and managed in perpetuity. Detailed information would be provided to the agencies on the location and quality of the preservation area, the feasibility of protecting and managing the area in perpetuity and the responsible parties. Other pertinent information also would be provided, to be determined through future coordination with the resource agencies.	RS/MB	Conduct preconstruction surveys for the presence of special-status plants and conduct a floristic survey. Redesign or modify the proposed project components to avoid indirect or direct effects on special-status plants wherever feasible. Compensate for the effects on special-status plants through off-site preservation at a one-to-one ratio or as negotiated with the resource agencies.	SJAFCA Qualified Botanists SJAFCA SJAFCA	Prior to construction activities. Following preconstruction surveys. Following construction activities.	SJAFCA
Mitigation Measure 3.6-2 (FRR/RS): SJAFCA shall conduct an aquatic resources delineation to identify potential wetlands and other waters that fall under state and federal jurisdiction within proposed project areas. During construction and O&M activities, design and or refinement of proposed project activities would be implemented to reduce impacts on sensitive habitat to the extent practicable. Refinements implemented to reduce the loss of riparian and wetland/waters habitat would include reducing the impact footprint, constructing on the landside of the levee to avoid impacts to riparian and wetland/waters habitat, and constructing within the existing disturbed areas of the existing levee. Where practicable, trees on the waterside slopes that are not dead and/or downed would be avoided and not impacted by rock slope protection efforts. Temporary and permanent impacts to riparian habitat and wetland/waters, that cannot be mitigated through avoidance, minimization, or remediation shall be mitigated to ensure no net loss through compensation, by restoring riparian and wetlands/waters habitat at one of the proposed ecosystem restoration sites or an approved offsite location, mitigation bank, or in-lieu fee program. Riparian and wetlands/waters habitat will not be restored where it would be removed by future maintenance activities. A revegetation plan would be prepared by a qualified biologist or landscape architect and reviewed by the appropriate agencies. The revegetation plan would specify the use of beneficial native plants appropriate for each area that provide a diverse variety of grasses and forbs that support native wildlife species.	FRR/RS	Conduct aquatic resources delineation to identify potential wetlands and other waters that fall under state and federal jurisdiction within proposed project areas. Compensate for identified unavoidable impacts to riparian habitat and wetlands/waters to ensure no net loss, where impacts cannot be avoided, minimized, or remediated. Prepare a revegetation plan and submit for review and approval by the appropriate agencies.	SJAFCA Qualified Biologist SJAFCA SJAFCA	Prior to final design and before construction. Following construction activities. Following construction activities.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
Mitigation Measure 3.6-5 (FRR/RS/MB): In the City of Stockton, SJAFCA shall submit an application for a heritage tree removal permit for any oaks that will be removed that meet Stockton Municipal Code size requirements. SJAFCA shall replace heritage trees removed per the requirements of the municipal code on a 3:1 basis with each replacement tree being of at least 15-gallon container size. SJAFCA shall comply with any other applicable local code regarding tree removal.	FRR/RS/MB	Submit an application for a heritage tree removal permit for any heritage trees meeting the Stockton Municipal Code size requirements that will be removed to accommodate proposed project construction. Replace heritage trees removed per the requirements of the Municipal Code on a 3:1 basis with each replacement tree being of at least 15-gallon container size.	SJAFCA	Prior to removing any heritage trees that meet the Stockton Municipal Code size requirements. Following heritage tree removal consistent with applicable Stockton Municipal Code tree replacement requirements.	SJAFCA
3.7 Cultural Resources					
Mitigation Measure 3.7-1 (FRR/MB): Before implementation of the proposed project, SJAFCA shall, in consultation with a qualified archaeologist and architectural historian, defined as those meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology and Architectural History, and California Native American Tribes culturally and geographically affiliated with the proposed project area, develop and implement a Cultural Resources Management Plan (CRMP) for the proposed project. The CRMP shall be submitted to the CHRIS upon SJAFCA approval, and shall require the following: • A cultural resources survey and associated documentation for those portions of the proposed project area not covered by the pedestrian survey conducted to date. • An evaluation of any cultural resources identified in the proposed project area during the supplemental survey for California Register-eligibility (i.e., as qualifying as historical resources, as defined in CEQA Guidelines Section 15064.5) as well as whether they qualify as archaeological resources, pursuant to CEQA Guidelines Section 15064.5. Such evaluation may require archaeological testing (excavation), potentially including laboratory analysis, consultation with relevant California Native American Tribes (for indigenous resources), or archival research. The evaluation should also include any cultural resources previously recorded in the proposed project area that have not been previously evaluated for California Register-eligibility (e.g., P-39-005084). • An assessment of potential proposed project impacts on any cultural resources identified in the proposed project area that qualify as historical resources (per CEQA Guidelines Section 15064.5) and/or archaeological resources (per CEQA Guidelines Section 15064.5). This shall include an analysis of whether the proposed project's potential impacts would materially alter a resource's physical characteristics that convey its historical significance and that justify its inclusion (or eligibility for inclusion) in the California Register or a qualified local register. • A technical report documenting the cultural resources survey, evaluations of California Register-eligibility, and assessment of potential proposed project impacts on cultural resources meeting U.S. Secretary of the Interior's Standards for cultural resources technical reporting. This report shall be submitted to the CHRIS upon SJAFCA approval. The CRMP shall also include and require implementation of the following: • Methods and procedures associated with protective measures to avoid impacts on archaeological resources P-39-000006 and P-39-000014/000141 during proposed project construction required under Mitigation Measure 3.7-2(b). • Methods and procedures associated with the cultural resources awareness and sensitivity training required under Mitigation Measure 3.7-2(c). • The protocol for the monitoring and reporting of unanticipated discoveries shall follow the methods and procedures described in the Archaeological and Tribal Monitoring Plan portion of the CRMP required in Mitigation Measures 3.7-2(d), Mitigation Measures 3.7-2(e) and 3.7-2(f).	FRR/MB	Develop and implement a Cultural Resources Management Plan (CRMP). To identify and evaluate cultural resources potentially impacted by implementation of the proposed project. Document methods and procedures to protect identified cultural and tribal cultural resources, along with protocol for monitoring and reporting unanticipated discoveries in the CRMP. Submit the CRMP to the CHRIS.	SJAFCA Qualified Archaeologists and Architectural Historian that meet the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology and Architectural History California Native American Tribes culturally and geographically affiliated with the proposed project area	Before conducting any ground disturbing activities.	SJAFCA
Mitigation Measure 3.7-2b (FRR): Prior to construction activities, a membrane shall be placed over the recorded site boundaries of P-39-000006 and -39-000014/000141 with a 50-foot buffer. A thin (3 to 6-inch-thick) layer of imported gravel and/or sediment shall then be placed over the membrane to cover the entire site boundary and buffer. The sediment and membrane shall be maintained throughout proposed project construction to ensure that the resource boundaries are not impacted by the proposed project. At the conclusion of proposed project construction, the imported gravel and/or sediment and membrane shall be carefully removed to avoid disturbance to the original ground surface at the resources' boundaries. The placement, maintenance, and removal of the membrane and imported gravel and/or sediment shall be subject to the cultural resources monitoring required under Mitigation Measure 3.7-2(d).	FRR	Place a membrane over the recorded site boundaries of P-39-000006 and -39-000014/000141; add a3 to 6-inch-thick layer of imported gravel and/or sediment over the membrane to cover the entire site boundary and a 50-foot buffer. Maintain the sediment and membrane. Remove imported gravel and/or sediment and membrane shall be carefully removed to avoid disturbance to the original ground surface at the resources' boundaries. Monitor activities consistent with Mitigation Measure 3.7-2(d).	Contractor Contractor Contractor See Mitigation Measure 3.7-2(d).	Prior construction activities. During construction activities. Following completion of construction activities. See Mitigation Measure 3.7-2(d).	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
Mitigation Measure 3.7-2c (FRR/RS/MB): Before implementation of the proposed project, SJAFCA shall, in consultation with a qualified archaeologist, defined as those meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, and California Native American Tribes culturally and geographically affiliated with the proposed project area, develop a Cultural Resources Awareness and Sensitivity Training Program for all construction and field workers involved in proposed project ground-disturbing activities. The program shall include a presentation that covers, at a minimum, the types of cultural resources common to the area, regulatory protections for cultural resources, and the protocol for unanticipated discovery of archaeological resources, submerged cultural resources, and human remains required under Mitigation Measures 3.7-2(e) to 3.7-2(f). Personnel working in areas of proposed project ground-disturbing activities shall receive the training prior to working in these areas. Written materials associated with the program shall be provided to proposed project personnel as appropriate. Documentation of the training attendance shall be maintained by SJAFCA.	FRR/RS/MB	Develop a Cultural Resources Awareness and Sensitivity Training Program for all construction and field workers involved in proposed project ground-disturbing activities.	SJAFCA Qualified Archaeologist California Native American Tribe culturally and geographically affiliated with the proposed project area	Prior to construction activities.	SJAFCA
Mitigation Measure 3.7-2d (FRR/RS/MB): An archaeologist meeting, or supervised by an archaeologist meeting, the Secretary of the Interior's Professional Qualifications Standards for Archeology, in addition a representative from a California Native American Tribe culturally and geographically affiliated with the proposed project area, shall be invited to conduct construction monitoring for all proposed project ground-disturbing construction activities in culturally designated areas. The conduct and work of any Tribal Monitor shall be consistent with the NAHC *Guidelines for Native American Monitors/Consultants* (NAHC 2005). The methods and procedures for the monitoring shall follow those presented in the ATMP portion of the CRMP, including unanticipated discovery and reporting protocol. Monitoring may be concluded upon mutual agreement between SJAFCA, the archaeologist, and the California Native American Tribe.	FRR/RS/MB	Invite an archaeologist and a representative from a California Native American Tribe to conduct construction monitoring for all proposed project ground-disturbing construction activities in culturally designated areas.	SJAFCA Archaeologist California Native American Tribe culturally and geographically affiliated with the proposed project area	During construction activities.	SJAFCA
Mitigation Measure 3.7-2e (FRR/RS/MB): If archaeological resources are encountered during proposed project construction, all construction activities within 100 feet shall halt, and a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, shall inspect the find within 24 hours of discovery and notify SJAFCA of their initial assessment. Indigenous archaeological materials might include: obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include: building or structure footings and walls; and deposits of metal, glass, and/or ceramic refuse. If SJAFCA, based on recommendations from the qualified archaeologist and California Native American Tribes that are traditionally and culturally affiliated with proposed project area (if the resource is indigenous), determines that the resource may qualify as a historical resource or unique archaeological resource (pursuant to CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21074), the resource shall be avoided, if feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through: planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance of the resource is not feasible, SJAFCA shall continue to consult with California Native American Tribes that are traditionally and culturally affiliated with the proposed project area (if the resource is indigenous) and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3). Any technical report developed to document the implementation mitigation shall be submitted to the CHRIS upon SJAFCA approval, unless the document contains information that California Native American Tribes involved in the development of the mitigation deem should not be filed with the CHRIS, in which case, the report shall be submitted to the NAHC.	FRR/RS/MB	Halt construction activities within 100 feet if an archaeological resource is encountered. A qualified archaeologist shall inspect the find and notify SJAFCA of their initial assessment. Avoid potentially significant archaeological and/or tribal cultural resources whenever feasible. If avoidance is not feasible, consult with California Native American Tribes that are traditionally and culturally affiliated with the proposed project area. Develop technical report documenting mitigation and submit to CHRIS or to the NAHC, as appropriate.	Contractor Qualified Archaeologists SJAFCA Qualified Archaeologists California Native American Tribes that are traditionally and culturally affiliated with proposed project area SJAFCA Contractor Qualified Archaeologists SJAFCA	During construction activities. Within 24 hours of discovery. During construction activities. During construction activities.	SJAFCA
Mitigation Measure 3.7-2f (FRR/RS/MB): If a shipwreck, and associated artifacts, or other cultural resource on or in the tide and submerged lands of California is encountered during proposed project construction or operation, Mitigation Measure 3.7-2(e) shall be implemented, in addition to the following measures: • SJAFCA shall initiate consultation with CSLC staff within two business days of the discovery. • Per PRC Section 6313(c), any submerged cultural resource remaining in state waters for more than 50 years shall be presumed to be archaeologically or historically significant. • If the find is a maritime archaeological resource, the qualified archaeologist assessing the find shall have expertise in maritime archaeology. • SJAFCA shall consult with the CSLC regarding assessment of the find and development of any treatment measures to minimize or mitigate potential impacts on the resource, pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. Treatment measures would typically consist of (but would not	FRR/RS/MB	If a shipwreck, and associated artifacts, or other cultural resource on or in the tide and submerged lands of California is encountered, initiate consultation with CSLC. Consult with the CSLC regarding assessment of the find and development of any treatment measures to minimize or mitigate potential impacts on the resource. Prepare a treatment plan to document the treatment measures and their implementation methods. Submit to the CSLC any report prepared for the resource.	SJAFCA	During construction and O&M activities, within two business days of the discovery. During construction and O&M activities. During construction and O&M activities. During construction and O&M activities.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
necessarily be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be affected by the proposed project. SJAFCA shall prepare a treatment plan to document the treatment measures and their implementation methods. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. Any treatment measures implemented shall be documented in a professional-level technical report (e.g., archaeological testing results report, archaeological data recovery report, ethnographic report) authored by a qualified archaeologist, to be filed with the CHRIS. Proposed project construction work at the location of the find may commence upon completion of the approved treatment and authorization by SJAFCA. Work may proceed in other parts of the proposed project area while the mitigation is being carried out. • SJAFCA shall submit to the CSLC any report prepared for the resource as part of the assessment of the find and implementation of treatment measures to minimize or mitigate potential impacts.					
Mitigation Measure 3.7-3b (FRR/RS/MB): In the event of discovery of any human remains during proposed project-related construction activities, such activities within 100 feet of the find shall cease until the San Joaquin County Coroner has been contacted to determine that no investigation of the cause of death is required. If the Coroner determines that the remains are not modern and are Native American in origin, the NAHC shall be contacted within 24 hours of the Coroner's determination. The NAHC shall then identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American; the MLD shall then make recommendations to SJAFCA for the appropriate means of treating the human remains and any grave goods. Per PRC Section 5097.98, SJAFCA shall ensure that the immediate vicinity of the location of the human remains is not damaged or disturbed by further development activity until SJAFCA has discussed and conferred with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. Any technical report developed to document the implementation mitigation shall be submitted to the CHRIS and NAHC upon SJAFCA approval, unless the document contains information that California Native American Tribes involved in the development of the mitigation deem should not be filed with the CHRIS, in which case, the report shall be submitted only to the NAHC.	FRR/RS/MB	Halt construction activities within 100 feet of the discovery of any human remains and contact San Joaquin County Coroner. If the Coroner determines that the remains are not modern and are Native American in origin, contact the NAHC. Any technical report developed to document the implementation mitigation shall be submitted to the CHRIS and NAHC, as appropriate.	Contractor SJAFCA SJAFCA Qualified Archeologist Most Likely Descendant from deceased Native American	During construction activities. Within 24 hours of Coroner's determination. During or following construction activities.	SJAFCA
3.9 Geology, Soils, and Mineral Resources					
Mitigation Measure 3.9-1a (FRR/RS/MB): Prior to the start of any ground-disturbing activities, a Qualified Paleontologist shall conduct pre-construction worker paleontological resources sensitivity training. The training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreperson or supervisor if any bones or other potential fossils are unexpectedly unearthed in an area where a paleontological monitor is not present.	FRR/RS/MB	Conduct pre-construction worker paleontological resources sensitivity training.	Contractor Qualified Paleontologist	Prior to the start of any ground-disturbing activities.	SJAFCA
Mitigation Measure 3.9-1b (FRR/RS/MB): If a paleontological resource is discovered during construction, a Qualified Paleontologist or paleontological monitor shall be contacted and empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed resource to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All significant fossils shall be collected by the paleontological monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the University of California Museum of Paleontology at Berkeley, if such an institution agrees to accept the fossils. If no institution accepts fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, photographs, and a technical report shall also be filed at the repository and/or school.	FRR/RS/MB	Contact Qualified Paleontologist or paleontological monitor who will establish a buffer and temporarily divert or redirect grading and excavation activities to facilitate evaluation of the discovery. Prepare collected fossils to a point of identification and catalogued and submitted to a final repository.	Contractor SJAFCA Qualified Paleontologist or Paleontological Monitor SJAFCA Qualified Paleontologist	During construction activities. During or following construction activities.	SJAFCA
Mitigation Measure 3.9-1c (FRR/RS/MB): A Qualified Paleontologist shall select paleontological monitors meeting the Society for Vertebrate Paleontology standards (SVP 2010) who shall be present during all excavations in the Modesto Formation or in areas with high potential to encounter paleontological resources (e.g., excavation depths over five feet in previously undisturbed deposits). Depending on the conditions encountered, full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The Qualified Paleontologist may spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitoring activities shall be documented in a Paleontological Resources Monitoring Report to be prepared by the Qualified Paleontologist at the completion of construction.	FRR/RS/MB	Select paleontological monitors to be present during all excavations in the Modesto Formation or in areas with high potential to encounter paleontological resources.	SJAFCA Qualified Paleontologist Paleontological Monitor	During construction activities located in the Modesto Formation or in areas with high potential to encounter paleontological resources.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
3.10 Greenhouse Gas Emissions					
Mitigation Measure (FRR/RS/MB): Implement Mitigation Measure 3.4-1.	FRR/RS/MB	See Mitigation Measure 3.4-1.	See Mitigation Measure 3.4-1.	See Mitigation Measure 3.4-1.	See Mitigation Measure 3.4-1.
3.11 Hazards and Hazardous Materials					
Mitigation Measure (FRR/RS/MB): Implement Mitigation Measure 3.17-1.	FRR/RS/MB	See Mitigation Measure 3.4-1.	See Mitigation Measure 3.17-1.	See Mitigation Measure 3.17-1.	See Mitigation Measure 3.17-1.
3.12 Hydrology and Water Quality					
Mitigation Measure 3.12-1 (FRR): Prior to the start of construction and before activities that involve the use of bentonite materials, the contractor in coordination with SJAFCA shall develop and implement a Bentonite Slurry Spill Contingency Plan (BSSCP), or frac-out plan, to minimize the potential for a frac-out associated with excavation and tunneling activities, provide for timely detection of frac-outs, and ensure a "minimum-effect" response in the event of a frac-out and release of excavation fluid. The BSSCP shall identify sensitive areas such as wetlands and streams, map bore paths to avoid sensitive areas, and evaluate soil and weather conditions that could increase spill risks. The BSSCP shall also describe protocols for continuous visual checks and pressure monitoring systems to identify a loss of circulation. The BSSCP shall describe response actions such as stopping drilling, deploying containment measures like sandbags or silt fences, and recovering slurry using pumps or vacuum trucks to avoid any impacts to sensitive areas if a spill occurs.	FRR	Develop and implement a Bentonite Slurry Spill Contingency Plan (BSSCP), or frac-out plan.	SJAFCA Contractor	Prior to construction activities that involve use of bentonite materials.	SJAFCA
3.14 Noise and Vibration					
Mitigation Measure 3.14-1 (FRR/RS/MB): SJAFCA shall require its contractors to implement the measures below, as a condition of contract, to avoid and minimize temporary and short-term construction noise effects on sensitive receptors. These measures shall be implemented during construction, particularly when construction occurs during the nighttime (10:00 p.m. to 7:00 a.m.) and is within 90 feet of a sensitive receptor in unincorporated San Joaquin County or city of Lathrop, to avoid and minimize temporary and short-term construction noise effects on sensitive receptors: a. All construction equipment shall be equipped with noise-reduction devices, such as mufflers, to minimize construction noise, and all internal combustion engines shall be equipped with exhaust and intake silencers, in accordance with manufacturers' specifications. c. The use of bells, whistles, alarms, and horns shall be restricted to safety warning purposes only. d. Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators at slurry pond locations). e. Mobile and fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes will be located at the most distant point feasible from noise-sensitive receptors. f. When noise-sensitive uses are located within 450 feet of and subject to prolonged construction noise, noise attenuating buffers, such as structures, truck trailers, or soil piles, shall be located between noise generation sources and sensitive receptors. g. Contractors shall properly maintain all heavy trucks and will equip them with noise-control devices (e.g., mufflers), in accordance with manufacturers' specifications, at each work site during project construction to minimize construction traffic noise effects on sensitive receptors. h. Before haul truck trips are initiated during a construction season on roads within 500 feet of residences located along haul routes, written notification will be provided to the potentially affected residents identifying the hours and frequency of haul truck trips. Notification materials will include contact information for a designated noise disturbance coordinator and also will identify a mechanism for residents to register complaints with the appropriate jurisdiction if haul truck noise levels are overly intrusive or occur outside the exempt daytime hours for the applicable jurisdiction. i. Queuing locations for haul trucks shall be designated at locations at least 500 feet from noise-sensitive receptors.	FRR/RS/MB	Equip construction equipment with noise-reduction devices; restrict the use of bells, whistles, alarms, and horns to safety purposes; use noise-reducing enclosures around stationary equipment; locate equipment, staging areas, and haul routes as far as feasible from noise-sensitive receptors; install temporary noise attenuation buffers where construction occurs near sensitive receptors; properly maintain trucks and equip them with noise-control devices; provide advance notification to nearby residents of haul truck activity and a complaint mechanism; and designate haul truck queuing areas away from sensitive receptors.	SJAFCA Contractor	During construction activities and particularly when construction occurs during the nighttime (10:00 p.m. to 7:00 a.m.) and is within 90 feet of a sensitive receptor in unincorporated San Joaquin County or city of Lathrop.	SJAFCA
Mitigation Measure 3.14-2 (FRR/MB): Contractors shall implement the following measures at work sites within 90 feet of sensitive receptors during project construction to avoid and minimize the effects of temporary and short-term construction-related groundborne vibration on sensitive receptors. • Equipment shall be operated as far away as practical from vibration-sensitive receptors. • Contractors, as a condition of contract, shall limit compaction activities to the hours of 8:00 a.m. to 6:00 p.m. when work is within 90 feet of a sensitive land use. • Where practicable, contractors shall use smaller vibratory rollers to minimize vibration levels during compaction activities where needed to meet vibration standards.	FRR/MB	Operate equipment as far away as practical from vibration - sensitive receptors. For work that is within 90 feet of a sensitive receptor, limit compaction activities to the hours of 8:00 a.m. to 6:00 p.m. Use smaller vibratory rollers, where practical.	Contractor	During construction activities.	SJAFCA

Mitigation Measure	Component(s)	Action(s)	Implementing Party	Timing	Monitoring and Reporting Party
3.17 Transportation and Circulation					
Mitigation Measure 3.17-1 (FRR/RS/MB): SJAFCA shall require that contractors prepare and implement a construction traffic management plan to manage traffic flow during construction, reduce potential interference with local emergency response plans, reduce potential traffic safety hazards, and ensure adequate access for emergency responders. Development and implementation of this plan shall be coordinated with local agencies with jurisdiction over affected roadways, and/or the construction contractor(s) shall ensure that the plan is implemented during construction. The plan may include but not be limited to the following measures: • Identify construction truck haul routes and timing to limit conflicts between truck and automobile traffic on nearby roads. The identified routes will be designed to minimize impacts on vehicular, bicycle, and pedestrian traffic, circulation, and safety. • Implement comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, warning and detour signs, lane closure procedures, and traffic cones for drivers indicating potential road hazards or detours. • Coordinate construction activities to ensure that one lane of traffic in each direction remains open at all times, unless flaggers or temporary traffic controls are in place, to provide emergency access. • Evaluate the need to provide flaggers or temporary traffic control at project driveways and entries to staging areas. • Notify affected adjacent property owners and public safety personnel regarding the timing of major deliveries, detours, and lane closures. • Develop a process for responding to and tracking issues pertaining to construction activity impacts on traffic, including identification of an on-site traffic manager. Post 24-hour contact information for the traffic manager on all construction sites. • Document road pavement conditions for all routes that would be used by construction vehicles before and after proposed project construction. Make provisions to monitor the condition of roads used for haul routes so that any damage or debris attributable to haul trucks can be identified and corrected. Roads damaged by construction vehicles shall be repaired to their pre-construction condition.	FRR/RS/MB	Prepare and implement a construction traffic management plan.	Contractor	Prior to and during construction activities.	SJAFCA
3.18 Tribal Cultural Resources					
Mitigation Measures (FRR/RS/MB): Implement Mitigation Measures 3.7-1, 3.7-2(b) through (f), and 3.7-3(b).	FRR/RS/MB	See Mitigation Measures 3.7-1, 3.7-2(b) through (f), and 3.7-3(b).	See Mitigation Measures 3.7-1, 3.7-2(b) through (f), and 3.7-3(b).	See Mitigation Measures 3.7-1, 3.7-2(b) through (f), and 3.7-3(b).	See Mitigation Measures 3.7-1, 3.7-2(b) through (f), and 3.7-3(b).
3.20 Wildfire					
Mitigation Measure (FRR/RS/MB): Implement Mitigation Measure 3.17-1.	FRR/RS/MB	See Mitigation Measure 3.17-1.	See Mitigation Measure 3.17-1.	See Mitigation Measure 3.17-1.	See Mitigation Measure 3.17-1.

NOTES:

1. This BMP for idling specifically applies to diesel-powered equipment. Non-diesel vehicles are not required to limit idling time.
2. This BMP specifically applies to diesel-powered equipment.

Appendix A

Attachment to Letters P1 through P4

Letter P1 Attachments

Terra Land Group, LLC
5151 E. Almondwood Drive
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

March 24, 2014 US MAIL & HAND DELIVERED

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: Terra Ranch Final Map/Tract #3493/**Request for a Public hearing**

Dear Commission Members,

I am the authorized representative for Terra Land Group, LLC, ("TLG") with respect to current land use issues.[1]

This letter is in follow up to my prior correspondence to Mark Meissner, Planning Manager for the City of Manteca, on March 5, 2014.

TLG wants to make it clear that TLG does not oppose the Terra Ranch Development Project ("Project"), however, TLG does have a number of issues that it believes were not adequately addressed for the reasons indicated in this letter; and, TLG was not given an opportunity to raise these issues because it was not given prior notice; consequently, I am concerned that if the City approves the Final Map based on misinformation and without proper notice, it could be subject to challenge.

In summary, **TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the map referenced above.** This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative Map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions that TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for the Project. 6) Finally, and of most significance, **TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.**

This project has been confusing from the outset because the adjacent property owners used a name for this development that was similar to ours; and, confusion has followed including the City's failure to properly notify us on important issues. For clarification, Terra Land Group formerly known as Terra Ranch, LLC, owns three contiguous parcels south of the project area, which are further described as:
APN #241-330-32
APN #241-330-33
APN #241-320-60

[1] TLG (History) I graduated from Cal Poly in 1975 with a Bachelor's Degree in Mechanical Engineering.
In addition, I am currently licensed and in good standing with the State of California as a licensed general contractor

Before requesting this hearing, TLG has attempted to address our concerns informally with various related parties.

January 7, 2014: Bill Filios/Manteca Development Group, LLC

On January 7, 2014, I met with Bill Filios at subject property site to discuss my concerns relating to the current property line boundary issues affecting each party's representative property.

Bill Filios ("Filios") is the authorized representative for Manteca Development Group, LLC, ("Filios Group") which holds the right to purchase parcel APN #241-320-20, currently owned by the Rosi Cerri Foundation ("Cerri")

Also present at the meeting were Mike Atherton and Joshua Harris.

As part of the meeting, we presented a list detailing nine (9) specific concerns that directly affect the continuing farming operations of the 230 acres presently owned by TLG and located south and east of the Cerri property.

TLG concerns discussed:

1. **Continued road access to farming property.**
   1 a. Both parties, TLG and Filios, acknowledged that by extending the soon-to-be constructed McKinley Avenue Express Way to the south, various options are available to reconnect with the existing roadway which currently serves the Terra 230 acre property.

2. **All costs associated with land survey, permitting and construction of new access roadway to be paid by others.**
   2 a. Filios suggested that the Filios Group might assume all costs to construct the roadway extension provided that an agreement favorable to both parties is reached.

3. **Terra Land Group land ownership of property south of the levee to continue in accordance with the property description in place at the time Harris' purchased the property in 1968.**
   3 a. Both parties agreed that TLG will instruct Stantec Consulting Company to perform additional survey work to more closely identify:[2]
      i. The total acreage and specific areas in question.
      ii. The property boundary location in relation to the TLG owned 36" concrete irrigation water main delivery line serving the ranch.
      iii. The boundary proximity relating to the main roadway situated between two (2) PVC irrigation lines supporting farming activities on the TLG property.

4. **PG&E power poles and gate located on the disputed boundary west of the access roadway should remain in place until the property line dispute is settled.**

[2] This survey was completed and proved to TLG's satisfaction that the current surveys in the City's possession in the area of the Terra Ranch Development Project are incorrect. It seems odd to me that the developer's survey was incorrect in a manner that benefits the developer's objectives. Any project that is approved based upon the faulty survey could be construed as an arbitrary and capricious act by the City.

4a. I suggested not disturbing the PG&E poles as well as the post with attached gate now in place that various parties recognize to be the legal boundary line as stated on the 1968 Title Report.

Filios' response sets forth that Filios cannot control PG&E's actions relating to the poles. Filios suggests that the Harris' take photos and rely on drawings to support the Harris' claim. Harris, in fact, has taken these photographs.

5. **Continued right to utilize levee roadway to accommodate farming access around property.**
   5a. Filos proposed but has not delivered upon an agreement between the Filios Group and TLG that will set forth that TLG may access the levee roadway.

6. **To alleviate future concerns, Harris' propose that TLG purchase Cerri owned property south of the levee (≈ 5 acres).**
   6 a. Filios' intent remains to acquire the Cerri five acre portion south of the levee for the purpose of securing a storm water pond collection site. In TLG's view the location of a storm water pond adjacent to a levee is nonsensical.

   An exception to the latter would occur only if the Filios Group decided upon another location for the pond, at which time, Filios would agree to offer for purchase the five acre portion of the Cerri property to TLG.

7. **TLG's continued right to utilize and maintain the concrete irrigation pipeline servicing the entire TLG farming property. (Note: portions of the pipeline are located in close proximity to the RD #17 levee).**
   7a. **Stantec survey work has now been completed**

8. **Future claims by Anderson or Bank.**
   8a. Filios' position, at the time, was that item #8 should be acceptable to all parties involved.

9. **New McKinley Crossing Buyer's cooperation in accommodating TLG road access to the TLG farming property.**
   9a. Filios position was that item #9 should also be acceptable to all parties involved.

As an additional point, Filios suggested that TLG could refrain from planting almonds in the disputed area estimated to be approximately one acre in total size.

I responded that due to the terms of a twenty-five year almond lease currently in effect between TLG and our tenant, WMD Farms, the forced elimination of any tree plantings could be considered a violation of the lease.

Further, prior to the Harris/Filios January 07, 2014, meeting, WMD Farms had put forth a significant investment into the property in preparation for the orchard planting.

That investment includes the costs associated with:

i. Land leveling.
ii. Deep ripping of top soil.

iii. Fumigating.
iv. Purchasing irrigation pipe and drip line.
v. Purchasing trees.

With the above in mind, I informed Filios that the small additional cost of planting the trees is but a fraction of the total costs already incurred.

January 07, 2014: Local Title Company

I received a complete Chain of Title, from the same Title Company ("Title Company") the developer uses, as per my request from the local title company on January 07, 2014.

The Title Company was made fully aware that the purpose of the request was to support the TLG's property legal description and the related Title Insurance involved for 74.37 acres (APN #241-320-59) sold to Anderson Homes in 2006.

Title documents were received by TLG by e-mail and hand delivery on that same date.

Per TLG staff's inspection, both the e-mail and the hand delivered copies were identical in content.

The chain of title was represented as being complete and dated back to August 31, 1905.

In fact, the chain of title was incomplete.

A most important fact is that three (3) additional key document title recordings appeared to be missed in the title company's January 07, 2014, chain of title submission to TLG. It was only due to TLG's diligence in pursuing further independent explorations through the San Joaquin County Recorder's office that those vital records were discovered.

January 08, 2014: WMD Farms;

I met with Bob Williams (Williams), representing the lessee, WMD Farms, farm operator for the 230 acre TLG property.

I presented to Williams certain details covered in the Harris/Filios January 07, 2014, meeting relating to property boundaries, future road access and Filios' intent to construct a five (5) acre storm water pond adjacent to the TLG almond plantings.

Williams responded that a storm water pond would allow water to permeate into the subsoil and adversely affect the health of the orchard.

Williams further stated that his tree layout design for the almond plantings did not allow for any deviation of the current farm access roadway south of the levee.

Williams also expressed concern as to whether an adjusted Woodward south-to-the-levee road placement would allow unauthorized persons easier access to trespass or vandalize portions of the TLG farming property.

January 09, 2014: Frederick Clark, City of Manteca Community Development Director

I met with Frederick Clark ("Clark"), community development director for the City of Manteca to discuss my concerns relating to the property.

Also present at the meeting was Bryce Perkins, a Harris family member.

I introduced a copy of the originally proposed Terra Ranch tentative subdivision map dated October 20, 2009.

The map clearly shows a future McKinley Avenue land dedication extending south of Woodward avenue that directly overlays the existing access road that TLG has relied upon as their only property access since the Harris' purchased the entire 382 acre Woodward property in 1968.

Also introduced at the meeting was a subsequent Terra Ranch Tentative Subdivision Study Map dated July 14, 2011. ("Study Map") **(see Exhibit "A," attached").**

The subsequent Study Map shows a different McKinley Road property dedication that follows a different route from Woodward Avenue south to the levee.

I stated that TLG was working with Bill Filios, who represents development interests in the area, to identify an alternate Woodward Avenue south-to-levee access route that will reconnect with the current TLG existing farming property roadway. Pertinent to the Harris-Filios discussions is the fact that the present TLG roadway extends south of the levee with a location critical to irrigation pipeline facilities currently in place.

Clark stated that he could see no problems with relocating the farm access road for this purpose.

Clark further stated that Filios could make a formal application to extend McKinley Avenue south beyond the "G" Street Road termination point shown on the tentative Study Map dated July 14, 2011.

Clark also stated that the roadway could be designed for farm use only and would not need to be designed to McKinley roadway extension construction standards which will be mandated at the future time that McKinley Avenue is further developed.

I expressed critical concerns pertaining to securing the TLG property from trespass, theft, intrusion, and vandalism by way of gate installation.

Clark indicated that one or two gates could be installed to limit access along the extended portion of the McKinley extension access road.

I commented that a number of bike riders and walkers are currently utilizing the TLG property for recreation on a regular basis.

Clark stated that it was his understanding that **the levee roadways are being promoted by developers for resident recreational use.**

I questioned as to whether development of the Terra Ranch subdivision would include any fencing separating the TLG farm property from the subdivision.

Clark responded that the Terra Ranch Subdivision Study Map only called for landscape; and no fencing was anticipated at this time.

I inquired as to whether another formal public comment meeting would be held to address the Harris' concerns relating to the project.

Clark responded that there would be another public meeting held; and, TLG would be given an opportunity to address those concerns.

January 10, 2014: Stantec Consulting Services Company:

I met with a Stantec Surveying Company representative, ("Stantec") at the TLG property site to post markers indicating the location of the McKinley Road dedication footprint in relation to the disputed property boundary lines.

Discussions continued between Stantec and myself covering a detailed analysis of a prior survey by North Star Engineering Company ("North Star") for the benefit of the Cerri property interests. Of particular interest, Stantec informed me that within the total Cerri land holdings, an existing boundary corner marker was disregarded by North Star representative, Keith Spencer ("Spencer").

Stantec further stated that Spencer installed a new boundary corner marker approximately 100' east of the historical boundary corner marker previously recognized to established property boundaries in the area.

Stantec also stated that the placement and utilization of the new boundary corner marker as part of the recently completed North Star survey strongly benefited the Cerri interest's claim of ownership to the section of property that includes the current TLG access roadway.

Stantec then stated that his associates at Stantec thought it was unusual to totally disregard the historical Cerri boundary corner marker still in place while pursuing the placement and utilization of a new marker so far away.

I inquired if it was possible that the Cerri interests had determined where the Terra/Cerri property line needed to be and conducted the survey in reverse order to determine where a new corner boundary marker would better serve the Cerri interests claim to the section of property that includes the TLG roadway.

Stantec responded that they had no way of knowing North Star's intent but further stated that North Star's actions appeared to be highly unusual and it was not a method that Stantec recognizes as a normal business practice.

January 17, 2014: Letter to Erika Durrer, Senior Planner for the City of Manteca

On January 17, 2014, I wrote a letter to Erika Durrer, Senior Planner for the City of Manteca.

The letter was meant to memorialize the January 9, 2014, meeting that Bryce Perkins and myself had with Frederick Clark, Community Development Director for the City of Manteca.

In that letter, I further asked for Agricultural Farmland protections in accordance with Manteca Development codes.

Specifically, I asked that the Terra Ranch Development Project require mandatory fencing as well as a possible hold harmless agreement regarding trespass violations and potential injuries to persons intruding onto our property.

As an example of a recent trespass incident, I cited the following:

On January 15, 2014, I visited the TLG farm property to perform site work relating to a recently completed road access survey.

At that time, Doug Vandine ("Vandine"). a local resident, and previously unknown to me, was riding his bicycle on the levee with a dog held by a leash running close to the bike.

Shortly after my first observation of Vandine riding along the levee, Vandine, with dog, exited the levee and preceeded south onto the TLG private roadway which runs through the 230 acre TLG farming property.

Upon reaching me, Vandine stopped the bike to inquire as to TLG's farming intentions on the property.

As the conversation ended, the dog bit me above the right knee causing significant injury. Vandine did not acknowledge the bite incident and continued his ride through the TLG farming property.

The latter incident enhances, but is not meant to limit TLG's concerns regarding trespass and potential liability issues for all parties.

Those concerns expand to include new rules involving food safety and best management practices relating to the control of pathogens and Homeland Security because of the potential for (e-coli) or other contaminants coming into contact with food product in the field.

In conclusion: The Harris' affirm that Harris parties do not intend to impede either the development project or the McKinley Road extension.

Harris parties' intent is only to seek reasonable trespass-violation protection under the law in relation to the increased probability of incidents due to urban development.

I closed the letter by informing Ms. Durrer that TLG intends to pursue these concerns at a future public comment meeting.

January 28, 2014: RLC Consulting Company:

I met with RLC Consulting Company owner Ron Cheek ("Cheek") at his office in Manteca.

The purpose of the meeting was to identify the exact location of the proposed McKinley Avenue Roadway dedication ("Road Dedication") footprint as detailed on the Study Map. **(see prior Terra Ranch Study Map Exhibit "A" attached)**

I presented to Cheek an 11x17 copy of the proposed Study Map with print dimensions too small to rely upon in determining replacement road access to the TLG 230 acre farming property.

Cheek responded by offering two (2) ea. full size Study Maps with site descriptions and dimensions that were much easier to identify.

Cheek then described to me the location and size of the anticipated Road Dedication in relation to the Terra Ranch development west property line.

Cheek pointed out that the Road Dedication would be 104' wide with APN #241-320-59 contributing 74' from the Terra Ranch development site's west boundary.

In addition, Cheek indicated that the Cerri property development interests would contribute to the Road Dedication for future development use, a 30' strip of land as measured heading east from the Terra Ranch development sites' western boundary.

A. *(Note: The 32' west portion of the McKinley Road Land Dedication area shown on the drawing was in error and actually should be 30' to add up properly to a total 104' road dedication.)*

Cheek went on to explain that the 74' strip of land contribution by the Terra Ranch Development Group would only be partially completed to a point just south of "G" Street as detailed on the Study Map.

Further, Cheek explained that it was his opinion, that the undeveloped 30' west portion of the Road Dedication could be utilized in the final road placement of a new access roadway to the TLG 230 acre farming property.

I questioned Cheek as to whether the Final Terra Ranch Development Subdivision Map could include a southern boundary metal rod iron fence line that would protect the TLG's farming property from trespass due to Terra Ranch Development's resident's recreation use intent.

Cheek indicated that in his opinion, the public comment period for a fence line protecting the TLG property was completed.

I responded that TLG had only recently been advised that certain developers along Woodward Avenue had been promoting the use of TLG's farm properties for local housing development resident recreational use as a benefit to purchasing a home in the area.

I changed the topic and asked Cheek if he was aware that Filios was considering construction of a five acre residential storm water pond south of the levy and located immediately adjacent to the TLG almond plantings.

I further questioned Cheek as to whether the design of such a pond would typically involve a protective liner to prevent percolation into the soil subsurface.

Cheek responded that storm water ponds typically were not lined with any materials to prevent water from permeating into the soil subsurface.

February 11, 2014: Reclamation District #17 Meeting

On February 11, 2014, I attended a Reclamation District Board Meeting at the designated District Meeting Office in Stockton.

At that meeting, I was informed by Chris Neudeck, the consulting engineer for the District, that the District has recently become aware of new 200 year flood plane regulations that will require for the levee set back distance to be changed from 10' to 20' from the toe of the levee to a point where any farming can take place.

This was further explained to me to result in the Reclamation District contacting TLG and other property owners in the area to secure an additional ten (10) feet of levee easement beyond the ten (10) feet of current easement that the district currently controls.

Mr. Neudeck indicated that he would meet me at the property to locate where the District's existing easement ends to determine the impact on the TLG almond orchard now in place.

February 27, 2014, James DeJong, City of Manteca Planning Senior Engineering Technician

On February 27, 2014, I met with James DeJong ("Planner"), a planner for the City of Manteca Planning Department. At that time, I inquired as to whether the City of Manteca Planning

Commission had scheduled (as I was previously assured they would) a meeting to approve the recently completed map for the Terra Ranch subdivision project Tract #3493 ("Final Map"). **(see prior Terra Ranch Study Map Exhibit "A" attached)**

The Planner responded that it was the Planning Department's understanding that the Final Map had already been approved at a prior meeting over a year ago. It should be noted that it is TLG's belief that, despite being an owner of adjacent properties that could be severely impacted by the plan, TLG did not receive notice of the meetings. TLG did not receive proper notice to allow for their participation in any meeting concerning the approval of any map held at any time prior to the date of our prior letter.

I responded to the Planner that Fredrick Clark ("Clark"), Community Development Director for the City of Manteca, had stated to us (including family associate, Bryce Perkins) at a previously scheduled January 09, 2014, meeting, that the City of Manteca would hold a future public meeting to approve the Final Map. Clark went on to state that TLG would be given an opportunity to address concerns relating to trespass, fencing, easements and continued roadway access at that time.

Despite informing the Planner of these facts, the Planner remained firm that it was the Manteca Planning Department's belief that the Final Map was complete and no further public meetings would be held.

I then questioned the Planner as to whether the January 09, 2014 in-house meeting involving Clark, myself and Perkins had resulted in securing a southern boundary fence line to be added as a further condition for final approval of the Terra Ranch subdivision Project (Project"). The Planner proceeded to look through the entire set of Final Map drawings for any specifications calling for a protective fence line to be installed along the southern boundary of the Project.After a quick review of all drawings in his possession, the Planner stated that no fence offering trespass protections to the TLG property appeared to be shown on the drawings.The Planner added that he would check with his supervisor to confirm. This is despite the City's current policy concerning fencing as a condition to a Project Approval, #s RC-P-24 and RC-I-30, calling for a fence.

We then discussed our proposed layout for an alternate TLG farm access roadway route to be located within the McKinley Avenue Road Dedication Area ("MRDA"), adjacent to the subsequent property. This roadway is planned for an area subject to an easement for the benefit of TLG's access to its property. However, the Planner identified a particular drawing included in the Final Map bundle of drawings for my inspection, where the Drawing clearly showed the MRDA currently had no details offered concerning any roadway extension beyond the planned McKinley Avenue termination point shown to end approximately 50' south of the "G" Street roadway connection accessing the Project in order to satisfy TLG's access needs.

I commented that it was important that the replacement Roadway incorporate a gradual sweeping s-curve transitioning west to allow for the safe operation of various types of 80,000# Gross vehicle truck-trailer combinations needed to serve the TLG Ranch property.

Further, I commented that TLG was looking for trespass protections to be put in place that would provide protections against the uninvited public access or intrusions to the TLG farm replacement roadway. The Planner acknowledged our concerns.

I also directed the Planners' attention to TLG's existing 36" concrete water transmission lines and the associated two (2) each concrete junction boxes located on both the south-east and south-west corners of the Terra Ranch housing development property. I further noted that the junction box located on the south-west corner of the project property was also included in the MRDA. **(see Exhibits "B" & "C" attached)**

I further stated that TLG was looking for protections that would allow for the continued operation of the concrete junction boxes and the nearly 4300 feet of associated water transmission lines currently in place.

Further, I demonstrated on the map that the access roadway should extend the proposed McKinley Avenue south toward the levee to a point before transitioning west to realign with the existing roadway as detailed on the attached drawings. (**see Exhibit "A" attached**)

It is TLG's desire that the existing farm access roadway remain in place at all locations south of the levee approach ramp to accommodate transmission water and irrigation pipelines currently in place.

The Planner indicated that the alternate roadway design project would take over a week to complete and suggested that I contact Planning Staff the week of March 10, 2014 for an update.

March 5, 2014, Letter to Mark Meissner, Planning Manager for the City of Manteca

On March 5, 2014, I wrote a letter to Mark Meissner, Planning Manager for the City of Manteca.

In that letter, I detailed the February 27, 2014 meeting with a City of Manteca Planning Staff Member at the office of the Manteca Planning Department.

Following my detailed description of the discussions held with the Planning Staff Member at the February 27, 2014 meeting, I provided a list of fifteen (15) key points that I requested the City of Manteca Planning Department to consider.

TLG requests that the City consider the following:

1. The existing dirt road access from Woodward Avenue to the TLG 230 acre farming properties has been utilized by TLG or their predecessors since the 1960's and perhaps as far back as the 1920's on a continuing basis. For this reason, TLG believes that they are legally entitled to a reasonable accommodation for that use.

2. Certain existing pipelines, junction boxes and trees ("Existing Agriculture Improvements") are located in direct alignment with the MRDA, and based on a questionable survey, are indicated to be on the Project's property.

3. TLG has been paying all property taxes on properties APN #241-320-60, APN #241-330-32 and APN #241-330-33 since my family purchased the properties in 1968..

   TLG believes that reasonable accommodations can be made for the aforementioned Existing Agricultural Improvements by incorporating the suggested alternate TLG farm access roadway alignment as shown in the attached drawing previously referred to as **(see Exhibit "A".attached)**

4. The Terra Ranch Study Map dated, July 14, 2011, is in conflict with the zoning code and does not comply with the City of Manteca protective fencing requirements for developing properties bordering farming operations contiguous to the development property despite our requests to do so, for public protection, to prevent trespassing, and to conform to City of Manteca condition #'s RC-I-30 and RC-P-24 to the Plan.

   Despite the City's denial, the Terra Ranch Study Map drawing indicates that a southern border fence line might easily be incorporated into the final set of conditions required for the Project, in accordance with City Policy.

5. A series of lot line adjustments agreed to in 2006 for the subject area were not completed in a timely manner resulting in confusion as to each parties' resulting interest and the associated infrastructure in place. Notice of the adjacent locations related to said infrastructure were not provided to TLG until after the hearing on the tentative property.

6. A total of two lot line adjustments ultimately were performed on the property further delaying the process.

7. At the time of the property sale to Anderson Homes ("Terra Ranch Properties") in 2006, the real property purchase contract dated September 15, 2003, called for a certain portion of APN #241-320-19 to be meant only to include that portion of property north of the levee and specifically stated that the portion of property to be included in the sale was limited to the "Developable" portion of the 84.65 acre parcel. Project properties have claimed more than the area suitable for residences.

8. In January 2010, TLG contacted a Terra Ranch Properties' representative to notify him that the lot line adjustment had not been completed and property taxes were past due for the Anderson Homes undivided portion of APN #241-320-19, further identified as APN #241-320-55. TLG's portion of property taxes for the undivided portion identified as APN #241-320-56 was paid promptly and on time.

9. TLG was notified in 2011 that Terra Ranch Properties ("Anderson"), in association with Anderson's bank, were looking to sell the property for an amount considerably less than the original purchase price.

10. In spring 2011, I visited the City of Manteca Planning office and met at the counter with Erika Durrer to express concern that Terra Ranch, LLC, was not receiving notices concerning the property.

    Ms. Durrer stated that it was her understanding that the 230 acres south of the levee (and owned by TLG) was part of the total property holdings of Terra Ranch Properties, LLC, a company controlled by Anderson Homes.

11. For this reason, on June 27, 2011, Terra Ranch, LLC ("Harris"), changed their name to Terra Land Group, LLC, to avoid any other confusion at the City relating to the proper ownership interests on the Harris' 230 acre property.

12. In May, 2011, TLG was informed that Albert Boyce, Mike Atherton and Bill Filios were attempting to purchase the property then owned by Anderson Homes.

13. In January 2012, I was informed that McKinley Crossing, LLC, a company that I was informed includes Albert Boyce, Mike Atherton and Bill Filios, purchased a smaller portion of the 74.52 acre property originally sold to Anderson Homes in 2006.

14. In October 2013, TLG was notified of a survey indicating a potential error in the property line description to the southwest of this Project. This leads me to further question the accuracy of the Final Map in relation to certain existing farm infrastructure and roadway easements and their associated alignments to land Dedication areas that significantly effect the TLG property adjacent to the Project. This leads me to believe that the Final Map is inaccurate relating to those future land development dedications and directly impacts the adjacent TLG farming properties located both south and south-west of the Project. TLG requests that the finalization of this map be postponed until the questionable survey issue is resolved including recent lot line adjustments related to and dating back to the 2006 sale of parcel 241-320-19.

15. TLG is informed and believes that the survey conducted by North Star Engineering on behalf of Applicant may not be accurate, which, in turn, places doubt on the Final Map the survey is based upon. TLG is informed and believes that the North Star Engineering Survey Report is not accurate and impacts:

    a. The ownership of certain TLG property that our family has paid taxes on and farmed since 1968.

    b. Current critical agricultural water line junction boxes (2) each and farm road access easements that TLG relies upon for the cultural operations on its 230 acre farm property.

    c. Future Development Land Dedications based on the survey affecting the continuing farm operations of the TLG property.

For this reason, TLG believes that the City of Manteca should not take any action depending on the results of the North Star Engineering Survey until the current survey dispute has been fully investigated and resolved to the satisfaction of all parties involved.

I then presented a short list of compromises as a means of creating a potential solution to the critical issues that would support development while providing for TLG's ability to continue to farm their 230 acre property.

Compromises/Critical Issues to Resolve:

It is important to note again that the TLG/Harris' are not opposed to this development.

However, we are respectfully requesting a public hearing to address each of the issues discussed herein. One major issue TLG would like to discuss is the compromise it is willing to make with the goal of seeing that the development proceeds. The proper property boundaries must be agreed upon in a reasonable, equitable manner.

1. TLG is willing to abandon the current farm access roadway for the benefit of all other parties if the suggested roadway routing submitted as part of this letter is accepted or a reasonable alternative suggested. (**See Exhibit "A" attached**) TLG may request that it be guaranteed the access it has enjoyed for over forty-five (45) years be continued.

2. All costs associated with the design, permitting and construction for the new access roadway should be borne by the project proponent: those changing the 40-50 year status quo. TLG will not be made responsible for costs associated with the new farm access roadway.

3. TLG to be granted exclusive easements or recorded rights of use, granting said use of access to the RD 17 levee roadways running along the perimeter and bordering the TLG properties.

4. TLG to be granted easements or recorded rights of use, granting for those portions of the 30" concrete water transmission lines and the associated two (2) each junction boxes that are believed to be located on both the south-east and south-west corners of the Terra Ranch housing development properties. (**see Exhibit "B" and "C" attached**).

5. Additional conditions to be put in place relating to the Final Map requiring sufficient fencing and gates to be installed along the entire southern border of the Terra Ranch Development site for the purpose of providing protections against uninvited public access to the TLG Ranch property as conditioned by Manteca Community Plan #RC-I-30 and RC-P-24.

6. TLG ownership of the property south of the levee to continue in accordance with the property description in place at the time that the southern portion of APN #241-320-19 was originally acquired by the Harris family as part of a larger property purchase in 1968. (Note: the current parcel # for the aforementioned southern portion is APN #241-320-60).

7. TLG will consider other reasonable alternatives.

I closed the letter by calling Mr. Meissner's attention to my effort last year in addressing the 2013 updated General Plan and any affects the General Plan might have on future zoning issues as well as TLG's continuing right to farm the 230 acre property.

March 12, 2014: Letter sent as invitation to meet with Bill Filios

On March 12, 2014, I sent a fax to Bill Filios and Albert Boyce in an effort to meet.

No response has been received by Bill Filios as of the date of this letter/Albert Boyce declined..

March 17, 2014: Phil Govea, City of Manteca Public works

On March 17, 2014, I met with Phil Govea ("Govea"), Deputy Director of Public Works for the City of Manteca ("Manteca").

Also present at the meeting was Bryce Perkins ("Perkins"), a Harris family member.

The meeting was initiated by me due to the City of Manteca's inability to supply certain March 18, 2014, City Council meeting support documents describing capital improvement projects listed as Consent Calendar Items A08 and A11. (**see Exhibit "D" and "E" attached**)

I opened the meeting by stating that TLG had spent considerable time and effort in trying to determine Manteca's intentions relating to the Harris families' 230 acre Almond Ranch located south of Woodward Avenue and west of Airport Way.

I added that TLG was particularly concerned that Manteca's potential plan could lead to the placement of treated sewer water on the TLG farming property.

I referenced a 1993 Sewer System Master Plan that is currently available on Manteca's web site.

I further stated that the 1993 Master Plan included a map that clearly showed the potential for sewer water placement on portions of TLG property (**see Exhibit "F" attached**).

Govea inquired as to the current zoning of the property.

I responded that a 2013 General Plan update was still under review, but that TLG had been assured by City of Manteca Planning Staff ("Planning Staff"), that once completed, the updated 2013 General Plan would result in re-designating the future zoning for the TLG property into two land use classifications: VLDR and Open Space.

I added that discussions with Planning Staff further included the potential for the future construction of a McKinley Road extension to the south and continuing through the TLG property.

I stated that Planning Staff further commented that due to the TLG's property location within the 100/200 year flood plane, any development occurring on the TLG's property could be 20 to 30 years away.

I offered that it was the 20 to 30 year development prediction by Planning Staff that led to the TLG decision to invest in a twenty-five year Almond Crop on the TLG farm property.

Govea stated that currently, Manteca is discharging treated sewer water at a number of locations.

Govea added that these locations currently include city parks as well as leases with private property owners.

Govea further added that it was his belief that treated sewer water had many uses including compatibility with active farming irrigation.

I responded that I had attended a 2012 South San Joaquin County Farm Bureau meeting.

I added that the SSJID Director, Jeff Shields ("Shields") was also at the meeting and made a presentation to the Farm Bureau members in attendance on water delivery which was followed with questions.

I then stated that I asked Shields "Why Manteca and SSJID did not partner together in the blending and distribution of Manteca treated sewer waste water with SSJID fresh water for ultimate distribution to SSJID dairy feed farmers south of Manteca.

I further stated to Govea that neither Shields or any other farmers in attendance supported my idea. In fact, several farmers were amused.

I assure you, irrigating with treated sewer water is no laughing matter to almond growers. In fact, it is prohibited by Federal food safety regulations.

I stated to Govea that continuing conversations with local farmers indicated a general belief that treated sewer water would lead to elevated levels of PH, nitrites, and salts affecting the plant, soil and ground water that would eventually affect crop health and production.

Govea responded that Manteca sewer waste water was in fact determined to include concentration levels that were low in both PH and nitrates while demonstrating non-detectable ammonia levels due to a specialized process that included the utilization of a water distribution plan that blends Manteca well ground water with fresh SSJID water with the benefit of lowering certain contaminant levels and PH.

Govea further stated that Manteca was permitted to discharge 100% of their current and future treated sewer effluent discharge water into the San Joaquin River, but were opting instead to create beneficial alternative uses for future treated sewer water to demonstrate good stewardship in relation to current water conservation measures and best management practices.

Govea further stated that for several years now, Manteca has required developers to incorporate sewer pressurized lift pumps to move untreated sewage from new developments south of Hwy 120, north, to the Manteca Sewer Treatment Plant.

Govea explained that the current untreated sewer pipeline conveyance system contains various pressurized lift pumps strategically located along Woodward Avenue.

Govea presented a Zone 25 detailed drawing showing current existing **untreated** sewage conveyance pipelines as well as future not-yet-existing **untreated** sewage conveyance lines for the area south of the Manteca Sewer Treatment Plant.

No conveyance pipelines for moving treated effluent sewer waste water were included on the drawing.

Govea carefully identified the location of the pressurized sewage lift pumps and their purpose in relation to the existing and future **untreated** sewage conveyance pipelines shown on the drawing.

Govea added that the March 18, 2014, City Council Consent Calendar Agenda Item #A08 will provide funding to complete the **untreated** sewer gravity feed pipeline conveyance system from Dutra Estates north to the Manteca sewer plant.

Further, Govea added that once complete, Manteca can abandon the entire Woodward Avenue lift pump pressurized **untreated** sewer treatment pipeline system to be eventually utilized for a different future use.

Govea then stated that the future use would allow for the raw sewage lift pumps to be reutilized for the purpose of moving treated effluent sewage water to areas south of Hwy 120 and extending to areas along the future McKinley expressway, the Zone 25 sewer shed properties, as well as approximately 400 acres of land located on Hays Road that is expected to receive waste water from the Eckert Cold Storage Facility.

Perkins asked if the pressurized treated sewer water pipeline distribution system design had been completed?

Govea responded that the design was currently in progress but had not been completed.

I responded that TLG was not opposed to development. However, I added that TLG is actively gathering information to fully understand Manteca's current and future plans for growth to determine how that growth may impact the future uses of the TLG farming property.

I then demonstrated on a map that it was TLG's belief that Manteca plans to install a treated effluent sewer water distribution pipeline that may impact portions of the TLG farming properties.

Most important, I stated that it may be in the best interests of everyone involved if Manteca purchased a small portion of TLG farming property to support Manteca's needs relating to development.

Govea supported the idea and suggested that TLG meet with the City of Manteca Economic Development Director, Don Smail.

I then brought Govea's attention to the March 18, 2014, City Council Consent Calendar Agenda Items A08, A09 and A11. I asked specifically if any of the three agenda items will affect the TLG 230 acre properties.

Govea identified himself as the most qualified staff member in the City of Manteca's Public Works Department relating to the South Area Public Facilities Sewer Plan.

Govea assured both myself and Perkins that Agenda item A08, pertaining to the South Area Public Facilities Plan, would have **NO** impact on the TLG properties.

Further, Govea assured both myself and Perkins that Agenda items A09 and A11 also would have **NO** direct impact on the TLG farming property.

Perkins inquired as to whether the funding mechanism involved with Agenda items A08, A09 and A11 involved the proper use of RDA Bond Funding.

Govea responded that he believed that the City had met all RDA compliance requirements.

March 19, 2014: Letter to the City of Manteca Planning Department/Request Documents

On March 19, 2014, Bryce Perkins delivered a letter addressed to Mark Meissner, Planning Manager for the City of Manteca. **(see Exhibit "G")**

The letter was written for the purpose of requesting documents in relation to the Terra Ranch Development Tract #3493.

The documents requested are listed as follows:

1. Development agreement relating to Terra Ranch Development Tract #3493.
2. Tentative and final maps relating to Terra Ranch Development Tract#3493.
3. Any amendment actually adopted relating to final map connected to Terra Ranch Development Tract #3493.

That very same day, I was pleased to receive a call indicating that the documents were ready to be picked up and that there would be no charge for the documents. I immediately headed to the City of Manteca planning office to pick up the documents.

On arrival, Ms. Schimmelfennig, a City of Manteca Planning Staff Member, presented the following documents:

1. A one page document identified as the Revised Terra Ranch Tentative Subdivision Map Tract #3493 for APN #241-320-55 totaling 74.5 acres (**see Exhibit "H" attached**)
   The map was dated: August 2, 2010
   Revised: February 18, 2011
   Revised: June 8, 2011
2. An unrelated set of documents totaling 14 pages for the Dutra Estates Projects No. 1 and No. 2 dated January 2005 and further identified as Tract #3536 and Tract #3537. **(see Exhibit "I" attached)**

Further, Ms. Schimmelfennig commented that:

a. No development agreement relating to the Terra Ranch Development Tract #3493 existed.
b. Only 1 map consisting of 1 page existed for the Tract #3493 Terra Ranch project.
c. No evidence of any amendments actually adopted relating to any final map connected to Terra Ranch Development Tract #3493 could be found.

I quickly realized that no documents involving the **current** Terra Ranch Development Project were related to my request. In addition, no portion of the set of drawings represented as the Final Map during the February 27, 2014, meeting with James DeJong, Senior Engineering Technician for the City of Manteca, were included as part of the documents received. It is my belief that the City has failed to comply with the requirements of California law with respect to public documents, and that I am entitled to the additional documents I requested.

I left with the documents provided and began drafting this letter.

March 20, 2014: Stantec/Completed Survey

On March 20, 2014, Stantec Consulting Services Company completed a survey that strongly supports TLG's historical claim to the farming property and rights of use to the farm access roadway that TLG/Harris' have utilized and paid taxes on for over forty-five years.

I have included a copy of the survey for your review and analysis. **(see Exhibits "J" and "K")**

March 21, 2014: Planning Commission Agenda item #7.2

On March 21, 2014, I downloaded the upcoming Agenda for the March 25, 2014, Planning Commission meeting.

Of particular interest was Agenda item #7.2, which offered a detailed listing of development projects that the Planning Commission could anticipate reviewing throughout the year.

The documents included specific information covering 2 each Terra Ranch projects **(see Exhibit "L")**

Terra Ranch Project #1

200 each finished apartment units
Application date: March 11, 2009
Approval date: June 21, 2011
Expiration date: June 21, 2013

Terra Ranch Project #2

212 each entitled lots (approved Tentative Map/**Pending Final Map**)
Application date: March 11, 2009
Approval date (Tentative Map): June 21, 2011
Expiration date: June 21, 2017

Terra Ranch Project #1 (200 apartments) **appears to have been approved but is shown as expired as of June 21, 2013,** according to the Agenda documents.

In my opinion, any action taken by Manteca Planning Staff to reinstate or approve the 200 unit Terra Ranch apartment site for any future improved use without an updated environmental review could result in a significant impact to neighboring sites and should allow for public review and comments at a future hearing.

Terra Ranch Project #2 (212 housing lots) clearly demonstrated that the Project was still pending Final Map approval. **The documents clearly indicate that NO Final Map has been approved!**

Additional facts gathered for this letter by means of information obtained from the Terra Ranch Environmental Impact Report (EIR) and associated STAFF Reports.

1. Right To Farm Policy Code Protection/Fencing

Manteca's General Plan calls for conditions to be put in place to discourage the premature conversion of agricultural farms lands.

This goal is clearly meant to offer protections by means of policy code requirements currently in place. Those requirements are specifically set forth as detailed below:

a. Policy LU-P-41: The City shall encourage the continuation of agricultural uses on lands within the Primary and Secondary Urban Services Boundary lines pending their development as urban uses consistent with the General Plan.

b. Policy RC-P-19: The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.

c. Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.

d. Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.

e. Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.

f. Policy RC-P-24: Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.

g. Policy RC-P-25: The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.

h. Policy RC-P-28: The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.

The City under general planning law can only approve projects that are in conformance with the General Plan; failure to do so is contrary to the government code and requires review under CEQA. Continuing, the City of Manteca has adopted a right to farm ordinance identified in Chapter 8.24 of the Manteca Municipal code.

Chapter 8.24 Right to Farm Ordinance

Chapter 8.24 of the Manteca Municipal Code (see EIR page 4.2-7) is a right-to farm ordinance intended to protect agricultural productivity in the city. The ordinance includes the following statement:

- "It is the policy of this City to preserve, protect and encourage the use of viable agricultural lands for the production of food and other agricultural products. When nonagricultural land-uses extend into or approach agricultural areas, conflicts often arise between such land-uses and agricultural operations. Such conflicts often result in the involuntary curtailment or cessation of agricultural operations, and discourage investment in such operations. This chapter is intended to reduce the occurrence of conflicts between nonagricultural and agricultural land uses within the city."

Further, the EIR specifically notes impacts to farmland detailed on pg 4.2-10 of the EIR and further includes language that specifically states that "the right to farm, requires adequate and secure fencing **and** a buffer at the interface and urban agricultural use".

Chapter 4.2-4: Impacts related to changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. (see EIR page 4.2-10)

"Development of the Project would result in the construction of single-family, multi-family and open space adjacent to agricultural uses. Manteca GP Policies RC-P-19 and RC-P-28

encourage the continuation of agricultural uses on lands designated for urban use, until urban development is imminent. The Manteca GP land use designations for the properties to the west and south of the site are Business Industrial Park (BIP), and Urban Reserve Very Low Density Residential (UR-VLDR), respectively. In order to protect agriculture uses until development, Policies RC-P-24 and RC-I-30 of the Manteca GP require notification or urban property deed of the right to farm, requires adequate and secure fencing **and** a buffer at the interface and urban agricultural use, and phasing of new residential subdivisions."

Black's Law Dictionary defines fence as "**an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within".**

In addition, the EIR appears to demonstrate the intention of the City of Manteca and/or Reclamation District 17 to modify the levees to meet 200 year flood requirement guidelines that may very well have been in place or anticipated but were not disclosed at the time that the project was initiated.

Please note my inclusion of a drawing representing the Reclamation District No. 17 Mossdale Tract levee setback standard that was included on page 3-32 of the Final EIR. **(see Exhibit "M" attached).**

Further, improving levees south of the Project area may result in a levee design that serves as a conduit and promotes neighboring farm land intrusion rather than serving as a barrier to trespass.

Exhibit "I" further demonstrates that the ultimate grading slope of the levee could easily allow intrusion onto the TLG farming property.

Finally, it is my firm belief that both the Developer and the City of Manteca were well aware that the omission of the City of Manteca Ag Farmlands Protective Fencing code requirement would adversely affect the adjacent farming properties by promoting the recreational resident access and use of the TLG farming property south of the project.

2. Storm Water Drainage

Page 4. 8-11 of the EIR states that the Public Facilities Implementation Plan "identifies a series of specific improvements required to accommodate drainage of the existing urban areas of the City of Manteca."

In addition, the Public Facilities Implementation Plan requires the following:

a. "Whenever possible, the land ultimately required for each improvement (included in the Drainage Master Plan) will be preserved before development occurs in an area."
b. "Storm drainage and flood protection facilities should be constructed when each new development begins"

Further, page 4.8-12 and 13 of the EIR describes "storm drain detention pipes that would detain storm water collected from the entire project site for eventual conveyance to the 66 inch storm drain trunk in Woodward Avenue. However, because the design of the required storm water facilities on-site has not been determined at a subdivision-level basis, **runoff from the project potentially could contribute to an amount exceeding the capacity of the City's storm water facilities** or to the on-site flood potential. Therefore, the impact is considered **potentially significant.**

Certain mitigation measures are discussed on page 4.8-13 including:

"Prior to recording of the Final Map, the applicant shall develop and implement a master drainage plan, subject to review and approval of the City engineer."

In my opinion, **the development and implementation of a master drainage plan could result in a significant impact to the overall project** and should allow for Public review and comment at a future hearing.

3. Zone 25 Sewer Shed

Chapter 4.12-2 of the EIR describes wastewater from the proposed project being conveyed via a system of 6" to 8" pipelines, which would serve the project alone. The project sewer system would connect to the 30"inch sewer trunk in Woodward Avenue.

In addition, the EIR for the Project contains no information relating to the installation of any infrastructure involving the conveyance of treated sewer water once processing is completed at the treatment plant.

Further, continuing project construction delays totaling several years, may have allowed for changes in the current or future planned City of Manteca infrastructure design and conveyance routing of treated sewer water that could lead to potential impacts to neighboring properties situated in the Zone 25 sewer shed.

4. Flood Control and Impacts

Chapter 4.8.4 of the EIR describes impacts and mitigation measures relating to flooding potential.

In addition, the mitigation measures are specifically directed to 100 year flood risk requirements.

It is my understanding that FEMA has increased the flood hazard prevention requirements to a 200 year event criteria.

It is my opinion that this change in Flood hazard prevention requirements results in **significant impacts that have not been properly addressed to the public.**

5. Assessing The Continuing Reliability of The 2010 EIR

In reviewing the scheduled March 25, 2014, City of Manteca Planning Commission Agenda item #7.2, there appears to be over 14000 residential units and lots that the City of Manteca plans to review through the end of this year. **That number is significant.**

With that in mind, I would like to suggest; that due to a number of delays involved with this Project, I believe that the 2010 EIR may be dated and no longer serves as a reliable impact model for the Project.

In Summary:

As I stated previously, TLG does not oppose the Terra Ranch Development Project, however, **I am troubled by a development process that leads to more confusion than clarity.**

With that in mind, **TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the Map referenced at the beginning of this letter.** This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for

the Project. 6) Finally, and of most significance, **TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.**

Prior to the scheduling of the public meeting, **TLG suggests that the City of Manteca Planning Commission and TLG agree to an informal 2X2 meeting for the purposes of openly discussing the key issues that could lead to a reasonable solution to the critical issues involved as set forth herein.**

Finally, I submit a letter for the purposes of requesting certain documents as detailed on Exhibit "N" (Planning Commission oversight requested).

Looking forward to a fair and equitable resolution.

Yours truly,

Martin Harris
for Terra Land Group, LLC

MH:yw

Enclosures

cc: Shane Hart at Hart Properties
Bill Filios at Manteca Development Group

Outlook

Re: Proposed gated and key locked access from Woodward Avenue

From Marty Harris <martyharris5151@gmail.com>
Date *Tue 11/4/2025 3:59 PM*
To Michael Selling <mselling@manteca.gov>
Cc Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>; planning@ci.manteca.ca.us <planning@ci.manteca.ca.us>; mayorcityclerk@mantecagov.com <mayorcityclerk@mantecagov.com>

2 attachments (32 MB)
Scan_20251104 (2).pdf; Pictures RD17.zip;

Thanks, Michael, for your response but because of our tenant farmer and other parties and beneficial interests involved, this letter is meant to clarify my concerns

In my previous 10/23/25 email, I devoted paragraphs to expressing Terra Land Group's (TLG's) concerns with recent modifications to the access roadway that crosses over the RD17 cross levee and stated:

"Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33)
It is at the location of this proposed gated and key locked access that the emergency medical response roadway transitions from a standard asphalt roadway built to city of Manteca public roadway code specifications to a dirt/crushed rock surface roadway heading south to a challenged severely angled and steep RD17 levee crossing (recently modified) that is preventing the safe and unimpeded use of the McKinley Avenue extended dirt roadway by 80000# GVWR class 8 trucks in combination with semi/pull hopper or fertilizer bulk hauling trailers or equipment hauling trailers typical of those commonly used by almond farm properties.

Protecting TLG's 12 year use of 80000# truck access off Airport Way
Protecting TLG's current access off Airport Way by utilizing a HIRT Trust owned LLC (W/L Harris Ranches (WLHR) LLC) property's SSJID Drain #10 (APN 241-330-34) following a joint 2014 decision by SSJID and Pete Boyce to remove the Drain #11 crossover pipe roadway bridge former recorded access on the south boundary of the TLG property is TLG's primary goal moving forward.

Why is this important
In September 2025, at the time that the 30000 trees on the property were harvested, 57 truckloads of almonds (80000# each) were shipped by WMD Farms (TLG tenant farmer) to Travaille and Phippen (WMD + TLG shared almond processor). Please be advised that a 2016 TLG court case vs RD17, Manteca

Development Group, TR Land and Cerri involved testimony and court records that highly suggest the primary access to the TLG property was best served and could be depended upon by means of accessing the property along SSJID Drain #10 off Airport way. (case #STK-CV-URP-2014-4238)"

I would like to add that the levee and cross over road access modifications were performed under the watchful eye of KSN Inc who were represented and were an active participant and gave testimony in 2016 at the time that the TLG access roadway (TLG vs RD17, Manteca Development Group, TR Land and Cerri) was litigated in San Joaquin County Court (Case #STK-CV-URP-2014-4238). There is no doubt in my mind that Chris Nevdeck and RD17 and KSN fully understand the importance of TLG being able to maintain safe and reliable truck access to its property.

Truck access that the Harris Family utilized for 50 years from Woodward Avenue is NO LONGER SAFE
Please be advised that due to continuing phased changes to what once was straight (and safe) access to and over the RD17 cross levee to what is now a challenged severely angled, steep and unsafe RD17 levee crossing from Woodward Avenue (recently modified as per photos attached) is No Longer Safe and needs to be collectively mitigated and protected along with the access off Airport Way to ensure continued access to the TLG property. (see attachment)

W/L Harris Family controlled property Rights to access from Airport Way (APN 241-330-34)
Protecting TLG access from Airport way along both the North and South sides of SSJID Drain #10 is the key to mitigating TLG's need for access as the city works toward achieving 200 year flood protection certification. (Note: that is the reason the W/L Harris Irrevocable Trust approved buying the 21611 Airport property in 2013)

TLG trusts that it's continuing effort to protect TLG's right to access will be honored, respected and accommodated by all parties and agencies involved and believes it is the right and appropriate thing to do.

Thank you,

Martin Harris

From: Michael Selling <mselling@manteca.gov>
Sent: Thursday, October 23, 2025 5:22 PM
To: Marty Harris <martyharris5151@gmail.com>
Cc: Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; cnevdeck@ksninc.com <cnevdeck@ksninc.com>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>
Subject: RE: Proposed gated and key locked access from Woodward Avenue

Hi Marty,

Thanks for your email. As we discussed and you articulated in your email, the City understands the primary access for your agriculture related activities is to/from Airport Way and the best emergency response access would be from McKinley. As you noted in our discussion, there

has been a significant increase in illegal dumping in the vicinity of the existing gate at the south end of McKinley, which the City has maintenance and cleanup responsibility for. Consequently, the City has determined the need to lock the gate at this time as part of the response to curb the illegal dumping and reduce the impact to City resources. As such, the City is willing to provide keys to yourself or another HIRT representative as well as the respective entities included here. Per your indication below, you/HIRT are electing not to take a key at this time. Should you/HIRT or any other entities identified here have need for a key in the future, please contact the Engineering Department (209-456-8460 or mantecaeng@manteca.gov) at such time as you determine so.

Thanks,

Michael Selling, PE, Deputy Director
City of Manteca | Engineering Department
Office: 209.456.8437 | mselling@manteca.gov

From: Marty Harris <martyharris5151@gmail.com>
Sent: Thursday, October 23, 2025 10:43 AM
To: Michael Selling <mselling@manteca.gov>
Cc: Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net; james.sanders@valleyair.org; sylvia.razniak@sjafca.org; marc.nolan@doj.ca.gov; cnevdeck@ksninc.com; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov
Subject: Proposed gated and key locked access from Woodward Avenue

Hi Michael,

Thank you meeting with me on Monday 10/20/2025 at your office.

(Note: I also spoke by phone with Lauren Silva on 10/21/2025 and discussed reason for not accepting a gate key at this time)

My visit was in response to a call that city of Manteca representative Lauren Silva made to me offering me a key to the gate securing and preventing unauthorized traffic beyond the paved termination point of McKinley Avenue and further situated .375 miles approximately south of Woodward Avenue.

Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33)

It is at the location of this proposed gated and key locked access that the emergency medical response roadway transitions from a standard asphalt roadway built to city of Manteca public roadway code specifications to a dirt/crushed rock surface roadway heading south to a challenged severely angled and steep RD17 levee crossing (recently modified) that is preventing the safe and unimpeded use of the McKinley Avenue extended dirt roadway by

80000# GVWR class 8 trucks in combination with semi/pull hopper or fertilizer bulk hauling trailers or equipment hauling trailers typical of those commonly used by almond farm properties.

Protecting TLG's 12 year use of 80000# truck access off Airport Way

Protecting TLG's current access off Airport Way by utilizing a HIRT Trust owned LLC (W/L Harris Ranches (WLHR) LLC) property's SSJID Drain #10 (APN 241-330-34) following a joint 2014 decision by SSJID and Pete Boyce to remove the Drain #11 crossover pipe roadway bridge former recorded access on the south boundary of the TLG property is TLG's primary goal moving forward.

Why is this important

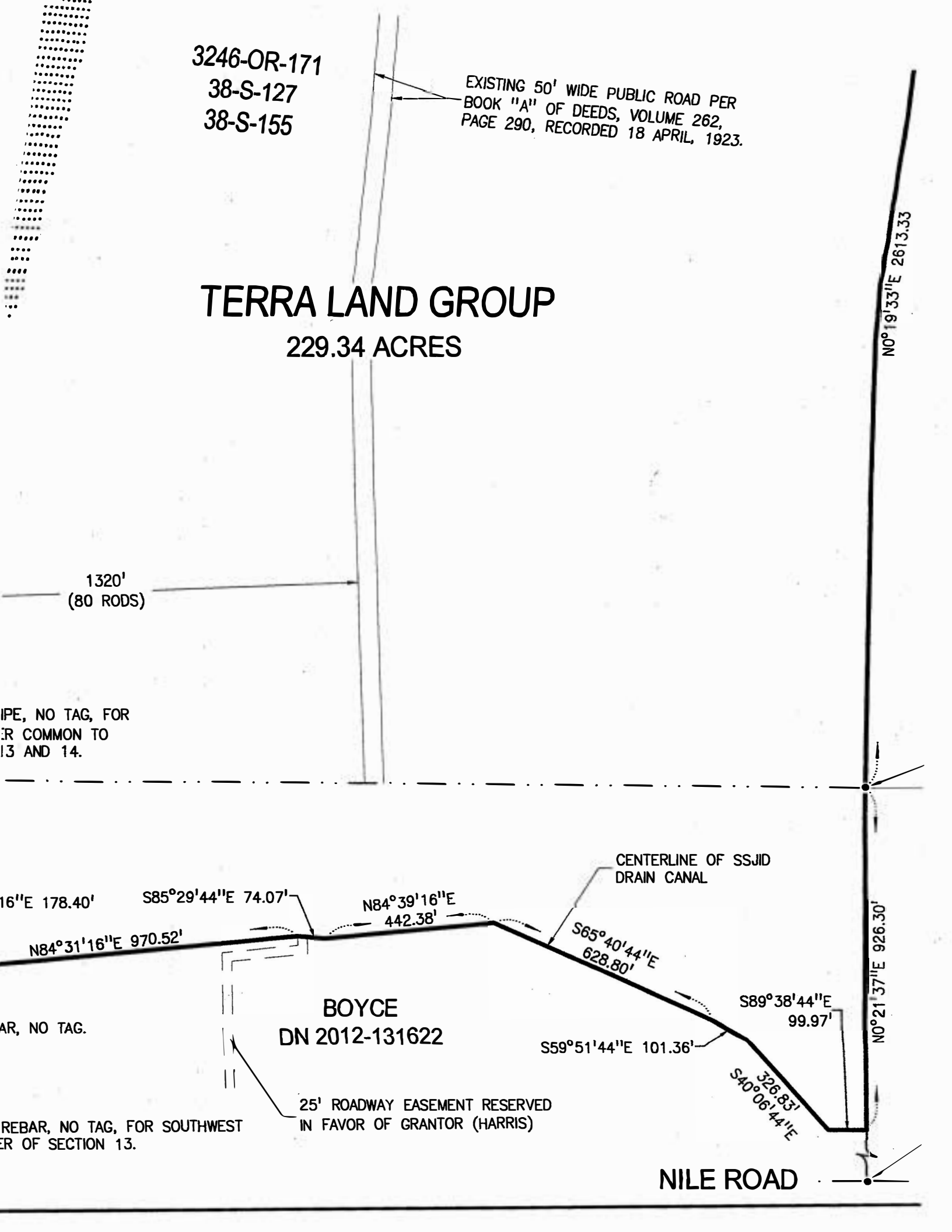
In September 2025, at the time that the 30000 trees on the property were harvested, 57 truck loads of almonds (80000# each) were shipped by WMD Farms (TLG tenant farmer) to Travaille and Phippen (WMD + TLG shared almond processor). Please be advised that a 2016 TLG court case vs RD17, Manteca Development Group, TR Land and Cerri involved testimony and court records that highly suggest the primary access to the TLG property was best served and could be depended upon by means of accessing the property along SSJID Drain #10 off Airport way. (case #STK-CV-URP-2014-4238)

No key accepted at this time

Due to my limited and individual rights as a W/L Harris Family Irrevocable Trust (HIRT) Trustee and a HIRT owned entity manager; and identical roles as HIRT trustees and LLC managers served by my sisters Marcia Perkins and Melissa King; LLC Manager roles served by Marcia Perkins daughter Meredith Perkins Hogan; a large number of subcontractors serving the needs of the TLG tenant (WMD Farms); various regulators and government inspectors of medical emergency responders that need to access the property; I am forwarding this email to other decision makers and those affected to gain the best and safest workplace safety approach for everyone to be affected.

I trust that hard fought prior effort as part of this continuing effort to protect TLG's access will be both honored and respected and accommodated by all agencies involved.

Thank you,
Marty Harris


3246-OR-171
38-S-127
38-S-155
EXISTING 50' WIDE PUBLIC ROAD PER BOOK "A" OF DEEDS, VOLUME 262, PAGE 290, RECORDED 18 APRIL, 1923.
TERRA LAND GROUP
229.34 ACRES
N0°19'33"E 2613.33
1320'
(80 RODS)
IPE, NO TAG, FOR
ER COMMON TO
13 AND 14.
CENTERLINE OF SSJID DRAIN CANAL
16"E 178.40'
S85°29'44"E 74.07'
N84°39'16"E 442.38'
N84°31'16"E 970.52'
S65°40'44"E 628.80'
N0°21'37"E 926.30'
BOYCE
DN 2012-131622
AR, NO TAG.
S89°38'44"E 99.97'
S59°51'44"E 101.36'
326.83'
S40°06'44"E
25' ROADWAY EASEMENT RESERVED IN FAVOR OF GRANTOR (HARRIS)
REBAR, NO TAG, FOR SOUTHWEST
ER OF SECTION 13.
NILE ROAD

Sent

Outlook

Re: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

From Marty Harris <martyharris5151@gmail.com>
Date Fri 9/26/2025 2:41 PM
To Melissa King <mking.hirt@outlook.com>; Marcia Perkins <mperkinshirt@outlook.com>
Cc Meredith Hogan <meredithhogan91@gmail.com>

3 attachments (17 MB)
San Joaquin Area Flood Control Agency Consulting Services for Construction Management of the Mossdale Urban Flood Risk Reduction Project.pdf; Map Proposed Boundary of Mossdale Tract Enhanced Infrastructure Financing District.pdf; Map Mossdale Tract Area Urban Flood Risk Reduction Project.pdf;

Good afternoon,

Making a Final Determination of Inclusion or Exclusion in SJAFCA-RFP-25-02/San Joaquin Area Flood Control Agency Construction and Management of the Mossdale Urban Flood Risk Reduction Project.

It seems something very odd is going on.

I just checked the SJAFCA website and found a document labeled SJAFCA-RFP-25-02 and titled San Joaquin Area Flood control Agency construction and management of the Mossdale Urban Flood Risk Reduction Project. (see attachment #1)

The document includes a map on page 3 that ignores the TLG 230 acres previous inclusion and completely omits TLG APN's 241-320-60, 241-330-32, and 241-330-33 (total 230 acres) prior inclusion in the project area (see attachment #2 for map showing TLG (230 acre) exclusion as compared to attachment #3 detailing TLG (230 acre) inclusion)

Most important, what does this mean for W/L Harris family owned property interests being able to move forward and seek more beneficial uses for W/L Harris family owned properties situated along the South Delta/San Joaquin River system.

Question: How did the 2 maps come to differ? Which map can the HIRT Trustees and HIRT owned LLC managers support and rely on to attain more beneficial uses on its properties? Which agencies/authorities control the process?

Please advise,

Thank you,

Marty Harris

From: Marty Harris <martyharris5151@gmail.com>
Sent: Thursday, September 18, 2025 9:25 AM
To: Melissa King <mking.hirt@outlook.com>; Marcia Perkins <mperkinshirt@outlook.com>
Subject: Fw: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

Good morning,

Corrections to email submitted for 9/18/25 3M/4M meeting Agenda Item #: Land use strategies/conflicts and key issues to consider

Please see corrections to the email below in red, in regards to the Drainage zone categories and assumptions (unconfirmed): 6 key W/L Harris Estate Property drainage zones with properties (includes McKinley) separated into categories allowing for proper engineering calculations to determine drainage amounts necessary to mitigate for and meet any and all development pump station requirements called for in making improvements to the properties.

I have also added another photo attachment that shows the conflicting placement of RD17 levee vs SSJID concrete pipe delivery line along shared Cambra/Machado (Lumina) boundary.

Thank you for your consideration of this important information.

Marty Harris

From: Marty Harris <martyharris5151@gmail.com>
Sent: Monday, September 15, 2025 12:54 PM
To: Melissa King <mking.hirt@outlook.com>; Marcia Perkins <mperkinshirt@outlook.com>
Subject: Fw: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

MH Priority Agenda item #1 for 9/18/25 3M/4M meeting:
Land use strategies/conflicts and key issues to consider:

Good morning,

Following three recent meetings, I feel like I need to expand my thoughts and provide important details of the information received in the email below.

Response to Melissa's 8/16/25 Action item 3C:
In response to Melissa's 8/16/25 Action item 3C to request a BOV for 21611 Airport (241-330-34), I have been advised that our two sequenced/adjacent neighboring property owners (ie. Bill Cambra and Michael Fonseca) are working jointly together with developers to create a combined residential development strategy for both their properties.

Since both WLHR (241-330-34) and TLG (241-330-32) depend on access rights by means of utilizing WLHR parcel 241-330-34 as well as the Fonseca parcel, I believe any development by Fonseca/Cambra would need to also include extending Fig Avenue in a Westernly direction (from its current termination point at Airport Way). This means extending a new portion of Fig Avenue across Airport Way and

through the center of the 241-330-34 (21611 Airport) property and would likely result in relocating the SSJID Drainage Canal to the underground center of the new extension of Fig Avenue. There is no doubt this necessary action will affect BOV's for the WLHR (241-330-34) and TLG (241-330-32) parcels.

Response to Marcia Perkins 8/16/25 TLG motion 3D:
TLG motion 3D (Woodward): The Board of Managers for Terra Land Group, LLC hereby authorizes CEO Marcia Perkins to (1) approach Michael Fonseca and Fonseca Farms about asking Trevor Smith to help outline a combined residential development strategy for the TLG-Woodward and the Fonseca-Airport parcels, and (2) to work together with the Fonseca owners and Trevor Smith to approach City of Manteca.
APPROVED — MP Yes, MK Yes, MPH Yes, MH No.

MH Comment: I remain concerned about how that strategy can properly include my participation when you consider that I have been blocked from accessing my important business and trustee management records assorted in Vans #4, #7, #8 and #9.

Possible mitigated outcome allowing for corrective uses through Voluntary Agreements:
Discussions need to both allow for and resolve ways to mitigate access, drainage and other effects by following a similar strategy to the one utilized by River Islands. (see photos attached) (attachment #1)

Counter measures by Martin Harris necessary to gain more involvement and active participation:
Please be advised that on or about 9/3/25 while I was assisting in verifying the total 57 Almond shipment counts being generated by the WMD harvest crew at the TLG 230 acre property (ie: APN 241-330-32, 241-330-33, 241-320-60). I also performed an inspection of the entire perimeter of the property.

Unexpected encounter with Machado Estates (Lumina) heavy dirt moving construction crew:
On or about the early afternoon on 9/3/25, two Machado Estate (Lumina) Construction Crew Workers approached me at the top of the RD17 flood protection levee that separated the Machado Estates (Lumina) home construction project from the adjacent TLG and Bill Cambra properties situated south of the current RD 17 levee alignment .

A brief conversation followed/Unsupported statement shared
The unexpected encounter resulted in a short conversation about recent levee improvements on the southern end of the Cerri Development that left more questions than answers as to what SJAFCA's final route for the RD 17 levee would be shaped and directed to look like. (see photos attached) (attachment #2)

Searching for answers/meeting with city of Manteca engineering staff:
On 9/8/25, I visited the city of Manteca engineering department and spoke with Kevin Jorgensen.

Take aways from that meeting:

1. Kevin Jorgensen informed me that current Cerri RD 17 project (APN 241-320-20) South boundary improvements to RD 17 levee are a development project condition of approval and a temporary flood protection requirement pending the final outcome of SJAFCA's 200 year flood protection levee improvement/realignment plan (environmental review in process)
2. Kevin Jorgensen to call Trevor Smith (HIRT property engineering consultant) to discuss TLG's 230-acre total city infrastructure and services volume needs and pipe stub sizing requirements as well as obtain information on type of development being planned
3. Only briefly discussed was TLG's need for vehicle access to and from TLG APN #241-330-32 by means of utilizing and traveling along portions of roadways existing on both the North and South sides of SSJID Drain #10 as allowed by WLHR (HIRT owned entity) parcel APN #241-330-34.

9/4/25 informal Meeting with Joe Cambra

On or about the early afternoon on 9/4/25, I visited the Tuff Boy trailer facility at 3870 Yosemite Avenue and had a short unplanned conversation with Joe Cambra (current manager for Tuff Boy facilities/ie Almondwood and Yosemite)

Take aways from that meeting:

Joe Cambra shared with me that he believed that the current size of the Tuff Boy Almondwood yard (ie. 5151 Almondwood, 4955 Almondwood, 5047 Almondwood, 22999 Oleander) was not big enough in size to park all the Tuff Boy lease trailers in the lease fleet. Joe suggested that expanding Tuff Boy trailer parking onto another W/L Harris family owned neighboring property might be worth considering.

Important mitigation and other factors to consider:

1. Corrective action is necessary to provide a buffer that eliminates current erosion to the levee at the point that the SSJ ID irrigation water delivery line comes into contact and lays against the base of the RD17 levee at the South Machado Estates (Lumina) development property line (against Bill Cambra Property) (see photos) (attachment #3)
2. It appears that the SSJID utilized French Camp Slough outlet canal has been cut off from future SSJID drainage use
3. It appears that Oakdale Irrigation District and SSJID are in the final phase of approving construction of a Tuolumne to Stanislaus Rivers cross conveyance water transfer tunnel. To better serve the water demands and safety concerns of the communities those districts serve.
4. **Conditions of sale for Mossdale properties:**
   It looks like the sale of the Mossdale properties (i.e., 3870 Yosemite, 3938 Yosemite, 3756 Yosemite, and 3600 Yosemite) has finally opened meaningful discussions for how Lathrop city water, sewer, and stormwater will be conditioned and mitigated.

On 7/17/25 City of Lathrop assistant engineer Bellal Nabizadah wrote:

"For development, the site will be required to connect to city sewer, water, and storm systems. There is a sewer pump station located next to 3600 Yosemite avenue, which may facilitate an easier connection to the sewer system. Water is available along Yosemite. Storm drainage will be more complex, as the site will be conditioned to construct a regional storm drain pump station that will benefit the entire Gateway development area. Because this pump station provides a regional benefit, it would be eligible for reimbursement. Reimbursement would be collected as other benefitting properties develop. This reimbursement method would apply to any public improvements that provide a regional benefit, excluding those required by the municipal code as frontage improvements".

More to consider:

This mitigation and reimbursement method is further explained in the attachments to this email (i.e. Mossdale Tract Enhanced Infrastructure Financing District) which looks to include the TLG 230-acre (i.e. APN# 241-320-60, 241-330-32, & 241-330-33) but excludes 21611 Airport Way (241-330-34). Please note that 21611 Airport Way is situated adjacent to and just east of TLG APN# 241-330-32. (see attachment)

Protecting against prejudicial actions that unfairly benefit one group of controlling ownership interests to the disadvantage of minority interests:

When you consider that SSJID Drain #10 is positioned effectively to drain both city of Manteca and city of Ripon excess drainage water through the 21611 Airport property (APN# 241-330-34) before draining into SSJID Drain #11, what protections need to be put in place to clearly identify and

separate any land to be set aside and designated to benefit (i.) a Manteca/Ripon Regional storm drainage pump basin; or (ii.) a Mossdale Tract Infrastructure Regional storm drainage pump basin?

Question: Will drainage for 22902 Oleander and 22777 Oleander which are situated north of the SSJID Drain #11 be re-engineered and re-constructed to drain into Drain #10 with drainage water passing through 22611 Airport (i.e. 241-330-34)?

Question: Will SSJID drains #10 and #11 be separated and no longer comingled as currently occurring at their current junction point location (i.e. South - east tip of TLG owned 241-330-32)?

Question: How else can total drainage by Region be controlled, measured, separated, and mitigated for the Region?

Question: What Region will the Tuff Boy (Almondwood) facility properties be designated to be situated in and to what locations will those properties drain?

The direction that the HIRT Trustees need to head things follow the answers to these questions. I do not believe that Marcia and Melissa's selection of properties to sell is arbitrary but is meant to steer the process. Is it time to enter into Voluntary Agreements?

5. **Conditions for any amendments to be made to TBS facility leases on HIRT owned Entity properties**

TBS continuing obligations to properly maintain and perform repairs to 5151 Almondwood and 3870 Yosemite Tuff Boy Company facilities so as to support Fair Market Property values while providing a safe work environment for the Tuff Boy employees and compliance with all State and Federal laws.

MH Comment #1: What appears to be self dealing/need for Trustees to recuse themselves as presented by Martin Harris at the 2/6/25 (February) 3M meeting for motions Melissa labeled 4A and 4B.

MOTION 4.A (WLHP & TLG): The Boards of Managers for W/L Harris Properties LLC and Terra Land Group LLC hereby approve the "REVISED INCENTIVES TO MOTIVATE RENT ADJUSTMENTS FOR TBS LEASES" as redlined and annotated by Melissa King. (See Attachment A.)

APPROVED: MP Yes, MK Yes, MH No.

MH Comment: It appears that both Marcia and Melissa have growing conflicts of interest involving HIRT & Tuff Boy entities and should recuse themselves from voting to avoid self dealing (See attachment/Re: 6/17/24 TBS management change notice to customers).

ACTION ITEM 4.B: Melissa will send revised/annotated document to Brett Mueller, so he can ask TBS attorneys to draft an amendment for our review.

MH Comment: It appears that both Marcia and Melissa have growing conflicts of interest involving HIRT & Tuff Boy entities and should recuse themselves from voting to avoid self dealing (See attachment/Re: 6/17/24 TBS management change notice to customers).

MH Comment #2: What appears to be self dealing/need for Trustees to recuse themselves as presented by Martin Harris at the 3/6/25 (March) 3M Meeting for MK and MP Priority Topic #2 (TBS Amended Lease Agreements) Areas to address for 3/6/25 3M priority topic #2.

a. TBS no longer interested in renting the 3870 Yosemite and 3988 Yosemite facilities upon the expiration of the current lease (12/31/25);
b. TBS needs to perform and repair all unmet maintenance to the 3870 facility prior to exiting the lease;
c. What about TBS duty to pay for all past under market rents remaining due?
d. What about any soil remediation or environmental clean up work affecting the property?
e. TBS to rent approximately 34 to 36 acres at Almondwood at variable and conditional price levels (see attachment);
f. It appears that both Marcia and Melissa have growing conflicts of interest involving HIRT and ownership in Tuff Boy entities and should recuse themselves from voting to avoid self-dealing (See 6/17/2024 TBS management change in ownership notice sent to customers as presented in a Marty Harris email sent to Marcia and Melissa on 2/18/25 at 2:52 PM)
g. What about TBS failure to address what I have been advised are underaddressed mold issues in the 5151 Almondwood main offices (see email sent by Marty Harris to Melissa, Marcia, and Brett Mueller on 2/18/25 at 2:52 PM); As previously entered into the facility lease, TBS also needs to ensure a safe workplace for its employees by performing all unmet maintenance and repairs for all building and shared parking/stormwater sandy soil percolation surfaces that are included, called for, and conditioned by NONA DWR State Stormwater permits (Job F13001) filed with the Water Board on 10/1/2015 for the 5151 Almondwood facility. (see news article/Re: Cal Matters 7/24/25 Key Player in California's Water Wars Embraces Controversial Pact, which details apparent rights and merits to participating in Voluntary Agreements as included with the attachments to this email) (Also see emails sent on 1/30/23 @ 9:50 AM and 6/8/23 @ 12:05 PM to Marcia and Melissa/ Re: Half a million acre reduction of cropland (multi-benefit land repurposing)
h. What about TBS's failure to accommodate Martin Harris continued (grandfathered) 20 year use of the 4-each Personal property and W/L Harris Estate Business Records storage vans located on the 5151 Almondwood property; (see email sent to Marcia/Melissa on 2/27/25 @ 11:41 PM/Re: Notice and instructions to accept delivery of Personal Property and W/L Harris Estate Business records)
i. What effort has been made to ensure that TBS is complying with all applicable laws?

6. Surveys and other documents show that WLHR holds grandfathered and legal vehicle right-of-way access along portions of the southern boundary of the Fonseca Farms property situated on the North side of SSJID Drain #10 to the Western boundary line of WLHR parcel# 241-330-34 (21611 Airport) (Note: this WLHR access right is supported by surveys and has been historically recognized and utilized by WLHR and others for over 10 years allowing safe and dependable access to HIRT owned entity properties from Airport way. (ie. 241-330-32, 241-330-33, 241-320-60, and 241-330-34)
7. Drainage Concerns/22902 Oleander:
   22902 Oleander has no existing way to down gradient gravity drain storm water or irrigation water from the northern half of the property situated north of the SSJID irrigation water concrete pipe supply line that runs across (East to West) the center of the property. Water can only be drained by pumping water south to the SSJID Drain II canal situated on the southern boundary of the 22902 property. (Currently 22902 Olander serves as a higher elevation property allowing trailers to be transported there for short term parking during times of flood emergency with 22777 Oleander able to provide any drainage relief deemed necessary)
8. It appears that the long promised expansion of Paradise cut is nearing final approval along with the inclusion of a 1000' gated wier based on discussions held involving KSN, RD 2075 and the Banta-Carbona Irrigation District. (Note: I have been advised on more than one occasion by one or more board members of RD 2075, that as a condition of approval for allowing the development of River Islands in Stewart Tract, the Paradise cut bypass channel would be expanded allowing

greater flow volumes through the Paradise cut bypass channel to offset <u>all</u> drainage impacts and impedances resulting from the 6500 acres that River Islands would ultimately develop)

9. **<u>Drainage zone categories and assumptions (unconfirmed):</u>**

Property Address	APN #	Drainage Rights	Category #	Governing authority/sphere of influence
3870 Yosemite	241-400-05	Drains to pond	1	Lathrop
3938 Yosemite	241-400-04	Drains to pond	1	Lathrop
3756 Yosemite	241-400-06	Drains to pond	1	Lathrop
3600 Yosemite	241-400-07	Drains to pond	1	Lathrop
18200 McKinley	241-310-07	Deep water well not active AG ground/sandy soil	?	Lathrop & SJ County
3204 Woodward	241-320-60	AG ground/sandy soil	2	Manteca
3220 Woodward	241-330-33	AG ground/sandy soil	2	Manteca
3250 Woodward	241-330-32	AG ground/sandy soil	2	Manteca
21611 Airport	241-330-34	SSJID	3	Manteca & SJ County
22902 Oleander	226-070-01	SSJID	3	SJ County
22911 Oleander	226-060-15	SSJID	3	SJ County
22777 Oleander	226-060-11	SSJID	3	SJ County
22161 Olive Road (Perkins)	?	SSJID	3	SJ County
5151 Almondwood	226-060-17	Nona filing w/state	Tuff Boy Almondwood 4	SJ County
4955 Almondwood	226-060-13	Nona filing w/state	Tuff Boy Almondwood 4	SJ County
5047 Almondwood	226-060-14	Nona filing w/state	Tuff Boy Almondwood 4	SJ County

22999 Oleander	226-060-16	Nona filing w/state May have partial property Rights into SSJID through The 22911 property	Tuff Boy Almondwood 4	SJ County
23195 Oleander	226-060-18	?	Tuff Boy Almondwood 4	SJ County
4747 Almondwood	226-060-12	SSJID	Tuff Boy Almondwood 4	SJ County
15855 Mello	245-150-12	SSJID?	5	SJ County
16051 Mello	241-150-11	SSJID?	5	SJ County
20509 Murphy	245-150-32	SSJID	5	SJ County
15958 Mello	245-150-17	SSJID	5	SJ County
20778 North Ripon	245-150-17	?	5	SJ County
East River	245-250-24	SSJID	5	SJ County

other drainage notes and conditions to consider:

a. RD 2075 appears to be in need of drainage/levee improvements in the area commonly known as "the Pocket" and totaling approximately 800 acres in the area West of Airport Way.
b. The Stanislaus River Relief Cut commonly known as "Brochinni Cut" allows high river channel flow water to flow into South Manteca areas already challenged by high water San Joaquin River flows
c. The Banta-Carbona Irrigation Districts outlet canal is located on the West side of the San Joaquin River and directly opposite to the RD 2075 (800 acre) pocket which is located on the east side of the San Joaquin River.
d. Paradise cut (and its promised expansion) is located just a short distance down stream of the Banta-Carbona Irrigation District's outlet canal

10. In connection with my duties and right to protect myself from all forms of liability in association with my roles as a TBL Manager, HIRT Trustee, HIRT owned entity manager, SRH co-manager and WLHFT Trustee, please consider Marcia Perkins, Melissa Kings, Bryce Perkins, Rick King's and Leadership One's (includes Tim Schultz) roles and purpose in locking me out and blocking my access to the four business office records storage vans that LEH dedicated to me in support of my trustee/management roles in the W/L Harris family businesses (see Martin Harris priority Topic Agenda Item #7 and associated motion #8 which I submitted but watched die (unsupported) at the 8/16/25 meeting

Record of Motions and Actions items taken at 8/16/25 3M Meeting: Martin Harris Priority Topic #7 HIRT Documents Retention, Policy, blocking my access to HIRT, WLHFT and SRH business records

a. MH Concerns regarding destruction of documents

MH Comment: Once again, I took action to investigate known defects and illicit activities connected with TBS locking me out of the four office records storage vans that Lucille Harris dedicated for my ongoing use in connection with my roles as a TBL manager, HIRT Trustee, HIRT owned entity manager, SRH Manger and WLHFT Trustee.
b. Motion 8: Move to investigate known defects and illicit activities connected with TBS lockout of 4 storage vans that LEH dedicated to me (Marty) in connection with my trustee/manger roles.
MOTION DIED - (not seconded)

11. It Looks like good faith discussions can be held with a goal of attaining better corrective uses that will lower drainage impacts for everyone to be affected through Voluntary Agreements.

I hope this letter and the details it contains help us get there and I will include as an Agenda item to be considered at our 9/18/25 3M/4M meeting.

Thank you,

Martin Harris

From: Marty Harris <martyharris5151@gmail.com>
Sent: Thursday, August 28, 2025 11:48 AM
To: Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>
Cc: Meredith Hogan <meredithhogan91@gmail.com>
Subject: Fw: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

Response to Melissa's 8/16/25 Action item 3C:
In response to Melissa's 8/16/25 Action item 3C to request a BOV for 21611 Airport (241-330-34), I have been advised that our two sequenced/adjacent neighboring property owners (ie. Bill Cambra and Michael Fonseca) are working jointly together with developers to create a combined residential development strategy for both their properties.

Since both WLHR (241-330-34) and TLG (241-330-32) depend on access rights by means of utilizing WLHR parcel 241-330-34 as well as the Fonseca parcel, I believe any development by Fonseca/Cambra would need to also include extending Fig Avenue in a Westernly direction (from its current termination point at Airport Way). This means extending a new portion of Fig Avenue across Airport Way and through the center of the 241-330-34 (21611 Airport) property and would likely result in relocating the SSJID Drainage Canal to the underground center of the new extension of Fig Avenue. There is no doubt this necessary action will affect BOV's for the WLHR (241-330-34) and TLG (241-330-32) parcels.

Response to Marcia Perkins 8/16/25 TLG motion 3D:
TLG motion 3D (Woodward): The Board of Managers for Terra Land Group, LLC hereby authorizes CEO Marcia Perkins to (1) approach Michael Fonseca and Fonseca Farms about asking Trevor Smith to help outline a combined residential development strategy for the TLG-Woodward and the Fonseca-Airport parcels, and (2) to work together with the Fonseca owners and Trevor Smith to approach City of Manteca.
APPROVED — MP Yes, MK Yes, MPH Yes, MH No.

MH Comment: I remain concerned about how that strategy can include my participation when you consider that I have been blocked from accessing my important business and trustee management records assorted in Vans #4, #7, #8 and #9.

Possible mitigated outcome allowing for corrective uses through Voluntary Agreements:
Discussions need to both allow for and resolve ways to mitigate access, drainage and other effects by following a similar strategy to the one utilized by River Islands. (see photos attached)

Thank you,

Marty Harris

From: Marty Harris <martyharris5151@gmail.com>
Sent: Monday, August 18, 2025 3:47 PM
To: Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>
Subject: Re: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

Hi All,

Please see my attached, red-lined comments on the motion and action items from the 8/16/25 meeting.

Thank you,
Marty

From: Melissa King <mking.hirt@outlook.com>
Sent: Monday, August 18, 2025 11:43 AM
To: Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Marty Harris <martyharris5151@gmail.com>; Meredith Hogan <Meredithhogan91@gmail.com>
Subject: CORRECTION: Motions & Action Items from 4Ms Meeting held 8/16/25

Hello, 4Ms.

Sorry for the error, and thanks for proofreading.

I have attached the CORRECTED Motions & Action Items from yesterday's 4Ms Meeting.

Please discard the previous version or mark it as obsolete.

Melissa King
CEO, W & L Harris Ranches
CEO, W/L Harris Properties
VP of Commercial Property, Terra Land Group / Mossdale Gateway Ranch
Co-Trustee, W/L Harris Irrevocable Family Trust
209-499-7968

From: Marty Harris <martyharris5151@gmail.com>
Date: Monday, August 18, 2025 at 10:23 AM
To: Melissa King <mking.hirt@outlook.com>, Marcia Perkins-HIRT <mperkinshirt@outlook.com>
Subject: Proposed Estate Sale at 16051 Mello Road

To set the record straight I voted **NO** on approving the estate sale process and am opposed to the way that majority control interest have unfairly prejudiced what has already been set aside and distributed.

1. 16501 Estate Sale (Thursday 8/21/25 - Saturday 8/23/25)

    1. **ACTION ITEM 4A**: On Monday 8/18/25, Marcia Perkins will facilitate a ~~10:00 AM~~ 1:00 PM walk-through for Marty Harris to go through sale displays.

    1. **ACTION ITEMS 4B**: Marcia Perkins will work with Kim Berry to record costs and income for the estate sale; Marcia will submit the records to Grimbleby-Colemn within 21 days after sale

    1. **MOTION 4C**: The Co-Trustees of WLHFT hereby authorize state sale specialist Kim Berry to conduct a sale of the items remaining in the 16051 home and outbuildings, from which Kim Berry will receive 40% of the proceeds. (this fee includes Kim's helper and day-of-sale attendants)

    APPROVED - MP Yes, MK Yes, MH ~~Yes~~ No

Kerry, Jeanette, Sofia and I will all be at the property at 1:00 today to look over what remnants remain.

Thank you,

Marty Harris

PROPERTY IDENTIFICATION LIST

05/08/2019

	Acres	Site	APN	LH GL %	Other GL %	GL/Entity	
	9.68	13551 South 11th Ave., Hnfrd	018-242-46	0%	48%	SRH	(MH 4%)
	9.96	13515 South 11th Ave., Hnfrd	018-242-30	0%	48%	SRH	(MH 4%)
	203.33	3250 Woodward Ave. - Mtca	241-330-32	0%	100%	TLG	(HIRT)
	17.14	3220 Woodward Ave. - Mtca	241-330-33	0%	100%	TLG	(HIRT)
	30.33	15855 East Mello Ave., Rpn	245-150-12	0%	100%	HR	(HIRT)
	37.18	4747 East Almondwood Dr., Mtca	226-060-12	0%	100%	HR	(HIRT)
	19.55	4955 East Almondwood Dr., Mtca	226-060-13	0%	100%	HP	(HIRT)
	26.28	18200 S. McKinley Ave., Mtca	241-310-07	0%	100%	TLG	(HIRT)
	38.03	15958 East Mello Ave., Rpn	245-150-17	0%	100%	HR	(HIRT)
	35.97	20509 Murphy Rd., Mtca	245-150-32	0%	100%	HR	(HIRT)
	15.41	21549 East River Rd., Escalon	245-250-24	0%	100%	HR	(HIRT)
	~~51.59~~	~~Tuolumne County Parcel #1~~	~~062-300-01~~	PROPERTY SOLD 2018			
	~~25.21~~	~~Tuolumne County Parcel #2~~	~~062-290-03~~	PROPERTY SOLD 2018			
	5.42	5151 E. Almondwood Dr., Mtca	226-060-17	0%	100%	HP	(HIRT)
	4.44	5047 E. Almondwood Dr., Mtca	226-060-14	0%	100%	HP	(HIRT)
	4.26	22999 S. Oleander Ave., Mtca	226-060-16	0%	100%	HP	(HIRT)
	6.38	3870 W. Yosemite Ave., Lthrp	241-400-05	0%	100%	HP	(HIRT)
*	~~80.00~~	~~Address Unknown~~	~~243-150-51~~	PARTNERSHIP DISSOLVED			
*	~~38.35~~	~~Address Unknown (Wdwrd West)~~	~~224-040-19~~	PARTNERSHIP DISSOLVED			
**	19.08	20778 S. North Rpn Rd., Rpn (M-H)	245-150-63	0%	100%	HR	(HIRT)
	45.90	3756 W. Yosemite Ave., Lthrp	241-400-06	0%	56.25%	MF	(HIRT)
	5.64	3600 W. Yosemite Ave., Lthrp	241-400-07	0%	50%	MF	(HIRT)
	9.48	16051 E. Mello Rd., Rpn (Residence)	245-150-11	100%	n/a	LH	–
	7.98	3938 W. Yosemite, Lthrp (Luckey)	241-400-04	0%	100%	TLG	(HIRT)
	10.13	Woodward Ave., Mtca	241-320-60	0%	100%	TLG	(HIRT)
	1.64	23195 S. Oleander Ave., Mtca	226-060-18	0%	100%	TLG	(HIRT)
	27.80	Henry Miller Road, Los Banos (VOLTA)	081-060-055	0%	100%	TLG	(HIRT)
	37.00	21611 S. Airport Wy, Mtca	241-330-34	0%	100%	HR	(HIRT)
	24.50	22902 Oleander Ave., Mtca	226-070-01	0%	100%	TLG	(HIRT)
New 2019	14.21	22777 Oleander Ave., Mtca	226-060-11	0%	100%	TLG	(HIRT)
	3.0	22911 Oleander Ave., Mtca	226-060-15	0%	100%	TLG	(HIRT)

* Woodward Park Associates, LLC - Partnership dissolved - 2018

** Formerly 245-150-25 Miller-Harris Ranch 38.33 acres - partnership dissolved, property split.

Letter P2 Attachments

June 7, 2021

VIA EMAIL

Reclamation District No. 17
Board of Directors
235 East Weber Ave
Stockton, CA 95202
% Pam Forbus
(pamforbus@sbcglobal.net)

Re: June 8, 2021 Reclamation District No. 17 ("RD 17") Board Meeting Agenda Item 4: SB5 - 200 year levee plan; and Item 5: Approval of resolution for Grant Program for FMAP 2022 RD 17-01.

Dear Board Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns a 230-acre property south of Woodward Avenue and west of Airport Way (APN Nos. 241-320-60, 241-330-32, 241-330-33). The entire property is located in the City of Manteca and is planted with 32,000 almond trees. In addition, TLG owns several other properties that are located in the developing areas of South Lathrop as well as the South Manteca unincorporated areas in and around the Nile Garden Elementary School.

On April 12, 2021, a meeting was held to discuss the San Joaquin Area Flood Control Agency's ("SJAFCA") role in determining the future alignment and extension of the Reclamation District No. 17 ("RD 17") (Walthall Slough spur) levee. Attending the meeting were Martin Harris, Melissa King, and Marcia Perkins from TLG, Michael Fonseca from Fonseca Farms, Eric Nagy representing SJAFCA, Chuck Hilliard from Wood Rogers Inc., and Kevin Jorgensen from the City of Manteca. At the time the meeting ended (and based on information previously provided), it appeared to be highly likely that the City of Manteca's preferred Alternative 2A for the dryland levee would be changed and redirected from the dryland levee Alternative 2A which was approved in 2016.

Phased Strategy Background Information to Consider

1. It is TLG's understanding that SJAFCA has received significant federal funding for preconstruction, engineering, design, and construction of the project's first increment (Stockton). SJAFCA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract, but it appears that no specific project or construction funding appears to have been approved.

   (Within **Enclosure 1,** see a 3/29/2021 Manteca Bulletin news article titled *Flood Study: Significant loss of life is possible in Mossdale Tract.* Enclosure 1 is a letter which was previously cc'd, in various versions, via email to the SJAFCA Board of Directors and Chris Elias on April 20, April 27, and May

3, 2021. It has been resubmitted here for your convenience and consideration. To conserve file space, a digital link to the letter has been provided and it can be downloaded on demand.)

2. It is TLG's understanding that in 1997, David N. Kennedy, former director for the California Department of Water Resources, called for the republishing of a new edition of Robert Kelley's classic book on flood control, "Battling the Inland Sea." The book was republished with a foreword by David N. Kennedy. In the foreword he stated: *"Further consideration is being given to opening up some form of bypass through the South Delta to relieve pressure on the levees as the San Joaquin River flows into the Delta."*

   Mr. Kennedy went on to state that, *"The cost of moving or of stopping further development would be far greater than the cost of providing adequate flood protection."*

   The book "Battling the Inland Sea" was recommended to Martin Harris by a representative from the Central Valley Flood Protection Board following a meeting which Marty attended in Sacramento. The information presented by David Kennedy in the foreword appears to be consistent and align with the State of California's recent flood protection efforts as described below:

   "On or about July 29, 2020, Governor Gavin Newsom released the final version of the California Water Resilience Portfolio. The portfolio includes 142 actions to help build a climate-resilient water system in the face of climate change."

3. SJAFCA representative Eric Nagy (Larson Wurzel & Associates) stated at the 4/12/2021 meeting that SJAFCA would take on the role as lead agency for the RD 17 dryland levee extension project. (This project has also previously been referred to as the City of Manteca Dryland Levee Extension Preferred Alternative 2A or the Walthall Spur Levee Extension Project.)

   Mr. Nagy also made it clear that even though the RD 17 dryland levee extension would initially be presented to follow the City of Manteca's preferred alternative 2A alignment (as included in **Enclosure 2** to this letter), a programmatic environmental impact review would be conducted before determining the final alignment that the RD 17 levee would follow and be extended to.

With this in mind, TLG believes it is only through the implementation of the City of Manteca comprehensive General Plan Update project (in association with SJAFCA, RD 17, and other agencies) that the City of Manteca can create a community-wide facilities district and future annexation area which fully provides for the appropriate forms of the following: flood protection, roadway access, traffic circulation, stormwater drainage, wastewater discharge, potable water delivery, groundwater sustainability, and flood water containment and drainage infrastructure necessary to align with the joint efforts by local, state, and federal authorities to pursue a phased strategy of flood protection in and along the South Delta.

TLG does not oppose such an effort, but TLG would like to ask the RD 17 board members to take our concerns into consideration while moving forward to determine the proper alignment for the Manteca Dryland Levee (RD 17) Extension Project.

TLG believes the most likely placement of the RD 17 (City of Manteca/Walthall Spur Dryland Levee Extension) takes on a much clearer meaning when you consider two very important factors:

1. Both SJAFCA and RD 17's authorities are county-wide as compared to the City of Manteca's limited jurisdiction.
2. The levee extension may be headed south due to the fact that in 2019, TLG received an amended preliminary title report for a property in close proximity to Nile Garden School which TLG purchased in 2019. The preliminary report included an Exception #5 which suggests that certain flood protection and drainage easements and taxes shall be levied on the property as follows:

   Taxes and assessments levied by the San Joaquin Irrigation District
   Taxes and assessments levied by the Reclamation No. 17 Phase III District
   Taxes and assessments levied by the Reclamation No. 17 District
   Taxes and assessments levied by the Reclamation No. 1614 Assessments District
   Taxes and assessments levied by the San Joaquin Area Flood Control Agency Assessment District
   Taxes and assessments levied by the West Site Irrigation District
   (**See Enclosure 2** for full report)

TLG believes that the tax assessments described in the preliminary title report clearly suggest the intent of our local authorities (RD 17, SJAFCA, SSJID, and RD 1614) to provide flood protection to the 22777 Oleander property and most likely other properties in the area. These properties include Nile Garden School, Scott Long Pig Ranch, Fonseca Farm office and maintenance shop, and Tuff Boy Sales at 5151 Almondwood Rd, as indicated on the City of Manteca preferred Alternative 2A Dryland Levee Map which has been provided (with TLG's annotations) in **Enclosure 2**. (Also **See Enclosure 1**)

All of these factors combined give TLG cause to be proactive in ensuring our properties and the properties of our neighbors receive the flood protection which has been promised by the City of Manteca, SJAFCA, RD 17, and multiple agencies. Thank you for continuing to work for the safety of our county and local community.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures

1. 2021-05-03 letter #2 from TLG to the City of Manteca, Attn: J.D. Hightower *(Please use the Dropbox link to download a digital copy of the letter on demand.)* (https://www.dropbox.com/s/tgmxtkxcva5bvq7/2021-05-03_LTR2_Hightower_GeneralPlan.pdf?dl=0)
2. Key property and flood zone maps compiled by TLG

cc:

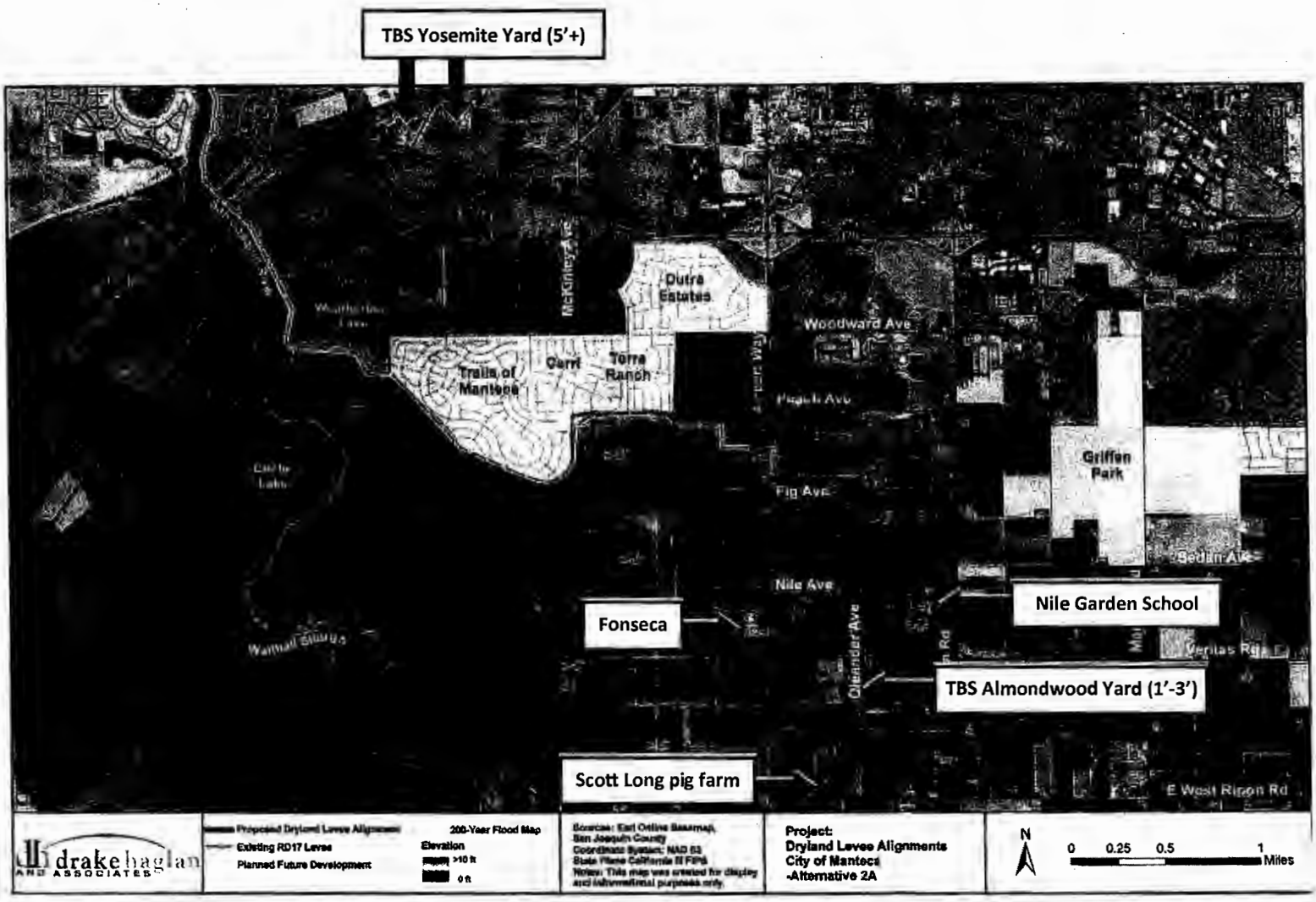
Manteca City Council, % Cassandra Candini-Tilton
City of Manteca General Plan Advisory Committee, % De Novo Planning Group, Beth Thompson
Manteca Community Development Department, % Lisa Schimmelfennig
Panos Kokkas, Director, City of Manteca Public Works

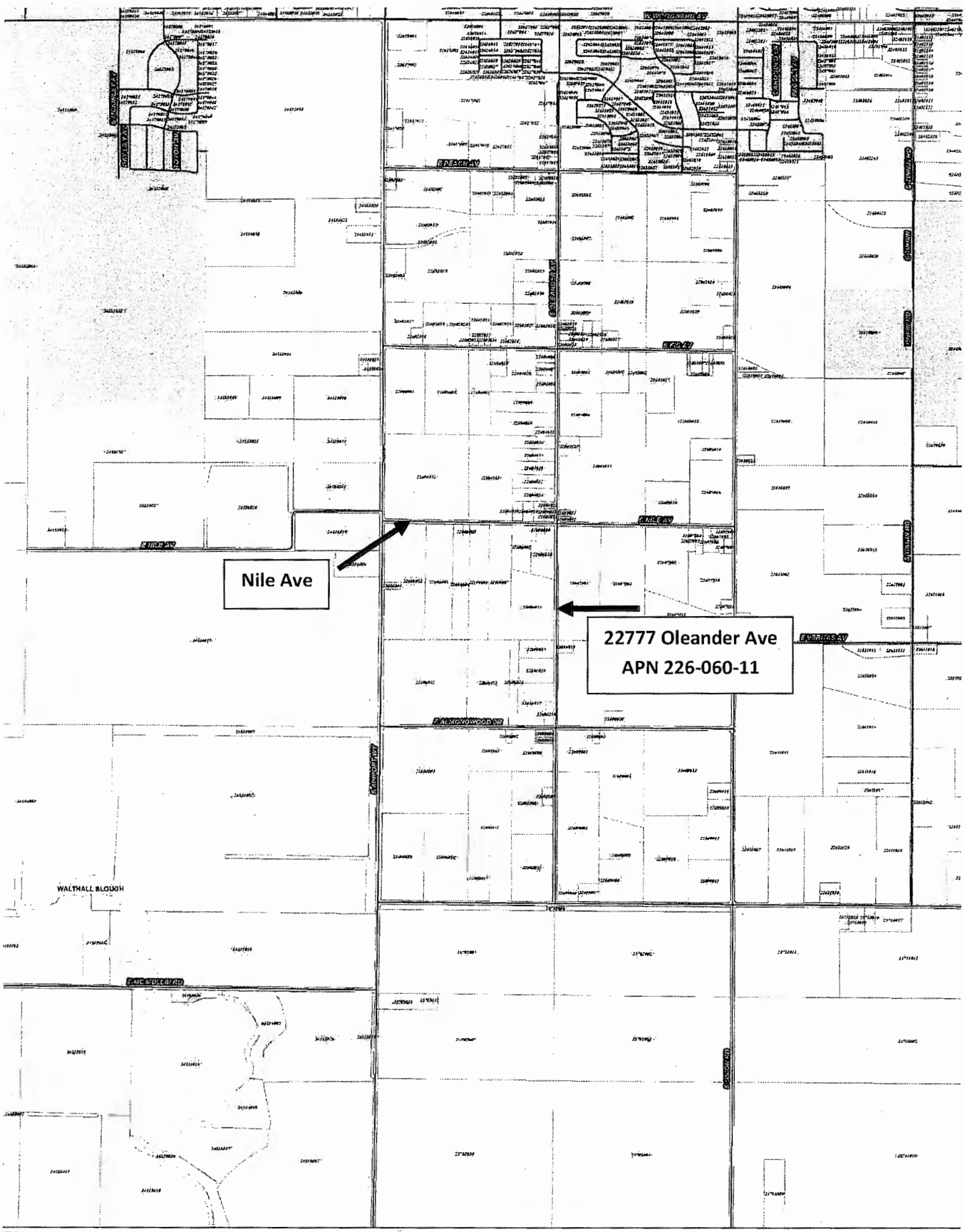
Chris Erias, City of Manteca Community Development Director
Manteca Planning Commission
Eric Nagy, Principal, Larsen Wurzel & Associates
Kevin Jorgensen, City of Manteca, City Engineer
J.D. Hightower, City of Manteca
Michael Harden, Interim City Manager for the City of Manteca
South San Joaquin Irrigation District, Attn: Frank Avila
San Joaquin Flood Control and Water Conservation District, % Fritz Buchman
Melissa King, Terra Land Group
Marcia Perkins, Terra Land Group
San Joaquin County Board of Supervisors, Attn: Rachél DeBord, Chief Deputy Clerk of the Board
San Joaquin County Planning Commission, Attn: Stephanie Stowers, Senior Planner
Lathrop City Council, % Teresa Vargas, City Clerk
Mark Meissner, City of Lathrop, Director of Community Development
San Joaquin Area Flood Control Agency, Attn: Chris Elias, Executive Director

ENCLOSURE 2

Key Property and Flood Zone Maps

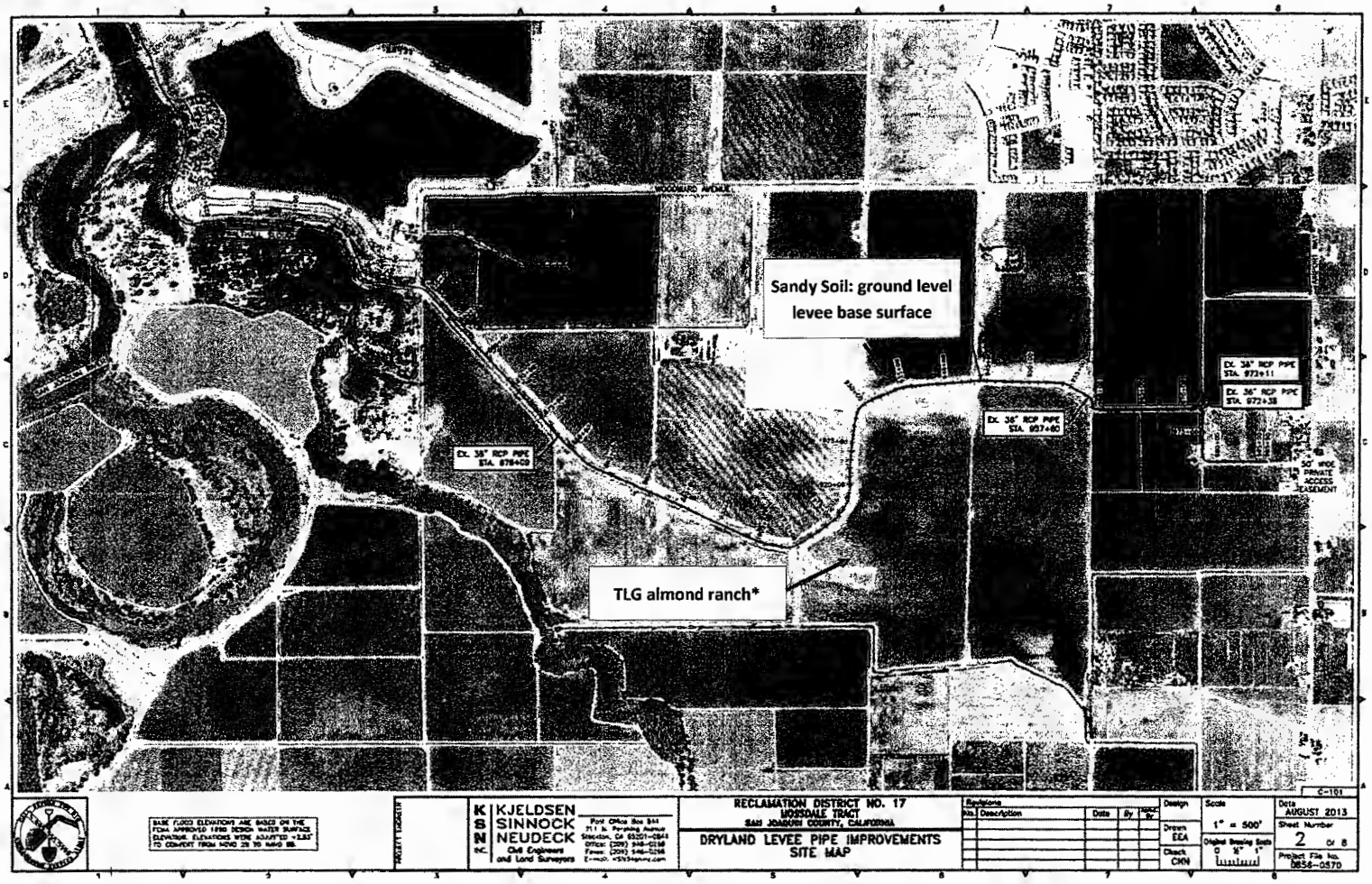
These maps were released by various public agencies. They have been annotated by TLG to highlight Harris Family properties and other neighboring properties located in the flood zone. These were compiled and presented to SJAFCA and discussed during the April 12, 2021 meeting. Please pay special attention to the suggested RD 17 and SJAFCA flood protections offered on Page 4 of the Ticor Preliminary Title Report (Exception #5) for a 14-acre property located at 22777 Oleander Road.


TBS Yosemite Yard (5'+)
McKinley Ave
Dutra Estates
Woodward Ave
Trails of Manteca
Carri
Terra Ranch
Griffen Park
Fig Ave
Nile Ave
Fonseca
Nile Garden School
Oleander Ave
TBS Almondwood Yard (1'-3')
Scott Long pig farm
E West Ripon Rd
Proposed Dryland Levee Alignment
Existing RD17 Levee
Planned Future Development
200-Year Flood Map
Elevation
>10 ft
0 ft
Project:
Dryland Levee Alignments
City of Manteca
-Alternative 2A
N
0 0.25 0.5 1
Miles



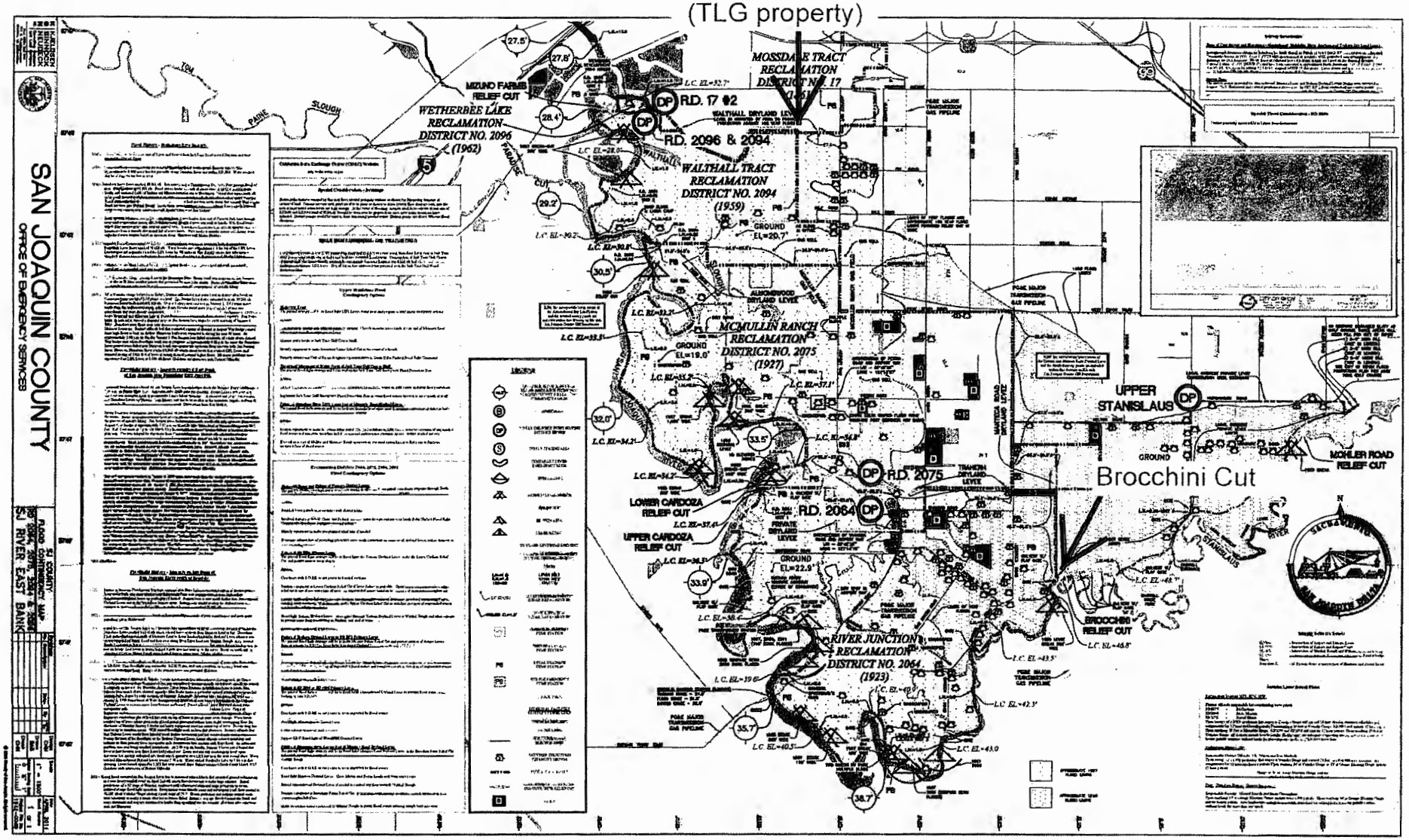
South Manteca

San Joaquin County Geographic Information Systems
1810 East Hazelton Avenue, Stockton, CA 95205
The information on this map is based on the most current information available to San Joaquin County Geographic Information Systems.

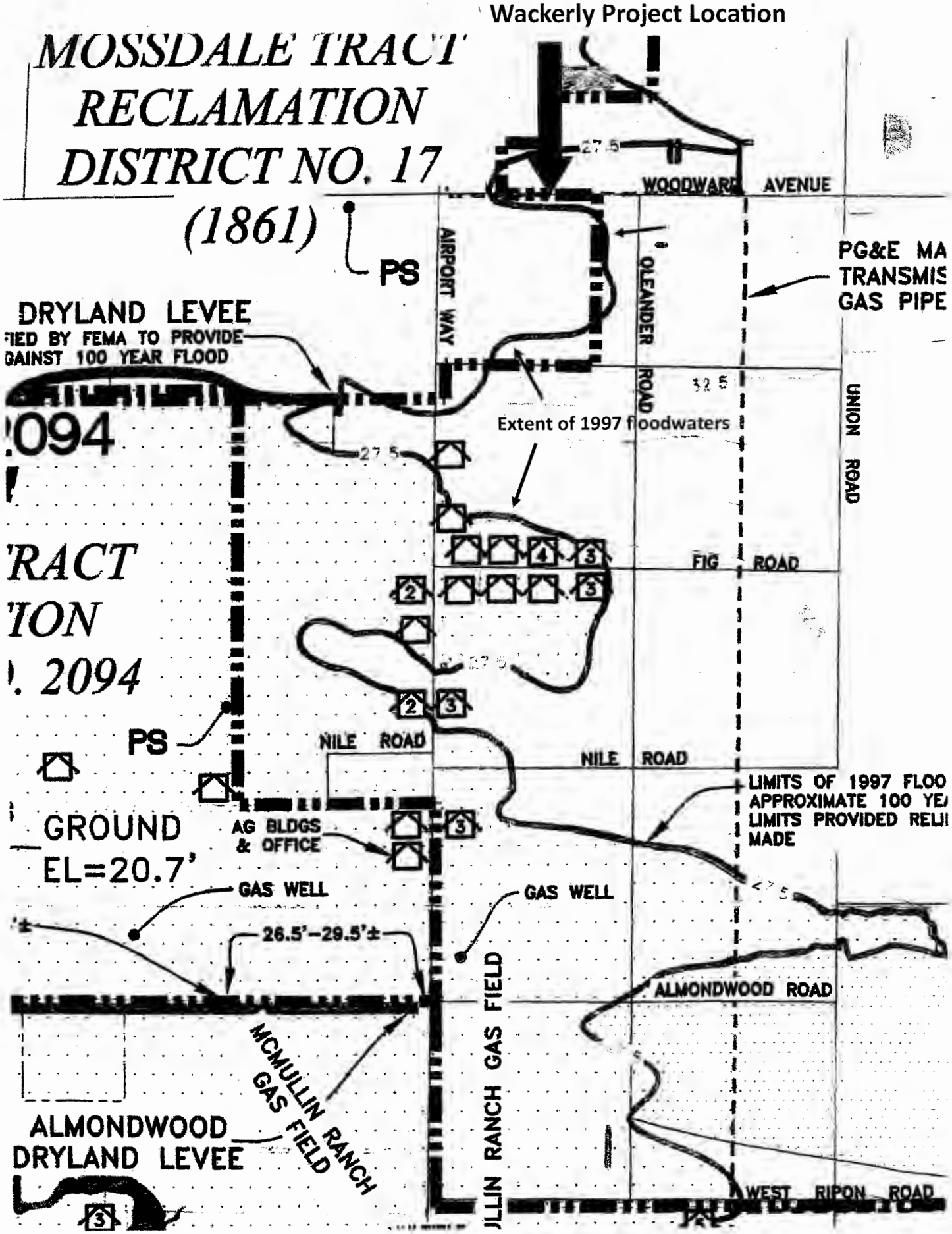


*32,000 almond trees with root systems just above the water table which may be impacted by a rise in the subsurface groundwater table due to slurry walls being installed into the ground below the levee which may impede natural water flows in the area.

RD 2094 east boundary (TLG property)



Taken from: San Joaquin County Office of Emergency Services Flood Contingency Map: SJ River East Bank (April 2011)



TICOR TITLE™

4210 Riverwalk Parkway, Suite 200
Riverside, CA 92505
Phone: (951) 509-0211

Issuing Policies of Chicago Title Insurance Company

ORDER NO.: **00576500-005-SE9**

Escrow/Customer Phone: **(909) 579-1515**

Ticor Title Company of California
4120 Concours, Suite 400
Ontario, CA 91764
ATTN: Sandra Mendez
Email: samendez@ticortitle.com

Title Officer: **Scott Enda (093)**
Title Officer Phone: **(951) 509-5259**
Title Officer Fax: **(951) 509-5824**
Title Officer Email: **teamenda@ticortitle.com**

PROPERTY: **22777 Oleander Avenue, Manteca, CA 95337**

AMENDED **PRELIMINARY REPORT**

In response to the application for a policy of title insurance referenced herein, ***Ticor Title Company of California*** *hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a Florida Corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Countersigned:

By: _____
Authorized Signature

By
_____
Randy Quirk, President

Attest
_____
Michael Gravelle, Secretary

TICOR TITLE™

4210 Riverwalk Parkway, Suite 200
Riverside, CA 92505
Phone: (951) 509-0211

AMENDED **PRELIMINARY REPORT**

EFFECTIVE DATE: **April 10, 2019 at 7:30 a.m., Amended: April 17, 2019, Amendment No. 3**

ORDER NO.: 00576500-005-SE9

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy
ALTA Extended Loan Policy (6-17-06)

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   JP Morgan Chase Bank, National Association

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   See Exhibit A attached hereto and made a part hereof.

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A portion of Lot 15 as shown upon the Map Entitled, Map No. One (1), California Nile Garden Farms, filed for Record December 4, 1912 in Volume 6 of Maps and Plats, Page 47, San Joaquin County Records, as follows:

Beginning at the Southwest corner of said Lot 15, said point being the center line of an irrigation ditch as shown on Map or Survey filed for record December 30, 1970, in Book 20 of Surveys at Page 192, San Joaquin records; thence North, along the West line of said Lot 15, A distance of 1057.69 feet to the Southeast corner of property as described in Deed to Angus O. McBride, et ux, Recorded April 2, 1971, in Book 3510, Page 318, San Joaquin County records; thence South 76 Degrees 26 Minutes 13 Seconds East, along the South line of said McBride property and its extension, a distance of 678.93 feet to the West line of Oleander Avenue as shown on said Map of Survey; thence South, along the West line of said Oleander Ave. ; a distance of 907.55 feet to the South line of said Lot 15; thence North 89 degrees 50 Minutes 00 Seconds, West, a distance of 630.00 feet to the point of beginning.

APN: **226-060-11**

EXCEPTIONS

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, including any personal property taxes and any assessments collected with taxes, are as follows:

Tax Identification No.:	226-060-11
Fiscal Year:	2018-2019
1st Installment:	$1,595.41 Paid
2nd installment:	$1,595.41 Delinquent
Penalty and Cost:	$169.54
Homeowners Exemption:	None
Code Area:	102-001

2. Any liens or other assessments, bonds, or special district liens including without limitation, Community Facility Districts, that arise by reason of any local, City, Municipal or County Project or Special District.

3. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 or Part 2, Chapter 3, Articles 3 and 4 respectively (commencing with Section 75) of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A; or as a result of changes in ownership or new construction occurring prior to date of policy

4. Any unpaid assessments levied by the County of San Joaquin Treasurer and Tax Collector for Prior year delinquent Taxes. Amounts may be ascertained by contacting the County of San Joaquin.
   If Payment is to be made through this title order, please contact this office prior to closing to obtain current payoff amounts. This will assure that payment is received by the County Tax Collector in a timely manner.

5. Taxes and assessments levied by the San Joaquin Irrigation District.
   Taxes and assessments levied by the Reclamation No. 17 Phase III District.
   Taxes and assessments levied by the Reclamation No. 17 District.
   Taxes and assessments levied by the Reclamation District No. 1614 Assessments District.
   Taxes and assessments levied by the San Joaquin Area Flood Control Agency Assessment District.
   Taxes and assessments levied by the West Site Irrigation District.

6. Water rights, claims or title to water, whether or not disclosed by the public records.

7. Easement(s) in favor of the public over any existing roads lying within said Land.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

Granted To:	South San Joaquin Irrigation District
Purpose:	Pipeline
Recording Date:	September 23, 1965
Recording No:	Book 2983, Page 215, of Official Records
Affects:	said land more particularly described therein

9. All easements, offers and dedications as shown on the official map

   Tract of: Record Survey In Book 20, Page 192, Book of Surveys

PHONXAY KEOKHAM, CPA
TREASURER-TAX COLLECTOR
44 N. SAN JOAQUIN ST., SUITE 150
STOCKTON, CA 95202

2020-21 SECURED PROPERTY TAX BILL

FOR FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021
OFFICE HOURS: MONDAY - FRIDAY 8:30 A.M. - 4:30 P.M.
VISIT US ONLINE AT SJCTTC.ORG

CK # 1412

1. FEE PARCEL	226-060-110-000	2. ASMT	226-060-110-000	3. OWNER	TERRA LAND GROUP
4. TAX RATE AREA	102-001	5. TAX YEAR	2020	6. LOCATION	22777 S OLEANDER AV
7. BILL TYPE	SECURED				

********SCH 5-DIGIT 95336
TERRA LAND GROUP
5151 E ALMONDWOOD DR
MANTECA CA 95337

1-0057443
000222
000008
0101

9. VOTER APPROVED TAXES AND DIRECT ASSESSMENTS

SERVICE AGENCY	PHONE	RATE	AMOUNT
PROP 13 MANDATE	(209) 468-3925	1.0000	6,936.00
MANTECA USD 2004 MEAS M 2015R BOND	(209) 825-3200	0.0277	192.12
MANTECA USD 2014 MEAS G 2015A BOND	(209) 825-3200	0.0114	79.08
MANTECA USD 2014 MEAS G 2017B BOND	(209) 825-3200	0.0147	101.96
MANTECA USD 2014 MEAS G 2020C BOND	(209) 825-3200	0.0174	120.68
SJ DELTA COLL 2004 MEAS L 2015R BOND	(209) 954-5018	0.0126	87.40
SJ DELTA COLL 2004 MEAS L 2018D BOND	(209) 954-5018	0.0034	23.58
SJ DELTA COLL 2004 MEAS L 2020R BOND	(209) 954-5018	0.0023	15.96
WATER ZONE 2	(209) 468-3089		0.76
SJC MOSQUITO ABATE	(209) 982-4875		13.80
SJC MOSQ & VCTR CONTR-BEN ASMT	(800) 273-5167		1.06
SOUTH SAN JOAQUIN IRRIGATION	(209) 249-4600		341.04

10. MESSAGES	Pay online at SJCTTC.ORG

Visit SJCTTC.ORG to sign up for ebilling. ebill PIN: 98R77846

Bill Date: 09/25/2020

RECEIVED
OCT 28 2020
Initial: _____

11. ASSESSED VALUES AND EXEMPTIONS

DESCRIPTION	AMOUNT
LAND	693,600
NET TAXABLE VALUE	693,600

NET TAXABLE VALUE X PROP 13 MANDATE 693,600 X 1.0000% = $6,936.00

12. 1ST INSTALLMENT DUE 11/01/20	+	13. 2ND INSTALLMENT DUE 02/01/21	=	14. TOTAL AMOUNT DUE
$3,956.72		$3,956.72		$7,913.44

TO PAY 2ND INSTALLMENT SEND THIS STUB WITH YOUR PAYMENT.
IF PAYING BOTH INSTALLMENTS, SEPARATE AND INCLUDE BOTH STUBS.
2ND INSTALLMENT CANNOT BE PAID BEFORE 1ST INSTALLMENT.
WRITE YOUR ASSESSMENT NUMBER OR FEE PARCEL NUMBER ON YOUR CHECK.
DO NOT STAPLE OR TAPE YOUR PAYMENT TO THIS STUB.

SAN JOAQUIN COUNTY
2020-21 SECURED PROPERTY TAXES
2ND INSTALLMENT

2

15. FEE PARCEL	226-060-110-000	16. ASMT	226-060-110-000	17. AMOUNT DUE 02/01/21 THROUGH 04/12/21	$3,956.72
18. BILL TYPE	SECURED	19. TAX YEAR	2020	20. DELINQUENT AMOUNT AFTER 04/12/21	$4,362.39
21. OWNER	TERRA LAND GROUP			22. TO PAY BOTH INSTALLMENTS BY 12/10/20	$7,913.44
23. LOCATION	22777 S OLEANDER AV			24. MAKE CHECKS PAYABLE TO:	SJC TTC

SCAN TO PAY

PHONXAY KEOKHAM, CPA
SAN JOAQUIN COUNTY TREASURER-TAX COLLECTOR

PAY ONLINE
SJCTTC.ORG
FREE e-check

PAY BY PHONE
(866) 954-1829
FREE e-check

SJC TTC
PO BOX 2169
STOCKTON CA 95201-2169

2260601100002020000003956722202004102021l6

TERRA LAND GROUP, LLC

February 22, 2021

VIA EMAIL

Mark Niskanen
Contract Planner
(mark@jbandersonplanning.com)

RE: LETTER # 2: Public Comments on the Notice of Preparation of an Environmental Impact Report (EIR) and Scoping Meeting for the Proposed Lumina Ranch Project.

Dear Project Team Members,

My name is Martin Harris and I am a representative of Terra Land Group, LLC ("TLG"). TLG sent a letter on February 1, 2021 regarding the Lumina Ranch NOP. TLG would like to submit a second letter regarding that same project to ensure that all roadway and drainage impacts related to the Lumina Ranch project are properly identified and integrated into the planning process.

The most important part of our letter is a map which is attached as **Enclosure 1.** This is a San Joaquin County Flood Contingency map showing Brocchini Cut and the east boundary of Reclamation District 2094 ("RD 2094"). (This map was originally presented in a letter to the Manteca City Council on February 16, 2021. **See Enclosure 2**) TLG believes it is important to define these boundaries because the RD 2094 boundary is adjacent to property owned by TLG.

In addition, TLG has been informed that in a high-water event, the Stanislaus River may potentially be cut on the right hand side of the river at Brocchini Cut. Because of land elevation and slopes in the area, the water which comes out of Brocchini Cut will flow north and potentially reach SSJID drain #11 before being conveyed as far as RD 2094 and the Lumina Ranch project.

As the Lumina Ranch project team is considering adding more homes and roadways in the flood zone, TLG believes the team needs to be aware of any and all flood and drainage impacts which may currently exist in the south Manteca area. TLG hopes that the information presented in the Lumina Ranch NOP comment letters (#1 and #2) as submitted by TLG will prove helpful in providing safe and efficient roadway access to the City of Manteca governed areas south of Woodward Avenue and West of Airport Way while considering any and all impacts that may be created.

This concludes TLG's comments to the Lumina Ranch NOP/EIR.

Thank you for your efforts.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

MH/cm

Enclosures:

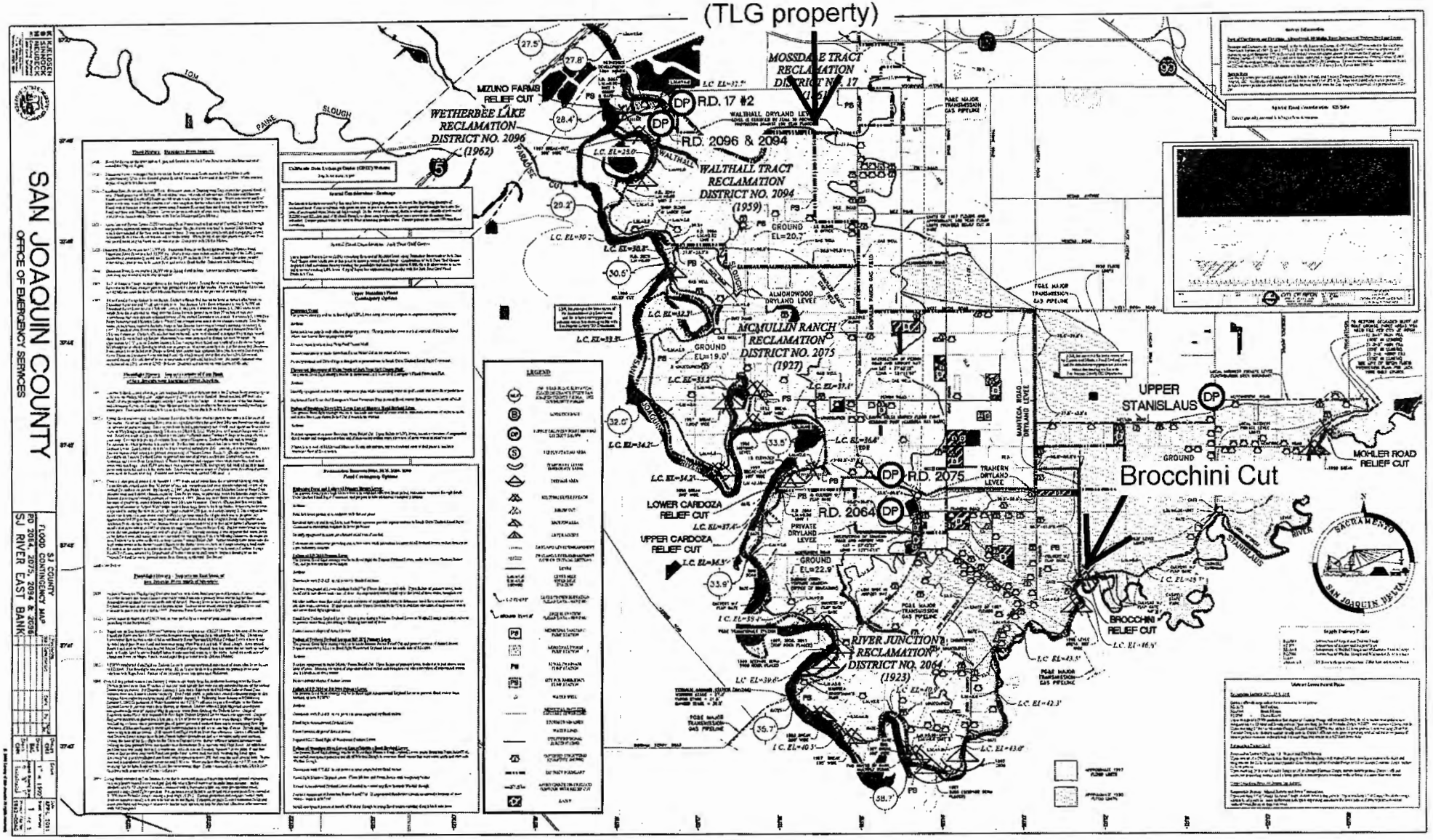
Enclosure 2 can be downloaded as needed via Dropbox through the provided hyperlink.

1. San Joaquin County Flood Contingency Map showing Brocchini Cut and the east boundary of RD 2094
2. 2021-02-15 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/1lsaev09lygj3ck/2021-02-15_LTR_MCC_PubComm.pdf?dl=0)

cc:

Panos Kokkas, Director, City of Manteca Public Works
Manteca Community Development Department, % Lisa Schimmelfennig
Lisa Blackmon, City of Manteca
Chris Erias, City of Manteca Community Development Director
Reclamation District No. 2094 Board of Directors, % Pam Forbus
Reclamation District No. 17 Board of Directors, % Nomellini, Grilli & McDaniel PLC
South San Joaquin Irrigation District Board of Directors, Attn: Danielle Barney
Bob Williams, WMD
Lee Del Deon, WMD
Jennifer Cozart, WMD
Marcia Perkins, Tuff Boy Sales
Melissa King, Tuff Boy Sales

RD 2094 east boundary (TLG property)



ENCLOSURE 1

February 1, 2021

VIA EMAIL

Mark Niskanen
Contract Planner
(mark@jbandersonplanning.com)

RE: LETTER # 1: Public Comments on the Notice of Preparation of an Environmental Impact Report (EIR) and Scoping Meeting for the Proposed Lumina Ranch Project.

Dear Project Team Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns several properties located in Manteca and Lathrop, and as an organization dedicates a significant amount of its efforts to ensure the safety of our communities by soliciting local, state, and federal agencies to protect our area from the effects of flooding.

Over the past few years, TLG representative Martin Harris has: (i) attended many public and private meetings; and (ii) reviewed thousands of pages of environmental documents; and (iii) written over eight hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area. (Letters provided on request)

TLG is submitting this letter to make the Lumina Ranch project team and other local authorities aware of important new information which recognizes and describes the potential cumulative effects of the current and future planned rates of development and urbanization in Lathrop, Manteca, and Ripon. This letter also describes the associated flood water, storm water, and waste water drainage impacts on the rural areas of south Manteca, especially the drainage areas in and along Walthall Slough and the SSJID drainage canals (and pipelines). This includes but is not limited to the area that has been designated as SSJID Drains #10 and 11 which drain water into City of Manteca stormwater drainage Zone #39, as projected by the City of Manteca to be included in a portion of Reclamation District 2094.

This is especially important when you consider the following historical facts.

1. Reclamation Districts 2064, 2075, and 2094 primarily depended upon flood water and storm water to exit their properties by means of Walthall Slough and into Weatherbee Lake.
2. SSJID utilizes a drainage canal system that appears to rely on a series of drainage canals located between the cities of Ripon and Manteca. This system appears to rely on flood water, storm water, waste water, and other forms of excess potable water delivery water passing through the SSJID system to be collected in and along a series of SSJID drains (including but not limited to SSJID Drains #10 and 11) which drains into Walthall Slough and then Weatherbee Lake. (**See Enclosure 34** for a dredger cut map)

With that in mind, TLG has concluded that for any right bank Stanislaus River or San Joaquin River levee breach in the areas between Ripon and Manteca, all flood water, storm water, waste water, and excess potable water passing through either the RD 2075, RD 2064, RD 2094, RD 2096 or SSJID delivery and

drainage systems has no place to go but directly to the areas in and around Weatherbee Lake. The water has no choice. It is affected by land mass and elevations that directly control the direction it will flow into and where it will accumulate. TLG believes that recent development project approvals in South Manteca will significantly affect the direction and flow volumes to be expected.

Please consider this background information and the potential backwater effects as you read through the remainder of this letter.

For some time now, TLG has expressed concerns that the developing areas may not be paying their fair share towards the total floodwater, stormwater, wastewater drainage, and other water delivery and groundwater sustainability impacts that may be created to the non-developing rural areas south of Manteca. (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) **(See Enclosures 1-35)**

This becomes especially important when it is considered that any and all total drainage flows and water conveyance flows to be expected in and along the South Delta may not have been adequately determined and may be different than what the narrow scope of existing flood models indicate. **(See Enclosures 10-12)** In addition, TLG believes that the non-developing rural areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID) must be included in any flood protection or drainage plan to be considered.

As more and more people move into California and as more land is being developed or farmed, there needs to be more water storage and reuse opportunities to accommodate those increased needs. This is especially important as local city, county, state, and federal authorities take various actions to divert or hold back an increasing amount of water (from all sources) to make more water available to the public they serve. However, there also needs to be safe ways of storing, delivering, conveying, draining, and discharging that water to avoid flood and other hydrology-related impacts for the people who live in the areas that may be affected.

In addition, TLG believes that any and all new water conveyance, drainage, storage, discharge, recharge, and delivery infrastructure to be considered needs to ensure that both private and public access to private properties (especially in the former swamp and overflow areas of southwest Manteca) is protected and provided for. This is especially important to properties located west of Airport Way and south of Woodward Avenue (ie. Township 2, South Range 6 East MDB & M, Sections 11, 12, 13 and 14).

On January 22, 2021, the City of Manteca Development Services Department released a "Notice of Preparation of an Environmental Impact Report" ("NOP") and Scoping Meeting for the proposed Lumina Ranch Project. I am presenting this initial public comment letter prior to the scoping meeting with the hope that these comments will be carefully reviewed and responded to as part of the general information to be presented at the scoping meeting scheduled for February 10, 2021.

SB5 200-Year Levee Modification Concerns:

For each and every RD 17 dryland levee alignment alternative to be considered,

- **QUESTION:** Will any flood modeling be considered for events with peak flows similar to those experienced in 1997?

QUESTION: Will any flood modeling be considered for future peak flows anticipated to occur due to climate change?

QUESTION: Will the soil type for the ground that any RD 17 levee alternative to be considered for the levee to rest on be tested and approved as adequate for soil type and compaction to ensure that no levee breach is likely to occur, which could allow water to pass through the subsurface areas and beneath the base grade ground level surface that the levee rests upon?

QUESTION: Will all drainage areas on the water side of any RD 17 dryland levee alternative to be considered be set at elevations that allow for proper down gradient drainage flows to occur that ensure that all drainage water and sedimentation traveling through those down gradient water side drainage areas have enough slope to drain (and move sedimentation) quickly and efficiently?

QUESTION: Is the Lumina Ranch project team aware that the current elevation of the existing RD 17 levee was surveyed and found to be set at a total elevated height of as much as 34.73'? (**See Enclosures 25 & 26**) When considering that many South Manteca residents, businesses, and property owners believe that the current height may be less than that in accordance with the 28'-6" flood plain designation, what flood impacts may be expected to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and SSJID)?

TLG believes that it is critical that any SB5 200 year RD 17 dryland levee alignment alternative to be selected must provide mitigation measures to offset any and all increases to flood and drainage impacts resulting from:

(i) Impediments due to modifications to structure or placing new structures in drainages channels,
(ii) Back water effects,
(iii) Changes in flow patterns,
(iv) Unaddressed flood water drainage cross flow and other structural and non-structural impediments that may be magnified due to climate change and other factors,
(v) Sedimentation buildup in the San Joaquin River channel, and
(vi) Erosion.

In addition, TLG is writing this letter to make the Lumina Ranch team members and other authorities aware of what appears to be a joint effort by both local, state, and federal authorities to pursue a phased strategy of flood protection and other federally-assisted improvements both inside and outside of the South Delta to meet California Senate Bill No. 5 ("SB5") requirements as well as provide improved efficiencies in the ways we currently are storing, delivering, reusing, and draining water. (**See Enclosure 1**)

TLG believes that storing, delivering, reusing, and draining water in and along the South Delta becomes complicated when it is considered that the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/EIR/EIS: ("LSJRFS") includes the following:

1. Page ES-1 of the LSJRFS states: *The study area also includes the distributary channels of the San Joaquin River in the southernmost reaches of the Delta; Paradise Cut and Old River as far north as Tracy Boulevard, and Middle River as far north as Victoria Canal.*

2. Page 3-31 of the LSJRFS states: *Currently, the levee safety program has defined the levee system that incorporates RD 17 as bounded on the north by Walker Slough, west by the San Joaquin River and south by the Stanislaus River. This includes RD 17, RD 2096, RD 2094, RD 2075 and RD 2064.*

3. Page 5-17 of the LSJRFS states: ***Stanislaus River to Paradise Cut.*** *The confluence of the San Joaquin and Stanislaus Rivers defines the upstream extent of the hydraulic model used for this study.*

4. Page ES-2 of the LSJRFS states:
Analysis of the study area is challenged by the presence of three sources of flooding, the Delta Front, Calaveras River and San Joaquin River. This results in commingled floodplains for the North and Central Stockton areas. The distributary nature of the Delta also affects Delta water levels, because high flows from the Sacramento River may "fill" the Delta prior to a peak inflow on the San Joaquin River as occurred in 1997, raising water levels on the Delta front levees.

5. Page 5-27 of the LSJRFS states: *2.1.1 FLOODING Problem:* ***There is significant risk to public health, safety and property in the study area associated with flooding.*** *The study area is located in the Central Valley of California which has very little topographic relief, resulting in potential flooding of areas far from water courses...* **(See Enclosure 1)**

Potential Impacts to Consider:

TLG believes that all Mossdale Tract Flood modeling and Adequate Progress reports that have been publicly released to date have failed to fully consider and provide mitigation measures for:

(i) Unresolved and continuing sedimentation issues that continue to reduce channel flow capacity in and along the South Delta Lower San Joaquin River System.

(ii) Climate change and continued uncertainty relating to its effect on increasing the total potential volumes of channel flows to be expected in and along the South Delta Lower San Joaquin River System.

COMMENT: Martin Harris and several other South Manteca rural neighbors attended a Central Valley Flood Protection Board Workshop on February 14, 2020. Although a number of climate change presentations were made by staff, flood models and associated drainage flow volumes related to climate change do not appear to have been fully determined.

QUESTION: What effect will this have on determining the total amount of reservoir storage water that can be safely stored in higher elevations throughout the Sacramento and San Joaquin River Reservoir System(s)?

COMMENT: The Paradise Cut Expansion project, in the form presented in the "Conceptual Design Technical Memo/Paradise Cut Expansion Project/April 9, 2019," may or may not prove adequate in offsetting the full range of development and other hydrology-related impacts that may be created. Also, TLG believes that the Paradise Cut Expansion Stage reductions called for between the Paradise Weir and the Airport Way (Vernalis Bridge) may not fully address the potential for additional drainage impacts to be created. **(See Enclosures 1-35)**

This is especially concerning when considering pages 4 and 5 of the Mossdale Tract Program: 2019 Annual Adequate Progress Report Update for Urban Level of Protection-Final Report (included as Attachment 2 to the 8/20/2019 MCC Meeting Agenda Item B.3), which states that, *"the Urban Flood Risk Reduction Study remains incomplete and the Climate Adoption Policy is underway. As such, a new determination that the project meets the appropriate Standard of Protection will need to be made in conjunction with the 2020 Annual Report."*

Most concerning, the Mossdale Tract Program: 2020 Annual Adequate Progress Report Update for Urban Level of Protection, Final Report (Included as Attachment 2, Exhibit "A" to the 7/21/2020 MCC Meeting Agenda Item B.2 (20-292)) includes a number of important statements that must be factored into any flood protection plan that may be considered. Some of these statements include:

(i) Page A-4: *"In terms of watershed hydrology, the CVFPP [2017 Central Valley Flood Protection Plan] also predicts a tripling of 200-year flood flows by the year 2067."*

(ii) Page A-5: *"...it is not expected that SJAFCA use the 2017 CVFPP Update as a basis for design and investment-level decisions. However, the trend of the 2017 CVFPP Update demonstrates that climate change will increase both the flows projected to flow down the San Joaquin River and increase the tailwater stages."*

(iii) Page A-6: *"Coordination with relevant land-use agencies in and around current and future levee alignments to ensure approved development can accommodate expanded levee footprints and extended levee alignments."*

QUESTION: How will what appears to be a very real potential for unresolved and continuing sedimentation and climate change issues in and along the South Delta be considered and allowed for in any future or continuing Mossdale Tract Drainage Plans? **(See Enclosures 1-35)**

QUESTION: What drainage and increased back-water effects may be created to the areas south of Manteca (ie. Reclamation Districts 17, 2094, 2075, 2096, 2064 and the SSJID)?

(iii) These potential events:

a) A Stanislaus River right bank levee breach in the areas west of Caswell Park with the potential to drain into the SSJID drain No. 11 drainage canal system and continue to flow downstream into Weatherbee Lake.

b) A San Joaquin River right bank levee breach in the areas located within Reclamation District Nos. 2064, 2075, 2094, and/or 2096.

i) **COMMENT:** The NOP states the following on page 3:
"Existing Surrounding Uses: Uses immediately adjacent to the east and south of the project site include agricultural and residential uses."
The NOP also states the following on Page 1 under "Project Description": *"Project Location & Setting: The Project site is located in the southwestern portion of the City of Manteca directly adjacent to the city limits. The Project is immediately southwest of the intersection of Airport Way and Woodward Ave. The Project site is bounded on the north by Woodward Ave on the east by Airport Way, on the south by an existing Reclamation*

District #2094 (RD2094) dry levee and existing agricultural fields, and on the west by the existing Terra Ranch Subdivision."

ii) **QUESTION:** How is it that the Lumina Ranch Project levee is stated to be a RD2094 levee when past reclamation district maps and other documents clearly indicate that the Manteca Dryland Levee is a Reclamation District 17 levee? (**See Enclosures 30, 31, 34 & 35**)

iii) The NOP further states on page 2 that "Annexation Area - includes the whole of the project, including the proposed 157.53-acre Development Area, 19.11-acre Non-development area on 15 inhabited residential lots, and 6.82 acres of existing right-of-way."

iv) The NOP also states on page 3 that "the dryland levee is not intended to hold floodwaters from the south (upstream). Instead, it is intended to contain flows on RD 2094 and RD 2096 in the event of a levee breach along RD 2094, RD 2096, or RD 17. It is noted that the Annexation Area is located within the RD 17 boundary.

v) **COMMENT:** This statement seems odd to me and does not appear to line up with RD 17's responsibility for the maintenance and improvement costs for the south Manteca dryland levee based on flood fight and levee maintenance repairs as historically conducted. This seems to be especially true when considering the RD 17's past actions taken in preparation for and during the flood and emergency response actions taken by RD 17 for the times leading up to and during the 1997 and 2017 high water flood actions. (**See Enclosures 30, 31, 34 & 35**)

vi) TLG does not believe that the so-called RD 2094 Walthall Spur levee extension (as identified in the USACE PL 84-99 levee inspection disqualification report) is an RD 2094 levee. (**See Enclosures 30, 31, 34 & 35**) The location of the RD 17 South Manteca dryland levee located at the southern end of the Lumina Ranch project appears to be not only located in the SSJID drainage district, but also appears to have SSJID district facilities consisting of an SSJID irrigation water delivery junction box and an associated open trench irrigation water delivery and gated canal existing in the area running along and adjacent to and encroaching into the levee easement area. (See SSJID irrigation facility photos as presented in **Enclosure 35**)

1) **QUESTION:** Does this mean that the levee is actually and should be designated as an SSJID flood protection levee that is meant to protect the urbanizing areas from floodwater and other conveyance and drainage flows traveling in, along, and through the entire SSJID South Manteca water delivery and drainage systems (including SSJID drains 10 & 11) which currently serve both the urbanizing and non-urbanizing areas of South Manteca?
2) **QUESTION:** How do current flood models separate and determine the total drainage effects from Walhall Slough (RDs 2094, 2096, 2075, and 2064) drainage flows as compared to those resulting from the South County Water Supply Project as well as other drainage flow contributions that originate with SSJID?

vii) TLG believes that there appears to be a critical and immediate need to identify and provide mapping for the entire South Manteca water delivery and drainage area (with clear boundaries). This map can be utilized to create the flood modeling necessary to identify the separate and individual drainage volumes to be

considered for both SSJID and any and all other South Manteca reclamation districts located in the areas east of the San Joaquin River (ie. RDs 17, 2094, 2096, 2075, and 2064). (**See Enclosures 1-35**) TLG believes this is the only way flood modeling and associated drainage impacts can accurately be determined.

viii) **QUESTION:** For any San Joaquin River right bank levee breach in the areas along Reclamation Districts 2064, 2075, 2094, or 2096, what mitigation measures will be required to offset any flood water, storm water, waste water, and other hydrology-related backwater and impedance impacts to the SSJID and other areas south of Manteca (ie. RDs 17, 2096, 2075, 2094, and 2064)?

ix) **QUESTION:** What mitigation measures will be taken to offset the total flow volume(s) of any and all flood water and other drainage flows to be expected resulting from either a south Manteca Stanislaus River or San Joaquin River right bank levee breach? TLG believes either or both of these events could result in flows traveling to, in, and along Walthall Slough, SSJID Drain #11, and SSJID Drain #10 and other SSJID drainage and water delivery pipelines in the direction of Mossdale Tract at the time of a future flood event.

(iv) Limited topographic relief to ground surface areas in and along the South Delta.

QUESTION: Will limited topographic relief to ground surface areas in and along the South Delta slow down San Joaquin River (and Paradise Cut) channel flows and promote continuing sedimentation?

(v) Flood and other drainage impacts that may occur in conjunction with anticipated changes to the way Old River enters and drains into what appears to be a modified Franks Tract (as detailed in the draft report "Franks Tract Futures 2020 Reimagined" published by the California Department of Fish and Wildlife).

QUESTION: Will mitigation measures be included to prevent any potential for reverse channel flows and associated backwater effects that may impede the natural flow of Old River as identified on pages 3A-28 and 3A-29 of the Bay Delta Conservation Plan California WaterFix Final EIR/EIS (December 2016)?

(vi) Various federal and state-funded Manteca and Lathrop area highway construction and other state, federal, and/or county transportation improvement projects as presented in (a) the 2014 San Joaquin Council of Governments Sustainable Communities Strategy, Draft EIR and 2015 FTIP Conformity Document amd August 2020 City of Manteca Active Transportation Plan. (See the 9/1/20 MCC Meeting Agenda Item C.4)

QUESTION: Have all roadway-related floodwater and other hydrology-related drainage impacts to the areas south of Manteca been properly considered (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064, and the South San Joaquin Irrigation District ("SSJID"))?

QUESTION: What mitigation measures will be provided for in the Programmatic Environmental Impact Report for the 2022 San Joaquin Council of Governments Regional Transportation Plan & Sustainable Communities Strategy?

TLG believes that any new roadway construction as well as any and all new water conveyance, drainage, storage, discharge, recharge, and delivery infrastructure to be considered needs to ensure that both private and public access to private properties (especially in the former swamp

and overflow areas southwest of Manteca) is protected and provided for. This is especially important to properties located west of Airport Way and south of Woodward Ave (ie. Township 2, South Range 6 East MDB & M, Sections 11, 12, 13 and 14). (**See Enclosures 32 & 33**)

(vii) Unresolved plans as to how the cities of Manteca and Lathrop can reasonably drain what appears to be ever-increasing amounts of stormwater and effluent wastewater from the residential, commercial, and industrial-zoned developing areas into non-developing areas that flooded in 1997.

COMMENT: TLG believes that any and all total drainage flow volumes and drainage flow patterns to be expected in and along the South Delta have not been adequately determined and may be different than what the narrow scope of existing flood models may indicate. (**See Enclosures 1-35**)

QUESTION: What potential increased flood water, stormwater, and effluent wastewater, irrigation water, potable water delivery, traffic circulation, emergency vehicle services response and private property road access impacts and changes to drainage patterns may be created due to the construction (and/or expansion) of 100-year flood protection infrastructure as appears to be called for due to a recent May 21, 2019 San Joaquin County Board of Supervisors approval of Morning Hearing item #1: Development Title Text Amendment No. PA 1900067 allowing revisions to the Definition of Structure?

QUESTION: What increased flood and back-water impacts may occur when that same 100-year infrastructure (as referenced in the previous question) is subjected to a 200-year flood event?

(viii) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with the ACE train and Valley Link rail expansions.

COMMENT: TLG believes that decisions related to rail system at-grade and grade separation (aerial, embankment, tunnel, or trench) track modifications in and along the areas crossing the South Delta (Mossdale) may affect both 100-year and 200-year California Senate Bill No. 5 ("SB5") flood water drainage and other hydrology-related impacts in the areas around the Manteca and Lathrop communities.

(ix) Flood and other hydrology-related drainage impacts anticipated to occur in conjunction with RD 17 planned improvements associated with any and all Phase II, Phase III, and California Senate Bill No. 5 200-year projects to be considered.

QUESTION: Is the Lumina Ranch project team aware that the current position of the RD 17 levee is different (as positioned south) of its original position as installed by RD 17?

QUESTION: Is the Lumina Ranch project team aware that the RD 17 levee as it currently rests along the southern edges of the Cerri, Terra Ranch, and Lumina Ranch development projects appears to be supported and resting on soil of sandy composition (ie, like beach sand)?

(x) Flood and other hydrology-related impacts that may occur in conjunction with anticipated changes to the Tri-Dam Project, the South San Joaquin Irrigation District, South San Joaquin

Groundwater Sustainability Agency ("SSJGSA"), South Delta Water Agency ("SDWA"), and the Eastern San Joaquin Groundwater Authority water master plans.

COMMENT: TLG believes that any Tri-Dam Project, SSJID, SSJGSA, SDWA, or Eastern San Joaquin Groundwater Authority water master plan needs to consider flood and other hydrology-related impacts associated with SSJID drain #11 (and SSJID drain #10) for all areas extending to their origin.

(xi) Short-term and long-range flood and other hydrology-related impacts that may occur in conjunction with what is anticipated to be a continuing series of approvals of water transfer agreements between the SDWA and SSJID (or SSJGSA). (For an example, see SSJID 5/12/2020 meeting agenda items 9 and 10).

QUESTION: When considering the potential water supply needs in the areas of southwest Manteca and Lathrop, isn't it likely that a combination of one or more future SDWA and SSJID (or SSJGSA) water transfer agreements will eventually over time result in water supply, conveyance, conservation, and drainage infrastructure being modified or constructed to transfer water to southwest Manteca as well as other SDWA users located downstream?

QUESTION: If so, what drainage and other hydrology-related impacts should be considered? **(See Enclosures 1-35)**

(xii) Flood and other hydrology-related impacts that may occur in conjunction with the anticipated expansion of River Islands as proposed in the Notice of Preparation for the River Islands Phase 1 or 2 Project/Update for the West Lathrop Specific Plan.

(xiii) Flood and other hydrology-related impacts that may occur in conjunction with the adoption of the City of Lathrop's Integrated Water Resources Master Plan (See LCC 12/9/19 meeting agenda item 5.1 and associated project description figures 2.0-7 and 2.0-8).

(xiv) What appears to be undetermined flood and other hydrology-related groundwater sustainability and drainage impacts associated with the City of Manteca's continued reliance on a 2005 City of Manteca Water Master Plan (EIR was certified in 2007). This master plan appears to be outdated and fails to properly allow for the protections that CEQA (Section 15164) was meant to provide. (See MCC 8/18/2020 meeting agenda items B.4 (20-340), B.5 (20-341), and B.7 (20-342)) **(See Enclosure 15)**

QUESTION: In relation to the City of Manteca's continued reliance on its 2005 Water Master Plan, have all flood and other hydrology-related impacts been properly considered?

QUESTION: In regards to the information as presented in the MCC October 20, 2020 meeting agenda item C.7: what mitigation measures will be provided as part of the City of Manteca's 2020 Urban Water Management Plan to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts that may be created to the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID)?

QUESTION: SSJID appears to plan to prepare a 2020 Urban Water Management Plan Update (as presented in the SSJID November 17, 2020 Board Meeting Agenda/Action Calendar Item #6). What mitigation measures will be provided to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts that may be created to the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and SSJID)?

QUESTION: SSJID appears to be considering planned infrastructure that will allow SSJID to move forward with a Water Supply and Operating Agreement with South County Water Supply Project city participants. (This was presented in the SSJID November 17, 2020 board meeting agenda as action calendar item #8.) What mitigation measures will be provided to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts that may be created to the areas south of Manteca and the rural areas outside of the city limits (ie. RD 17, 2096, 2075, 2094, 2064, and SSJID)?

QUESTION: Can the affected public count on adequate funding being provided to offset any floodwater and other hydrology-related drainage impacts to be created (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID)? **(See Enclosures 21-23)**

QUESTION: Have local residents, businesses, and voters lost trust in the City of Manteca's ability to manage its affairs? **(See Enclosure 24)**

(xv) Flood and other hydrology-related impacts that may occur in conjunction with the San Joaquin Area Flood Control Agency's ("SJAFCA") Lower San Joaquin River Project. TLG has been informed that this project has won a coveted "New Start" designation in Fiscal Year 2020 along with $27.225 million in federal funding for preconstruction, engineering, design, and construction of the project's first increment. SJAFCA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract.

(xvi) Potentially catastrophic flood risks associated with continuing delays as evidenced in SJAFCA's proposed time extension amendment to SB5 in order to achieve 200-year flood protection for the Mossdale Tract and Manteca area Airport Way corridor.

(xvii) South Manteca flood and other drainage impacts resulting from the proposed planning evaluation and concept development and anticipated improvements to the Manteca Dry Land Levee as presented at the SJAFCA July 16, 2020 board meeting. **(See Enclosure 14)**

An informational briefing was conducted in association with the April 24, 2020 Central Valley Flood Protection Board meeting agenda item 8D: San Joaquin Area Flood Control Agency Projects Update.

QUESTION: What mitigation measures will be provided as part of SJAFCA's Lower San Joaquin River Project to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie: Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: When considering the anticipated economic downturn that many are expecting to occur due to the COVID-19 health crisis, will sufficient drainage district maintenance assessments and other flood protection and drainage infrastructure construction funding be made available to construct (in a timely manner) all phases of the SJAFCA Lower San Joaquin River Project? This includes the Paradise Cut Expansion Project and other flood drainage protection project phases deemed necessary to protect the high-risk areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID). What potential impacts may occur if funding is either suspended or exhausted? (**See Enclosures 1-35**)

(xviii) On or about July 29, 2020, Governor Gavin Newsom released the final version of the California Water Resilience Portfolio. The portfolio includes 142 actions to help build a climate-resilient water system in the face of climate change.

QUESTION: What mitigation measures will be provided as part of the California Water Resilience Portfolio to offset any floodwater and other hydrology-related drainage and water delivery, conservation, and supply impacts to the areas south of Manteca (ie. Reclamation Districts 17, 2094, 2096, 2075, 2064 and the SSJID)?

QUESTION: What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative and (iii) changes to the way Old River enters and drains into Franks Tract (as detailed in the draft report "Franks Tract Futures 2020 Reimagined" published by the California Department of Fish and Wildlife) play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered? (**See Enclosures 1-35**)

(ixx) On September 28, 2020, Governor Gavin Newsom signed into law Assembly Bill No. 838 ("AB 838"), Chapter 208. According to the Legislative Counsel's Digest (included as the preface to the text of AB 838), this bill would:

"Require the Mossdale Tract, as defined, to achieve the urban level of flood protection by 2028. The bill would authorize the Department of Water Resources to require the San Joaquin Area Flood Control Agency to contribute its fair and reasonable share of any property damage caused by a flood, as specified. This bill would make legislative findings and declarations as to the necessity of a special statute for the Mossdale Tract." (**See Enclosure 20**)

QUESTION: What mitigation measures will be required to offset any floodwater and other hydrology-related drainage impacts to the areas south of Manteca (ie. RD 17, 2096, 2075, 2094, 2064, and the SSJID)?

QUESTION: What part (if any) will the following projects, developments, reports, and disqualifications and possible mitigation measures play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

(i) Delta Conveyance Project
(ii) the California Water Resilience Portfolio Initiative

(iii) changes to the way Old River enters and drains into Franks Tract (as detailed in the draft report "Franks Tract Futures 2020 Reimagined," published by the California Department of Fish and Wildlife)
(iv) San Joaquin River Project
(v) Any RD 17 200-year levee improvements
(vi) The SSJID 2020 Urban Water Management Plan (including possible expansion and other changes to Dredger Cut)
(vii) South County Water Supply Project
(viii) Changes to the Lumina Ranch Project southern boundary dryland levee alignment as affected by SSJID water delivery pipe and open trench conveyance lines encroaching into the water side (south side) of the dryland levee
(ix) Basis for the USACE disqualification of Reclamation Districts along the San Joaquin River for PL84-99 restoration after a flood emergency
(x) 2022 San Joaquin Council of Governments Regional Transportation Plan and Sustainable Communities Strategy
(xi) City of Manteca's 2020 Urban Water Management Plan (including possible expansion and other changes to Dredger Cut) (**See Enclosure 34**)

With these concerns in mind, TLG urges the Lumina Ranch project team members to consider the comments and concerns stated in this letter while drafting the EIR.

Thank you for your attention to this very important matter.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

These Enclosures can be downloaded as needed via Dropbox through the provided hyperlinks.

1. 2018-02-26 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26_LTR_SJAFCA_LSJR%20EIR_Public Comm_wEncl.pdf?dl=0)
2. 2018-03-05 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/tl0ir7soookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0)
3. 2017-04-20 letter from TLG to the San Joaquin County Board of Supervisors (https://www.dropbox.com/s/7dy40jzlqeotw56/2017-04-20_LTR_SJCBS_Re04-25-17MtgPubCo mm_MHcm.pdf?dl=0)
4. 2019-03-04 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/a8ldad6e6or9c6p/2019-03-04_LTR_MCC_AgItD3.pdf?dl=0)
5. 2019-03-18 letter from TLG to the City of Lathrop Public Works Department (https://www.dropbox.com/s/musf61jmz7azjvy/2019-03-18_LTR_LPW_EIRWaterResPlan.pdf?dl =0)

6. 2019-08-21 letter from TLG to the Eastern San Joaquin Groundwater Agency (https://www.dropbox.com/s/srnfonfc2rbj1j1/2019-08-21_LTR_ESJGA_GSP.pdf?dl=0)
7. 2019-10-07 letter from TLG to the San Joaquin Local Agency Formation Commission (https://www.dropbox.com/s/snktcx3dvn8obbz/2019-10-07_LTR_LAFCo_AgIts4.pdf?dl=0)
8. 2020-05-11 letter from TLG to the South San Joaquin Irrigation District (https://www.dropbox.com/s/c7plzfsw56gvf1b/2020-05-11_LTR_SSJID_AgIts9.pdf?dl=0)
9. 2020-06-01 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/dxbuqnlscqp9p2r/2020-06-01_LTR_MCC_AgItsB3.pdf?dl=0)
10. 2020-05-16 Manteca Bulletin news article "California Budget Cutbacks Threaten Environmental Spending Plans"
11. 2020-05-30 Manteca Bulletin news article "SJ River flows may triple in 45 years due to climate shift"
12. 2020-06-02 Manteca Bulletin news article "2065: Sediment builds up in SJ River while state inaction helps cue up major flooding"
13. 2020-05-19 letter from the City of Lathrop to the Honorable Susan Talamantes Eggman, California State Assembly
14. 2020-07-13 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/2l7sefnk5l0ub9o/2020-07-13_LTR_SJAFCA_AgIts4.2.pdf?dl=0)
15. 2020-08-17 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/m6au05tt1va2jvf/2020-08-17_LTR_MCC_AgItsB.4.pdf?dl=0)
16. 2020-08-31 letter from TLG to UC Davis and the California Department of Fish and Wildlife (https://www.dropbox.com/s/h9y92glho2leetj/2020-08-31_LTR_Franks_PubComm.pdf?dl=0)
17. 2020-09-02 letter from TLG to the US Army Corps of Engineers (https://www.dropbox.com/s/sb5eak1rx4w32j9/2020-09-02_LTR_USACE_PubComm.pdf?dl=0)
18. 2020-09-15 letter from TLG to the Manteca Community Development Department (https://www.dropbox.com/s/eaxpmn1jcehpk65/2020-09-15_LTR_MCCD_IntermodalWay.pdf?dl=0)
19. Farmers' Almanac Extended Forecast for Winter 2020-2021
20. 2020-10-12 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/67p0g2v7fq2257d/2020-10-12_LTR_SJAFCA_AgIt5.1.pdf?dl=0)
21. 2020-10-19 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/pfiw5216pl2e068/2020-10-19_LTR_MCC_AgItsC.2.pdf?dl=0)
22. 2020-10-21 Manteca Bulletin news article "City Repeatedly Ignored Auditor Warnings Back To At Least 2009"
23. 2020-11-04 Manteca Bulletin letter to the editor "Manteca City Council ignores flood concerns development is creating for rural residents"
24. 2020-11-06 Manteca Bulletin news article "Chik-fil-A, City of Manteca accounting mess and accountability"
25. Survey map of TLG property and RD 17 dry land levee crown elevations
26. 2018-01-16 letter from TLG to the Manteca City Council with survey maps attached (https://www.dropbox.com/s/tqpubo6bg9stknh/2018-01-16_LTR_MCC_AgItC7_SurveyPictures_Received.pdf?dl=0)
27. 2021-01-19 Manteca Bulletin article "More homes being built in flood zone"
28. 2021-01-21 Manteca Bulletin article "Manteca plans key road on 'wrong' side of dry levee"
29. 2021-01-19 Manteca Bulletin article "Manteca Flooding: River Junction one of SJC's most flood prone areas"
30. Reclamation District no. 17 Mossdale Tract Dryland Levee Pipe Improvements Site Map

31. Collection of emails and letters sent to RD 17 regarding the 2017 levee breach (https://www.dropbox.com/s/28l38dyvqzyxxod/2021-01-27%20CVFPB%20ENCL%2026.pdf?dl=0)
32. 2021-01-18 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/qm5nyxtv0h0hjcb/2021-01-18_LTR_MCC_AgItsB5.pdf?dl=0)
33. 2021-01-19 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/bnzg6jlfijnhouw/2021-01-19_LTR_MCC_AgItsB5.pdf?dl=0)
34. Dredger Cut Map, as included in the RD 17 levee easement (as recorded on Nov. 6, 1912 in Book A, Vol 211 of Deeds, Page 570, San Joaquin County Records)
35. Lumina Ranch southern boundary SSJID junction box and irrigation water delivery facility photos and encroachment upon RD 17 dryland levee

cc:

Manteca City Council, % Cassandra Candini-Tilton
City of Manteca General Plan Advisory Committee, % De Novo Planning Group, Beth Thompson
Manteca Community Development Department, % Lisa Schimmelfennig
San Joaquin County Board of Supervisors, Attn: Rachél DeBord
San Joaquin Council of Governments, % Diane Nguyen
San Joaquin County Planning Commission, % Stephanie Stowers, Senior Planner
Dr. Clark Burke, District Superintendent, Manteca Unified School District
Panos Kokkas, Director, City of Manteca Public Works
Miranda Lutzow, City of Manteca, City Manager
Chris Erias, City of Manteca Community Development Director
Mark Meissner, City of Lathrop, Director of Community Development
Reclamation District No. 2075 Board of Directors, % Pam Forbus
Reclamation District No. 2094 Board of Directors, % Pam Forbus
Reclamation District No. 17 Board of Directors, % Nomellini, Grilli & McDaniel PLC
Lathrop-Manteca Fire District Board of Directors, Attn: Gene Neely, Fire Chief
San Joaquin Area Flood Control Agency Board of Directors, Attn: Chris Elias
De Novo Planning Group, Attn: Ben Ritchie
South San Joaquin Irrigation District Board of Directors, Attn: Danielle Barney
Lathrop City Council, % Teresa Vargas, City Clerk
San Joaquin Flood Control and Water Conservation District, % Fritz Buchman
California Department of Transportation, District 10, Attn: Jes Padda
San Joaquin Local Agency Formation Commission, Attn: James Glaser
Eastern San Joaquin Groundwater Authority Board of Directors
South San Joaquin Groundwater Sustainability Agency Board of Directors, % Danielle Barney
South Delta Water Agency, % John Herrick
American Rivers, Attn: Aysha Massell, Associate Director
San Joaquin County Assessor, Attn: Jose Molina
San Joaquin County Surveyor, Attn: James Hart
Ripon City Council
Manteca Planning Commission
Bob Williams, WMD
Lee Del Deon, WMD
Jennifer Cozart, WMD
Josh Harris, Tuff Boy Sales

Marcia Perkins, Tuff Boy Sales
Melissa King, Tuff Boy Sales

ENCLOSURE 10

California budget cutbacks threaten environmental spending plans

SACRAMENTO (AP) — California Gov. Gavin Newsom's proposed budget cuts include canceling billions of dollars in climate change spending, a blow to environmental advocates who look to the state as a stopgap for the Trump administration's weakening of federal protections.

In January, Newsom proposed a $12 billion "climate budget" that, over the next five years, would offer incentives for companies to convert to electric vehicles, give low-interest loans to businesses to clean up their practices and spend billions on projects preparing for floods, droughts and wildfires.

But Thursday, Newsom proposed eliminating most of the foundation for those programs to balance a budget that will have an estimated $54.3 billion deficit. The economic downturn has been brought by a statewide stayat- home order to limit the spread of the coronavirus. The order has closed most businesses for two months, putting more than 4.5 million people out of work and sending state tax collections plummeting.

The proposed cuts come as the state is battling the Trump administration over water quality and auto emissions, among other environmental issues.

"At a time when the Trump administration is mounting an unprecedented assault on environmental and public health protection, it's absolutely devastating and horrifying," said Kassie Siegel, director of the Climate Law Institute at the Center for Biological Diversity.

The Newsom administration says the cuts represent "unprecedented times" that have forced the state to "make sacrifices that we didn't think six months ago we would have to do." The administration chose to protect programs to clean up the air in disadvantaged communities and to provide safe drinking water.

"All the leaders around the world from Germany to Denmark to Japan are all suffering similar economic fates," said Jared Blumenfeld, secretary of the California Environmental Protection Agency. "What California is doing is prioritizing and making sure, as the governor said, our values come first."

The biggest cut was scrapping a proposal to borrow $4.75 billion to prepare the state for climate-change disasters like sea level rise that threatens the coastal cities and devastating wildfires that have destroyed to convince Newsom not to veto it over cost concerns.

Newsom canceled a $250 million contribution to the "climate catalyst fund," aimed at jump starting investment in technology to help clean up private sector polluters.

But the most ironic impact is on the state's "cap and trade" program, which requires big businesses to purchase credits that allow them to pollute. Coronavirus-related closures since mid-March have shut down most businesses and kept cars off the road, leading to a dramatic improvement in air quality. But it's also reduced the demand for credits, meaning the state is likely to make less money when it sells them.

That means less money for a host of programs offering incentives for companies to convert their diesel-powered fleets — one of the largest sources of air pollution — to electric vehicles.

"The good news is emissions are decreasing. However, there is a lot of funding that has occurred in the past that may not occur in the future as a result of that," Blumenfeld said.

The Newsom administration canceled a plan to hire 53 more people to regulate the state's oil and gas industry. The cut surprised environmental advocates because the new employees would have been paid for not by state income tax collections, but by fees paid from the oil and gas industry itself.

California Department of Natural Resources Secretary Wade Crowfoot said the new hires were withdrawn because of "COVID-related economic issues impacting that sector."

"Oil and gas won," said Kathryn Phillips, director of Sierra Club California. "But people who breathe and live near ports are losing."

Western States Petroleum Association President Cathy Reheis-Boyd said "there are no 'winners' when the state or businesses have to make tough budget decisions."

"Even without these new positions, California will continue to have the toughest regulatory standards for oil production in the world," she said.

tens of thousands of buildings and killed more than 100 people.



That proposal could be revived in the Legislature, where lawmakers view it as a type of economic stimulus to create jobs during a coronavirus-induced economic downturn. But they would first have

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ENCLOSURE 11

SJ River flows may triple in 45 years due to climate shift

F LOOD P ROT ECTI O N

By DENNIS WYATT

The Bulletin

Climate modeling by the Department of Water Resources that assumes that within 45 years water flow may triple in the San Joaquin River.

If that is the case plans and designs for state-mandated protection against a 200-year flood — a reference to a 1 in 200 chance of an event of such a magnitude in a given year and not the frequency — could be woefully inadequate.

It also would mean the envisioned $180 million project now being pursue to protect all of Lathrop outside of River Islands, southwest Manteca, the Airport Way corridor north to French Camp, and Weston Ranch may cost significantly more.

In addition to the 200-year flood protection complication the new river flow projections on the San Joaquin River will have on efforts to protect urban areas, it also

SEE **FLOW,** PAGE **A10**



PROTECTION

FLOW

FROM PAGE A1

means flooding frequency could increase significantly in rural South Manteca in the 5,000acre River Junction Reclamation District. The area at the confluence of the Stanislaus and San Joaquin rivers has flooded 11 times in the 93 years since 11 miles of levees were built in 1927 to protect the farm area. A 12th major flood was barely averted two years ago when an alert farmer noticed a boil growing and was able to rally nears to stop a breach before state re-enforcement arrived.

The Manteca City Council when they meet Tuesday at 7 p.m. with the public being able to attend for the first time since the pandemic started in early March is being asked to join the cities of Lathrop and Stockton as well as San Joaquin County to ask the state for an extension for a 2025 mandate that construction start on upgraded flood protection.

Senate Bill 5 that put the mandate in place allows for one justified 5-year extension to 2030.

If work is not started on actual levee improvements as things sit now by 2025, no new construction will be allowed in the identified 200-year floodplain. That runs the gamut from new commercial, residential, and but also existing homes, businesses, and schools.

What would impacts of 200-year flood be Should a 200-year flood occur with multiple levee failures along the Stanislaus and San Joaquin rivers south of the Interstate 5 bridge before the merger with the 120 Bypass, engineers have indicated it would:

uflood 5,200 existing homes with 3 feet or more of water.

uendanger and force the overall evacuation of 50,000 residents in Lathrop outside of River islands, Weston Ranch in Stockton, southwest Manteca, and rural areas

uforce the evacuation of San Joaquin Hospital — the county's major trauma center — as well as the county jail.

uforce first responders at five fire stations, the Lathrop Police Department and the county sheriff to abandon their stations and key communication centers in the middle of a major emergency.

uLathrop High and Weston Ranch High would have water flowing through their campuses as would six other Manteca Unified elementary schools.

industrial to improvements that increase square footage such as home additions as well as new outbuildings such as barns.

While the extension could be justified simply based on having to re-adjust the project to take into account by new Department of Water Resources projected river water flows, the San Joaquin Area Flood Control Agency's (SJAFCA) is also arguing the COVID-19 pandemic will create economic impacts making it difficult to raise the needed funds to do the work.

New construction taking place in the 200year flood plain is already paying fees toward the work. The fear is construction may slow down and reduce the funds flowing to the agency to perform the work. In addition a property assessment of some type on all new and existing development is needed.

The SJAFCA project would also protects a portion of Stockton, French Camp, and the rural area between Weston Ranch and Lathrop.

River Islands at Lathrop — with 300-foot wide super levees — isn't expected to have issues if water flows in the San Joaquin River triple by 2065.

Ironically a project River Islands has been seeking federal and state approval for — widening the Paradise Cut that bypasses the problematic elbows on the San Joaquin River at Mossdale and connects with the Old River between Tracy and Lathrop — has been tied up by federal agencies for more than 15 years. When plans for the project that will take pressure off levees protecting Lathrop and parts of Manteca was first submitted, federal officials said it would be an 18-month approval process.

SJAFCA officials estimate the five-year time extension will enable construction of more than 7,000 housing units, thousands of square feet of commercial and industrial space, and create almost 22,000 jobs. Most importantly, it will ensure residents and properties in the Mossdale Tract area are fully protected from a 200-year flood event.

That construction will not only generate funds to build better flood protection for growth uforce the closure of portion of Interstate 5 — the major West Coast freeway running from Mexico to Canada — and the 120 Bypass.

uwater would swamp the wastewater treatment plant serving 84,500 existing Manteca residents and more than 13,000 of Lathrop's nearly 26,000 residents.

udisrupt Union Pacific Railroad train movements as well as damage tracks that Altamont Corridor Express relies on.

u182 commercial and industrial properties from Costco to the Lathrop Target and Tesla Motors to Simplot would be flooded.

And that's just for starters. Modeling shows a number of existing homes would likely suffer water damage in fringe areas that could receive upwards of three feet of flood water.

Manteca, Lathrop, and Stockton aren't the only communities impacted by the Senate Bill 5 mandate. There are 85 cities in 33 Central Valley counties that have to comply.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com



This dry levee south of Woodward Avenue is part of the plan to enhance 200-year-flood protection. The levee is expected to be extended and made more robnst.

Bulletin file photo

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ENCLOSURE 12

2065: Sediment builds up in SJ River while state inaction helps cue up major flooding

If we can take snippets of science in a rapidly evolving situation at face value during an evolving threat to public health and safety and suspend all sorts of rules that protect fish from single use plastic bags to suspending the right to peaceful assembly as we have during the COVID-19 pandemic why can't we do the same when it comes to climate change?

The science offered up by the state Department of Water Resources contends water flow will triple in the San Joaquin River over the next 45 years due to climate change.

This has led to an upending of plans moving forward to spend $180 million for 200-year flood protection — a reference to the chances of a certain size of flooding event happening in a given year as opposed to frequency — for most of Lathrop as well as parts of Manteca and Stockton.

The new flow numbers the state wants used will require going back to the drawing board and likely spending closer to a half billion dollars.

Senate Bill 5 that mandates 200year flood protection was devised in the aftermath of Hurricane Katrina when the Mississippi River laid waste to New Orleans due to insufficient levee flood protection.

If climate change is indeed a major threat to public health and safety then why does the state keep insisting that local jurisdictions pursue mandated solutions after putting cities and counties in proverbial strait jackets?

The modeling of the Department of Water Resources that underscores the fears that have been whipped up by climate change is a challenge on par with COVID-19. As such we need to pull the plug on any behavior that doesn't stem the threat climate change imposes including successful environmental challenges to dredging the San Joaquin River after it passes Vernalis.

You will find Vernalis about 10 miles south of Manteca where the Stanislaus River joins up with the San Joaquin River. Driving across the Airport Way bridge looking south toward Vernalis you can see evidence of a major impediment to the San Joaquin River being able to handle increasing levels of water flow due to climate change or any other reason. It is sediment build up that could easily be dredged to deepen and increase the river's ability to carry larger water flows.

Memorial Day weekend when water flows had kicked up due to late spring releases, dozens of people walked across the submerged part of the sand bar to the sediment island created almost in the center of the channel.

Crossing to the exposed sand bar from the rural Tracy side of the river is suicidal given not just the cold water but the swiftness of the river.

Proposition 13 — the 2000 water bond measure approved by voters — included funding to study sediment build-up much to the objection of some environmentalists as well as cubicle jockeys at the Department of Water Resources.

The provision to fund a dredging study was the result of a hard-fought effort by then State Senator Mike Machado to get it included in the bond measure. The study, and a lot of other work voters were promised that would happen if they passed the bond, never happened.

That's because then Gov. Gray Davis — with the concurrence of the California Legislature — "borrowed" $1 billion in Prop. 13 bond money to plug a hole in the state budget. The money, of course, was never paid back so projects including the dredging study could be done.

By the way, Gov. Gavin Newsom wants to rip a page from Gray Davis' playbook and once again "borrow" money from special funds such as bonds to plug Titanic-sizes holes he blasted in the state budget over multiple

years with his COVID-19 response. Newsom, just like Davis, promises the state will pay back what it "borrows."

The issue of silt build up being a potential major contributing factor to flooding on the Lower San Joaquin River Vernalis to a point west of Mossdale — the critical area for the needed 200-year flood protection — has been brought up in the years by various government papers.

Longtime farmers have always said that there has been at least six feet of sediment build up since the 1960s when the Central Valley Water Project re-plumbed the West Side of the San Joaquin Valley.

There is arguably tons of anecdotal evidence the farmers are right that can be seen in drought years measured against the early 1960s. You can see the evidence between Vernalis and Mossdale. The study was either supposed to be able to dispel that anecdotal evidence or confirm its existence.

The reason environmental groups fought its inclusion in the water bond project and shed no tears when Gray Davis essentially killed the study is their working contention that anything in place that is part of a habitat is part of the environment even if it was the result of misdirected decisions by man. In this case "man" is actually the State of California acting in concert with the United States government.

If the Department of Water Resources is so sure of modeling that San Joaquin River flow could triple by 2065 then why doesn't it justify a COVID-19-style approach?

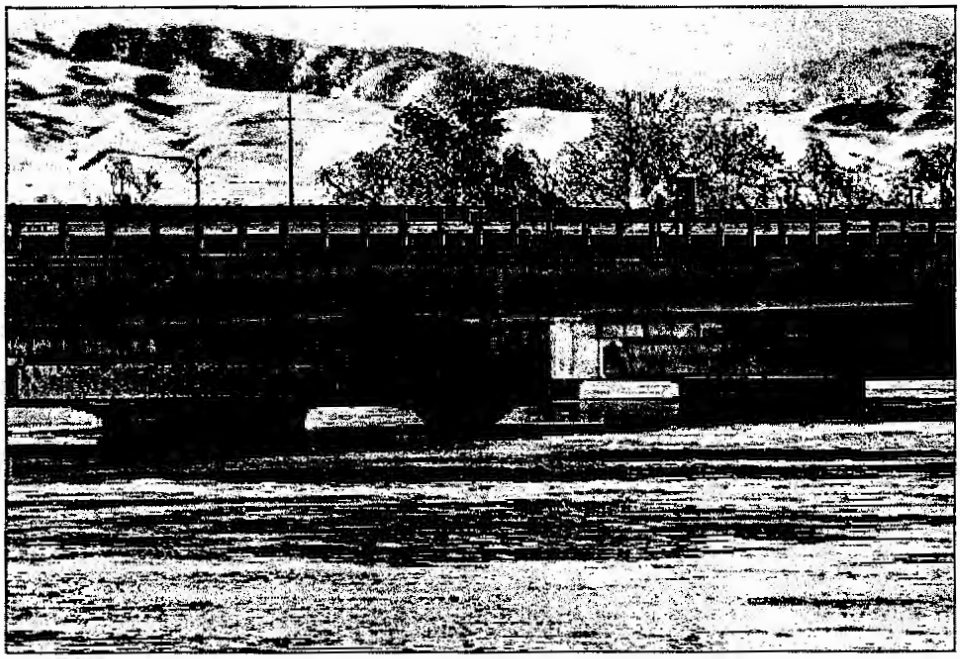
Not only should the Lower San Joaquin River should be dredged but it should happen without a time consuming environmental impact report.

The same holds true for efforts to create a bypass of the problematic Mossdale bend where much of the flooding concerns for Lathrop, Manteca, and Stockton can be found. The application to widen Paradise Cut to create a bypass south of Manteca to connect with the Old River east of Lathrop has languished in the federal environmental review process for 15 years. When it was submitted to the Army Corps of Engineers, it was supposed to be an 18-month process.

Dredging the river would also take pressure off the highly vulnerable levees along the Stanislaus and San Joaquin rivers that have failed 11 times in 93 years. The threat those levees pose to Lathrop and Manteca is why the dry of cross levee south of Woodward Avenue is so critical to the 200-year flood protection plan for 50,000 existing residents, their homes, public infrastructure including the 120 Bypass and Interstate 5, businesses, schools, and more.

Unlike COVID-19 that did not exist as a threat 10 months ago, the state and federal bureaucracy has been acutely aware of the ticking time bomb better known as the San Joaquin River. Yet a definite solution such as dredging that could reduce death and other carnage has been ignored and buried by the state bureaucracy in complicity with the environmental perfection movement.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com





DENNIS WYATT

Editor **Department of Water of Resources employees take water depth readings of the San Joaquin River from the Airport Way bridge several years ago.**

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City of Lathrop

From the Desk of Mayor Sonny Dhaliwal
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May 19, 2020

Honorable Susan Talamantes Eggman
California State Assembly
State Capitol, Room 4117
Sacramento, CA 95814

Re: Flood Control Legislation

Dear Assembly Member Eggman,

I am writing to request your support and assistance in helping our San Joaquin County communities achieve a 200-year event flood control standard to protect life and property in Mossdale Tract in San Joaquin County.

The Mossdale Tract is a 22,000-acre area located in central San Joaquin County and bordered on the west by the San Joaquin River. One third of the Mossdale Tract is within the city boundaries of Lathrop, Manteca, and Stockton. The levees along the Mossdale Tract do not currently provide 200-year flood protection. This poses a significant risk to public health, safety, and property.

Pursuant to SB 5 (2007), by 2025, the San Joaquin Area Flood Control Agency (SJAFCA) must complete construction of a flood control system to achieve an Urban Level of Protection (ULOP), which is a project designed to protect the Mossdale Tract from a 200-year event flood event. SJAFCA must annually issue an adequate progress report and then communities relying on that report must make annual findings. If SJAFCA cannot issue the annual report, then housing, commercial, and industrial development planned for Mossdale Tract in the near and far term must cease, and the jobs associated with those developments will not be created.

SJAFCA's inability to make an adequate progress report will also put an end to implementation of development fees and other local assessments needed to raise the funding necessary to move forward with the ULOP. This will eliminate SJAFCA's ability to obtain hundreds of millions of dollars of federal funds to complete the needed project.

Prior to 2018, other local agencies in San Joaquin County were responsible for complying with SB 5 and its 2025 deadline. Progress was inconsistent during this period. However, on January 1, 2018, SJAFCA took over the role of Local Flood Management Agency (LFMA) responsible for complying with SB 5.

Since assuming that responsibility, SJAFCA has made great progress in bringing the process back on track. Nonetheless, several factors have intervened to make it clear that we are close to the point at which SJAFCA will not be able to issue the annual report demonstrating adequate progress. Among others, these factors include:

- As a result of climate change, recent studies by the Department of Water Resources predict that by 2065 there may be three times the flow in the San Joaquin River than was originally planned for when designing the ULOP project. This increased flow will require significant changes to the original project alternatives at substantial cost and delay in both design and construction.

- With the arrival of COVID-19 and the resulting economic calamity, it is now highly unlikely that over the next year SJAFCA will be able to raise the local funds needed, and if unsuccessful that will assure that SJAFCA will no longer be able to make the 2025 deadline set forth in SB 5. Again, continued adequate progress is necessary for development to occur at Mossdale Tract. In turn, development is required to raise the local funds to both fund a project as well as to obtain matching Federal funds for an infusion of hundreds of millions of dollars. Moreover, the ravaged economy has undermined confidence and delayed most development plans by a year or two. All this is enough to sidetrack project-financing assessments, the foundation of the plan to raise necessary funds to complete the flood control system.

To address these challenges, SJAFCA must obtain a one-time extension of the 2025 deadline set forth in SB 5 to 2030. Without this extension, it is very likely that SJAFCA and the other local agencies will never have the funding to complete a 200-year ULOP project, thereby assuring eventual physical harm to people living in Mossdale Tract and damage to property in Mossdale Tract.

On the other hand, if the SB 5 deadline is extended by just five years, in a year or two SJAFCA will be able to take advantage of renewed development impact fees as well as implement local assessments to move forward on the 200-year ULOP project, which will also generate the local funds necessary to qualify for hundreds of millions of federal matching funds to complete the project. The extension will also enable construction of more than 7000 housing units and thousands of square feet of commercial space by 2030 and create almost 22,000 jobs in the meantime. Most importantly, it will ensure residents and property alike in Mossdale Tract are fully protected from a 200-year flood event.

All of this can be accomplished without new state spending, as there is no new state spending associated with extending the SB 5 deadline by five years.

For these reasons, I respectfully request your support and assistance to obtain the necessary amendment to SB 5 this year.

Thank you for your consideration. I would be pleased to provide you with any additional information you may require.

Sincerely,

Mayor Dhaliwal

cc: Chris Elias, Executive Director, San Joaquin Area Flood Control Agency

https://www.farmersalmanac.com/extended-forecast

Farmers' Almanac Extended Forecast for Winter 2020-2021

Winter of Great Divide

Cold and snowy in the north. Drought in the west.

And everything crazy in between!

"Based on our time-tested weather formula, the forecast for the upcoming winter looks a lot different from last year, quite divided with some very intense cold snaps and snowfall," states editor Peter Geiger, Philom.

Peter Geiger - Winter Forecast 2020

THE COLD AND SNOWY SIDE

If you love the cold of winter, you're going to love our forecast if you live in the northern half of the country. Our long-range forecast is calling for a cold winter with normal to below-normal temperatures in areas from the Great Lakes and Midwest, westward through the Northern and Central Plains, and Rockies.

SNOWY COMEBACK

Remember last year's almost snow-free winter in the Northeast? Well, this year our prediction is very different, with the possibility of a blizzard hitting the Mid-Atlantic and Northeast states during the second week of February. This storm may bring up to 1-2 feet of snow to cities from Washington, D.C. to Boston, Massachusetts!

The Great Lakes region will get its fair share of snow but expect above-normal snowfall if you live in the western Dakotas, northern portions of Colorado and Utah, as well as Wyoming, Montana, Idaho, and central and eastern sections of Washington and Oregon.

Eastern Ohio and Kentucky can expect a significant snowfall in the beginning of February, and the Southern Plains are on target to receive copious amounts of snow, sleet, and rain later on that same month.

And for those living in the eastern half of the country, you may get clobbered during the final week of March, but what falls from the sky will depend on where you live—this storm will track from the nation's midsection to central New England and bring a significant late-season snowfall to the north of its track, and showers and thunderstorms to the south.

CHILLY FRINGE

The Southeastern part of the country, excluding the Tennessee Valley, will experience average precipitation levels with temperatures chillier than normal overall. Get those sweaters and parkas out of storage!

https://www.farmersalmanac.com/extended-forecast

THE DRY SIDE

Areas across the Desert Southwest, (Arizona and southern California), are predicted to experience a dry and generally mild winter. Not good news considering signs that drought conditions were beginning to ramp up in these regions at the close of the winter of 2020.

THE CRAZY IN-BETWEEN

Right along the Pacific Coastal Plain, from northern California and points north through western portions of Oregon and Washington, rainy and wet weather will be the rule for the winter ahead.

In New Mexico, Texas, Oklahoma east into Arkansas, and Louisiana, Mother Nature will mix intervals of tranquil weather with occasional shots of cold and wintry precipitation but overall may seem to be a bit "temperamental."

WILD CARD

Winter's "wild card" will be the region covering the Tennessee and lower Ohio River valleys, north and east up through New England, where we can expect a rather intense weather system. This weather system will keep the storms active, delivering a wintry mix of rainy, icy and/or snowy weather throughout the season. Learn how the Farmers' Almanac makes its predictions.

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FARMERS' ALMANAC
SINCE 1818

2020-21 WINTER OUTLOOK

Winter of the Great Divide



mersalmanac.com/long-range-weather-forecast/ **rmersAlmanac.com**

ENCLOSURE 22

CITY REPEATEDLY IGNORED AUDITOR WARNINGS BACK TO AT LEAST 2009

Caltrans places Manteca on 'do not fund list' over auditing issues

By DENNIS WYATT

The Bulletin

It's now a matter of trust.

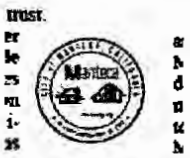
Meeting days after city management made public auditing issues that essentially question the validity of municipal budget assumptions and the accuracy of various accounts, the Manteca City Council on Tuesday made it clear the public's trust has been broken and that the trust must be regained.

The council meeting resulted in another bombshell—Caltrans has placed Manteca on a "do not fund list". That designation jeopardizes funding the state may have committed — or may — toward municipal projects such as the McKinley Avenue interchange.

Many of the 20 observations and concerns that are the basis of the accounting mess the City of Manteca finds itself in were among 43 significant deficiencies Maze & Associates — the city's auditors — noted in annual reports from 2009 through 2018 that were either ignored or not implemented by the finance department and senior city management.

Of those, 22 deficiencies were reoc-

SEE **MANTECA,** PAGE A13



MANTECA

FROM PAGE A1

curring points made in audit reports for more than one year. Eight deficiencies were repeated for five years or more.

"I put my trust in city staff," Councilman Gary Singh said in explaining how his reaction finding about the disarray of City of Manteca financial accounting prompted him initially to be angry and disappointed. ". . . They get paid real well to do their job. I expect them to do the job."

Singh said it was a violation not just of his trust and the rest of the council but "all of the residents in the community. It is their money."

Stephanie Beauchaine, who has spent the last six weeks wading through numerous accounting irregularities since starting work as the interim city finance director, agreed trust had been broken with the council and the community. She added by uncovering problems, correcting them and putting in a system that Beauchaine repeatedly emphasized Manteca's reserves — which no exact dollar amount was provided since the city called its accounting of the public's money into doubt — are ample enough to cover the identified cash deficits in various accounts at least for the current fiscal year.

"There are deficits but we can cover them from (the reserves)," Councilwoman Debby Moorhead noted.

The accounting deficiencies — and money not being in the right accounts — could call into question numerous assumptions about the financial status of accounts that impact everything from sewer, water, and solid waste rates to funding of general fund services such as public safety. As such once everything is corrected that Beauchaine expects the bulk to be after about two years, it could impact utility service rates and service levels.

The discussion about the city's accounting issues that Beauchaine said could change as deeper drilling takes place is occurring just weeks before the Nov. 3 election

follows accounting standards and laws restricting the use of certain funds as well as creating transparency through monthly and quarterly reporting to the council and public that the trust can be earned back.

Beauchaine summed it up as "an accounting problem not a financial problem."

That does not mean necessarily that Manteca has as much money on hand that it thinks it does. The reason is simple, as Beauchaine pointed out in response to a council question. If accounting information is erroneous going back several or more years and wasn't corrected, that mistake is rolled into subsequent budgets.

It could mean Manteca counted on money it never had or failed to deposit and withdraw money from the right accounts when posting revenue and expenditures.

The $67 million in cash deficits identified in various accounts includes a $40 million cash deficit that accrued over three years. That involved work financed by a bond where the city never accessed the bond holding to draw down the account.

In order for construction costs of major projects the bond funded to have been paid, the city had to use cash — of which they have more than $200 million on hand with most of it legally restricted for specific purposes — from somewhere.

It is that borrowing between accounts that created the $67 million cash deficit.

The city is essentially trying to untangle such inter-fund borrowing as well as address the general ledger not being reconciled, various departments working from off-the-book spreadsheets to track expenditure and revenue decisions, and not following stipulations that grants have attached to them.

when voters will decide the fate of a one cent sales tax plan.

Measure Z, based on projections by city staff, and would raise $12 million annually it is passed by a simple majority.

It has been billed as a way to maintain service levels and add amenities to the city.

Mayor Ben Cantu attributed the problems to "starvation funding" over the years in reference to city efforts not to add staff to various departments — including police and finance — as Manteca has grown.

At one point City Manager Miranda Lutzow noted that historically Manteca city leadership took pride in being "lean" when it came to staffing.

She also emphasized the city can't yet determine how things went haywire over the years whether it was lack of training, insufficient staff, simple mistakes, malice, or other reasons.

Lutzow added the city has "a lot of hard workers" that are eager not just to correct the problems in finance and do things correctly going forward but other municipal workers who do everything from providing public safety and picking up garbage to making sure water comes out of the tap when they are turned on.

The issues started coming to light after top employees in the finance department departed. That underscores Beachauine's point in noting the answer is to put a system in place instead of relying on people for institutional knowledge.

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ENCLOSURE 23

Manteca City Council ignores flood concerns development is creating for rural residents

Editor, Manteca Bulletin, This is about the longstanding misrepresentation of facts and bias by the Manteca City Council.

The council does not represent everyone, certainly not those outside city limits to the south of Peach Avenue. It has exhibited unyielding favoritism towards "developers."

Rural landowners to the south of Peach Avenue have fought to keep the City of Manteca out of its area for over 30 years. With the passage of State Senate Bill 5 in 2007, landowners became aware of the City's quest to encroach on their rural farms and neighborhoods. The City of Manteca, together with developers, is vehemently determined to intrude into this area with the "Antone Raymus Expressway" (formerly known as the McKinley Expressway Homes are being built right up to the Reclamation District 17's levee on the San Joaquin River (south of Airport Way and Woodward Avenue).

This location is well into the 200-year flood plain. In 2007, with the passage of State Senate Bill 5, home construction could not be done without the addition of a levee. This applied to homes built in city limits only. State Senate Bill 5 stated that after July 2016 home building in the 200-year flood plain required levee protection. State Senate Bill 5 was not enacted to promote building but to insure that the building was done in a limited and safe manner. Cities were not mandated to build a levee; only in building occurred in the 200year flood plain would it be obligated to have a levee, with a mandatory completion date of 2025.

Previous Manteca City Councils as well as the current ones are all proceeding down the same path. Keep in mind that rural landowners do not have a vote from City Council members yet they are and have been adversely affected by decisions councils have made.

Despite objections of farmers and landowners in the area, some who have lived through several foods, the City of Manteca continued their monumental efforts to continue to permit building in this area. A number of vital issues have yet to be resolved.

There will be increased flooding to rural landowners, when and if the dry land levee is put in place.

17 Dry Land Levee Extension and the location of the Antone Raymus Expressway, the answer is always the same: "No Answer." The levee has not been built. Yet the City of Manteca continues to authorize homes in this area. This expressway and levee will divide properties, farms, and homes in this rural area. There is a history of families being affected, going back three and four generations. In some cases, it destroys their means of livelihood and will surely impact everyone's property values negatively.

The City Council's meeting of June 6, 2020, in regard to extending the Five Years for the Dry Land Levee Extension, was a perfect example of how disingenuous this Council and the SJAFCA board are. The board is made up of 11 members — two council members from Manteca, Lathrop and Stockton, two from San Joaquin County, and one member of the public and two alternatives (Gary Singh is the chair, Jose Nuño is the director, and former council member Mike Morowit is the member of the public, all from Manteca).

When the organization (SJAFCA) is able to propose making changes and extending a deadline on a project that has been initiated by its own members, and then enables those very members proposing changes to vote on the proposed changes. How can you in good conscience vote for yourself? This is a terrible conflict of interest and not part of the Democratic process.

The actions of Councilman Singh and the Manteca Community Planning Director are one of two things — they're either ill-informed or were playing out a scenario (questions-andanswers segment) to present misleading information in order to assert a good faith basis for the extension of five years for the completion of Reclamation District 17 Dry Land Levee Extension.

This approved delay allows thousands of more homes to be built and sold in a dangerous flood zone that at the present time would not be able to be protected.

Councilman Singh does not seem to mind putting homes now at risk and then adding additional homes in the future. This is all to collect more tax revenue in the hopes of being able to meet the cost of the dry land levee extension in the future. This is all due to climate change and their lack of foreseeability, which had been pointed out to them years ago, and has been repeated numerous times since.

A petition was presented to then-Mayor Steve DeBrum and other council members at a Council meeting to halt further development in the 200-year floodplain until such time flooding issues and backwater effects to the rural areas south of Manteca could be resolved. The Council soundly rejected such.

There remains at this time no adequate plan for drainage, infrastructure, surface water and roadways. They continued to approve other home construction, ignoring the dangers in the area.

The City of Manteca has additional concerns now with Climate Change and a lack of funding.

The San Joaquin Area Flooding Control Agency (SJAFCA) has asked for an extension of five years (2030) to complete this project. Perhaps taking the advice and expertise of local farmers, who they dismissed and mocked, would have prevented this problem. Developers as well as the City of Manteca seem to have a lack of respect for agriculture, nature's gift of soil, water and weather in this fertile valley that we are so fortunate to live and prosper in. It is best "Not to Fool with Mother Nature."

The current Council and previous ones have not been cooperative with disclosing information to concerned landowners when they were asked. In a number of misleading statements, Council members presently serving and those who have served previously have stated that the dry land levee is mandated by State Senate Bill 5 to protect those homes built and structures built in the 200-year flood plain. Levees are only appropriate if Cities choose to allow building in the 200-year flood plain.

The City of Manteca has turned a blind eye and continues to allow homes to be built deep into the floodplain located near Reclamation District 17's levee. Those homes built prior to July 2016 were grandfathered in. Homes built after July 2016 would have to meet standards to conform to State Senate Bill 5.

When Council was asked on numerous occasions about the locations of the Reclamation District

The City of Manteca's lack of foreseeability, integrity, and accountability should not come at the expense of its rural neighbors to the south. The rural property owners to the south are in the way of the City of Manteca's ploy for increased tax revenues and the developers' profit-motive to build as many homes as they can.

Three classic examples of the City's poor planning are:
1. Woodward Avenue. The City allowed developers to have homes facing Woodward with driveways exiting onto this busy thoroughfare (Woodward Avenue) rather than stonewall securing the subdivision. This is an accident waiting to happen.

2. Lest we forget the fiasco of the traffic blockage to get into Chick-fil-A.

3. The fact that the City of Manteca has not updated its Water Master Plan since what appears to be 2005 (overdue by 15 years).

The City of Manteca needs to be held responsible for such self-serving actions.

That includes council members in 2020 — Mayor Benjamin Cantu, Gary Singh, David Breitenbucher, Debby Moorhead, Jose Nuño as well as council members in 2018: Mayor Steve DeBrum, Rick Silverman, Mike Morowit, Debby Moorhead, Gary Singh.

Raymond Quaresma John Cardoza Ed Cardoza Marian Rawlins

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ENCLOSURE 24

Chik-fil-A, City of Manteca accounting mess & accountability

Accountability is a concept foreign to government – from local to national. Much has been made lately of the financial accounting pickle Manteca finds itself in, and in reading the social media posts, by God heads are going to roll. There just one problem – the heads that caused this mess are all but gone.

The city is about to spend tens of thousands of dollars to remove the insipid bulbs and planters that were installed at an astronomical cost more than a decade ago. I said then what a ridiculous waste of money it was, and in 2008 I said that the bulbs had to go. It's only taken 12 years.

I have no idea who was on the City Council then. And more recently, heads should roll for the ridiculous approval of the Chik-fil-A restaurant in its current location. With McDonalds on one corner and In-N-Out, what were the planners and the council thinking? Good lord, some days it takes three light cycles to get off of the freeway!

And if anyone thinks it will get better once the pandemic is over, think again. With no dining-room service, Chik-fil-A has doubled up the to-go lines by expanding the line off the street into two lines around the parking lot and then back to one at the window. That cannot happen if the parking lot is in use.

I think what has happened with Great Wolf is criminal, but again, those who engineered that debacle are long gone. What was sold as a funding vehicle for police and fire has ended up being lucky to fund paper clips for a year, and the Great Wolf folk laughing all the way to the bank.

What will the latest victim be in this ongoing financial mess? The proposed Measure Z tax increase. While it is always tough to get a tax increase, the recent revelations have given the anti-tax crusaders fuel for their self-serving fire.

Tax crusaders have cousins, and they are urban saviors. Many years ago – maybe 20 or more – Mantecans had a $2.65 monthly surcharge on their utility bills for storm drain maintenance. But some urban saviors got together and got that surcharge ruled to be an illegal tax, saving the taxpayers less than the cost of a gallon of milk a month.

P E RS P E CT I V E

Democratic states and their finances have been mismanaged, this Democratic state had a massive surplus just six months ago. But with first COVID and then the fires, California is broke and then some. And unless we get help, there will be a day of reckoning next year the likes of which this state has not seen in my lifetime.

This is why Measure Z was so important, and why it will be a shame if it ultimately fails. There is a Manteca business that sponsored ads against Measure Z on Facebook, and should it fail I hope they will be proud when we get out of this pandemic we will not have the funds to pay police and fire.

But like I said earlier, lack of accountability is not limited to the local level. Nearly 60,000 Americans died in Vietnam, with hundreds of thousands of casualties. And it was all because of a lie.

The attack in the Gulf of Tonkin that got us into that war never happened, and those in power knew so at the time and did it anyway. By the time the truth came out, they had all rode off into the sunset.

To this day we are stuck in the desert halfway around the world because of the weapons-of-mass-destruction lie. But the architects of that debacle have also rode off into the sunset.

Lies and the liars who tell them. It was known from the jump how deadly COVID was, yet how many times did we hear it was a hoax, it was just like the flu, or it was going to go away on its own – by Easter.

Well here we are, eight months into it and by the end of November we will have lost more than four times the amount of Americans we did in Vietnam. Think of that – to put the names of all the COVID victims on a wall would require four Vietnam walls. And counting.

Elections have consequences, and one of them can be accountability.



DAVE CAMPBELL

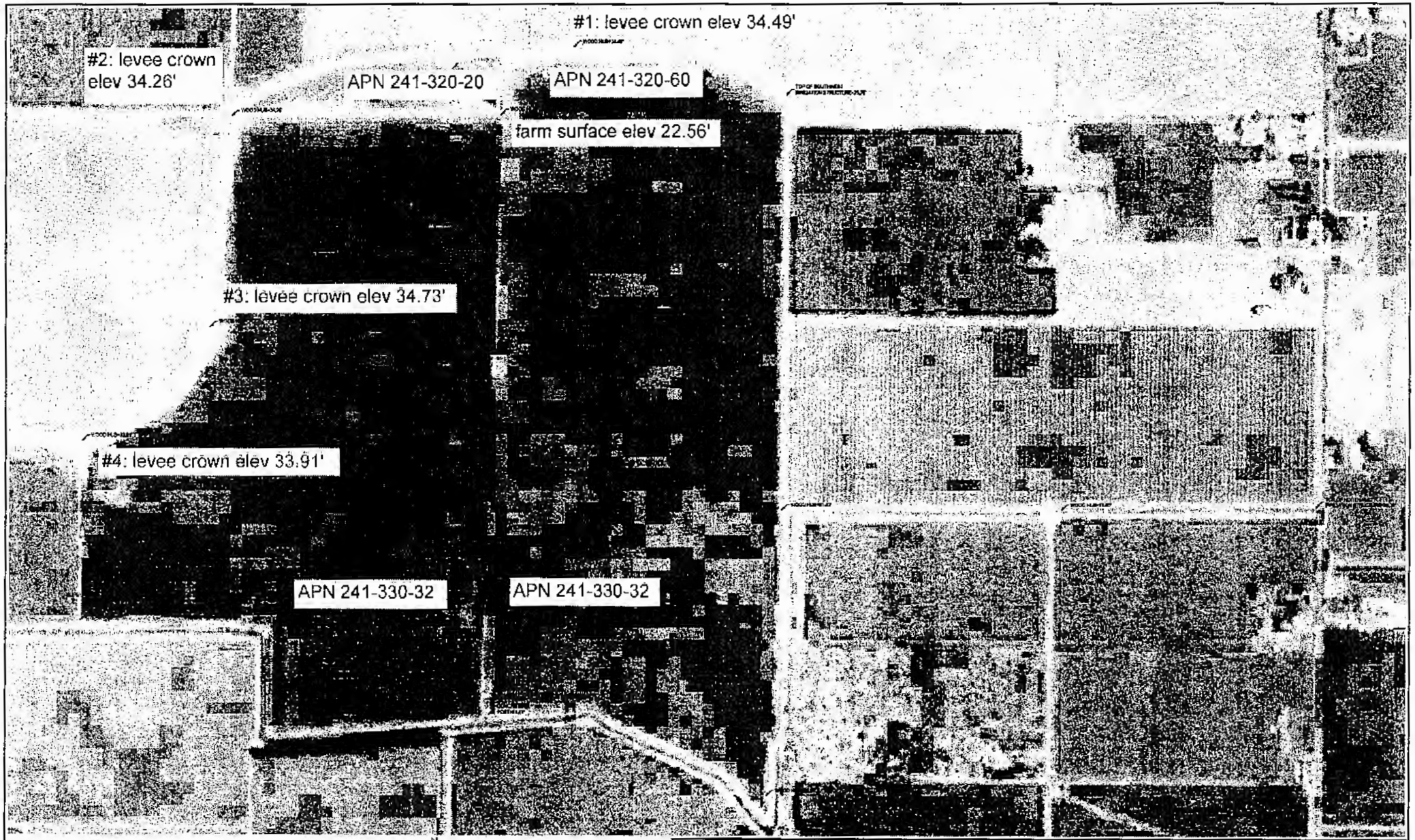
But a little can go a long ways, and in the few years since then that we have had copious amounts of rainfall, streets have flooded due to backed-up storm drains. But by golly, we can celebrate with a gallon of milk.

In case anyone has had their head in the sand recently, COVID has decimated the national economy. Despite the alleged justification for not bailing out the states because the states that are in trouble are

Local columnist

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BASIS OF ELEVATIONS:

ELEVATIONS IN THIS DRAWING ARE BASED UPON NGS MONUMENT HS0030, BRASS DISK IN THE TOP OF A CONCRETE BASE FOR AN IRRIGATION WATER VALVE, ON THE EAST SIDE OF AIRPORT WAY, 260± SOUTH OF NILES ROAD. HAVING A PUBLISHED ELEVATION OF 39.8 (NAVD88).

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VVH CONSULTING ENGINEERS	HARRIS PROPERTIES SAN JOAQUIN COUNTY CALIFORNIA	LEVEE TOPOGRAPHY	A

01/12/2018 Terra Land Group property and RD 17 dry land levee topograpical survey map

ENCLOSURE 25

ENCLOSURE 27

Manteca • Ripon • Lathrop
Bulletin
Vol. 112, No. 12 TUESDAY, JANUARY 19, 2021

MORE HOMES BEING BUILT IN FLOOD ZONE

New homes fees will cover part of cost of $180M levee upgrades 10-12 years away

GROWTH

By DENNIS WYATT
THE BULLETIN

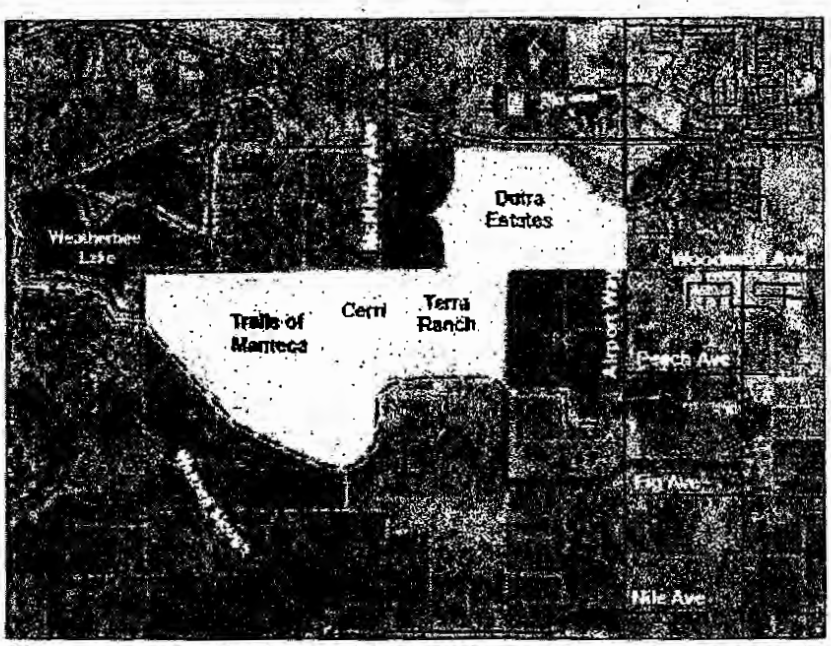
Twenty-four years ago today Manteca was breathing a collective sigh of relief that the flood that devastated 70 square miles along the San Joaquin River forcing 2,000 rural residents to flee left the city intact.

Emergency crews at one point had plugged the McKinley Avenue undercrossing to convert the 120 Bypass into an emergency levee. The reason was simple: The dry levee south of Woodward Avenue was touch and go for several days as to whether it would fail.

Tonight the Manteca City Council is posed to approve the final map for the first unit of 655 homes in the Cerri development south of Woodward Avenue at its intersection with McKinkey Avenue.

It is part of 3,099 single family homes approved

SEE **HOMES,** PAGE A10



This overlay on a flood map shows much of southwest Manteca would be covered with 3 to 5 feet of water in the event of a 200-year flood — larger than the 100-year event in 1997. The orange line is the existing dry levee and the red line is its proposed extension.

HOMES

FROM PAGE A1

in the 100-year floodplain long after the 1997 flood receded in most people's memories. The other projects include the 1,237-home Manteca Trails breaking ground this year south of the gated Oakwood Shores community that is just outside the city limits.

The city along with Lathrop, Stockton, and San Joaquin County are working toward enhancing the river levees and cross levees — also known as dry levees — to withstand not a 100-year flood but a 200-year flood as now required by the state.

Homes — and other new construction in the 200-year floodplain that in Manteca includes areas west of Airport Way north of the 120 Bypass and to the west and roughly as far east as midway to Union Road south of the freeway — will pay fees toward what is expected to be a $180 million levee project.

The state mandated that physical work start by no later than 2025.

The levee upgrade authority, that includes Manteca and Lathrop, has asked for a 5-year extension until 2030. Senate Bill 5 allows for one such extension.

That means, if approved, more robust levee protection won't be in place for 10 to 12 years from now.

Mayor Ben Cantu is the only elected official to consistently vote against approving the building of new homes in the floodplain before an upgraded levee is in place. He'll have another chance to express his concern about what he has described as "the folly" of gambling with people's safety and property when the City Council meets at 7 p.m. tonight during a Zoom meeting.

On the agenda is approving the final map for the first unit of the Cerri project. The council last year — following adopted polices — allowed the developer to start infrastructure improvements before the final map was adopted. Based on previous advice from legal counsel, elected officials are likely to be advised that they have no choice but to approve the map.

Cantu's concerns are legitimate. The rating of an area as being in a "100-year floodplain" does not mean there is a likelihood of a flood on such a scale every 100 years. Instead it references the odds of it happening in any given year. That means in any given year there is a 1 in a 100 chance of the 1997 flooding event occurring.

Given when that rating was made and changes on the watershed upstream from Manteca as well as within the city, the likelihood is probably higher. That's because every time soil is covered by streets, sidewalks, and roof tops there is more impervious surfaces. When that is combined with events such as in 1997 — an unusual mid-December snowfall in the Sierra followed by rain and then sustained above average temperatures melted the snowpack and nearly overwhelmed various reservoirs — the flooding will be worse. The heavy flow punched no less than 11 holes in the levees south of Manteca along the Stanislaus and San Joaquin rivers.

When the 1997 floods occurred, there were no homes south of the 120 Bypass threatened save for a handful of rural estates. There have been more than 1,000 homes built on both sides of Airport Way south of the 120 Bypass since then that — based on concerns expressed by state emergency officials in 1997 — could be flooded with one to three feet of water based on the 1997 event.

Southwest Manteca was originally seen as a tech-style business park

There was a time 20 years ago that Manteca's leaders saw the southwest segment of the city as the Northern San Joaquin Valley "Promised Land" for a Pleasanton-style Hacienda Business Park.

It was to feature tech firms and large-scale Class "A" office operations mixed in with retail and restaurants surrounded by high density housing. A tram system was envisioned to run between what dubbed Tara Business Park and the Altamont Corridor Express station 1½ miles away.

It was what originally prompted the city toward planning to create an interchange where McKinley Avenue passes under the 120 Bypass.

When there were no takers, the next "big thing" was to create a six-lane expressway from the future McKinley Avenue interchange to serve the proposed Austin Road Business Park in southeast Manteca.

The business park concept has gone nowhere and rural residents irked about a six-lane expressway with heavy truck traffic possibly slicing up their rural lifestyle succeeded in getting the city to scale back the proposed thoroughfare although they would have preferred it had been killed off.

Today Tara Business Park has been scrapped for years and the Austin Road Business Park is dead in the water. Meanwhile both the interchange and expressway — now repackaged as a parkway with just four lanes and lots of roundabouts in lieu of traffic signals at its various intersections — are both moving forward.

And the primary purpose of both the interchange and parkway when it comes to areas south of the 120 Bypass is to accommodate more housing. More precisely, it will continue the housing development pattern that started in 1999 when the foundation was poured for the first tract home south of the 120 Bypass across from what is now Woodward Park.

There have been 3,099 more single family homes — and conceptual parcels for 502 apartments — approved so far within a mile of that interchange. There is available land south of the 120 Bypass in southwest Manteca that has yet to be subdivided for tract homes to accommodate more housing.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com

ENCLOSURE 28

SACRAMENTO DROPS SINGLE FAMILY Z

Manteca • Ripon • Lathrop
Bulletin
Vol. 112, No. 14 THURSDAY, JANUARY 21, 2021

BOYS ON BIKE
Let's keep thin
in perspecti
▶ See WYATT, Page

MANTECA PLANS KEY ROAD ON 'WRONG' SIDE OF DRY LEEVEE

Raymus Parkway being designed as Trojan horse for future conversion to expressway

By DENNIS WYATT
THE BULLETIN

Apparently Manteca plans to build what could be a growth-inducing "parkway" in a 100-year floodplain where levees have failed 11 times since 1929.

That means if the levees fail along the Stanislaus and San Joaquin rivers south of Manteca as they have an average of once every 8½ years it would be at risk of being covered by floodwaters. The area in question was underwater in the 1997 floods.

The controversial Antone Ray-

SEE ROADS, PAGE A10



Bulletin file photo

Raymus Parkway could go through the area between Peach Avenue (shown) and Fig Avenue east of Airport Way south of Manteca.

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ROADS

FROM PAGE A1

mus Expressway — now being marketed as a parkway — would infringe on fertile farmland south of Manteca that is not within the city limits.

That was made clear during Tuesday's city council meeting by City Engineer Leigh Ann Sutton in response to questions from Manteca Mayor Ben Cantu regarding the alignment.

Cantu, a longtime proponent of the expressway, said he asked Sutton to research the issue when she joined the city after it created its own engineering department last year.

Sutton noted the new general plan update that the City Council has yet to adopt has the Antone Raymus Parkway going from the McKinkey Avenue/120 Bypass the city expects to break ground on in the next few years and swinging in a southeasterly direction to connect with a proposed $100 million interchange on Highway 99 midway between Austin Road and Jack Tone Road interchange.

Raymus Expressway would go over levee

The roadway will go over the cross-levee that is part of a $180 million project to upgrade flood protection from 100-year to 200-year as mandated by the state. It will then go south enough to apparently avoid a concentration of small rural country estates along Fig Avenue and Peach Avenue and across farmland to head east. All of this area is not in the city limits nor is it supposedly on the city's radar for future annexation.

The actual roadway is supposed to be six lanes for a brief stretch near the interchanges, then four lanes for a while and two lanes in the middle. Sutton said in lieu of traffic signals at intersections the plan calls for roundabouts in a bid to keep traffic moving but to slow it down as it passes through neighborhoods.

Antone Raymus Parkway, however, is advancing as a Trojan horse for an eventual expressway. That's because the city is requiring enough right-of-way through new subdivisions as they are approved to possibly go back in the future and make it four lanes instead of two and replacing roundabouts with traffic signals.

That makes it appear the city's plan is to simply silence expressway critics by appearing to address their worst fears that the proposed roadway could one day become a truck route to connect an approved 1,050-acre business park in southeast Manteca with the 120 Bypass at McKinley Avenue.

flood zone that won't have such protection?

▶How will the city pay for the segment south of the city that cuts through the flood zone? City policy has been to make developers build segments of such major streets as growth occurs. But since growth can't occur there due to the floodplain, how will the city pay for the road?

▶If the intention of city planners — or whoever is assuming responsibility for general growth blueprint decisions in the area — is to eventually see the area urbanized, how will that happen since it is all outside the area being upgraded for 200-year flood protection?

▶Does the city still need an Antone Raymus interchange on Highway 99 now that Caltrans is working on a three-phase $157 million 120 Bypass/99 interchange that breaks ground in the fall that includes a replacement of the Austin Road interchange with a much more muscular footprint that also clears the railroad tracks that wasn't even on the radar when the city started looking at the Raymus interchange?

▶How will the city pay for a Raymus interchange that essentially would serve future Ripon growth east of Highway 99 given land all the way north to Graves Road is part of that city's sphere of influence which represents areas that are targeted for possible annexation? A previous city council dropped funding for that interchange and the Roth Road interchange that is part of the proposed general plan yet to be adopted because they were too costly and seen as repetitious. On either side of the proposed Roth Road interchange north of Manteca are two recently upgraded interchanges at French Camp and Lathrop roads.

▶Exactly what are the city's interchange priorities and how are they going to pay for them? The state is no longer funding interchange work that "induces growth" per se. The Raymus interchange has a $100 million price tag because it not only has to clear the railroad tracks but Highway 99 freeway lanes need to be shifted to the east to make it work. The city's current major road fee for interchange work includes absolutely no funding to upgrade the Airport Way and Main Street interchanges along the 120 Bypass. Based on upgrades to a diverging diamond configuration at Union Road, such work will require at least $56 million.

Cantu has espoused a loop road to ease traffic congestion

From Cantu's perspective, the city backing off publically on what he believes is a textbook planning issue of building a roadway that will move traffic quickly based on the projected growth was simply to appease opponents. That then based on the mayor's

The expressway was first proposed as a key traffic flow element for that business park that is envisioned to include large distribution centers.

In past years the county residents were joined by those in the city questioning the wisdom of building the expressway.

The under-the-radar approach to creating the Antone Raymus Parkway/Expressway is underscored by the fact the mayor had to ask if an alignment of some sort existed.

Parkway alignment raises questions

The fairly short exchange that occurred while the council was approving final maps for a large portion of the 655-home Cerri development that abuts the parkway/expressway raises a number of policy and financing questions that city leadership has sidestepped or not addressed:

▶Is it legal under Senate Bill 5 that mandates 200-year flood protection to be in place — or in process of being designed, funded and built — by 2030 to build major infrastructure such as a key city roadway in a observations, puts future councils in the awkward position of remedying traffic problems that infuriate residents.

Cantu 20 months ago gave a glimpse of his vision for major roads "circling" the city as much as possible for optimum traffic flow much like major cities in Texas do. It came up at a workshop involving major arterials to the north and east of developed Manteca.

He saw such a road to the east of Manteca starting somewhere near French Camp Road and looping to connect to the Raymus interchange as providing an expressway with no or little development to get east of the roadway making it the de facto city limits. That would connect with the Raymus roadway south of Manteca to hook up with the 120 Bypass at McKinley.

It would effectively create roughly three quarters of a loop of Manteca. And without traffic from urbanization on most of one side of it, such a roadway would allow for muscular movement of traffic.

To contact Dennis Wyatt, email dwyatt@mantecabulletin.com

ENCLOSURE 29

Manteca • Ripon • Lathrop
Bulletin
Vol. 112, No. 12 TUESDAY, JANUARY 19, 2021

▶ See WYATT, Page

MANTECA FLOODING

River Junction one of SJC's most flood prone areas

HISTORY

By DENNIS WYATT
THE BULLETIN

Spanish explorers climbing to the top of Mt. Diablo in the early summer of 1772 thought they had stumbled onto a great inland lake.

They reported seeing nothing but water as they scanned the horizon from north to south. In the distance, they spied the foothills of the Sierra that was yet to be explored by Europeans.

The Spanish band turned around and headed back to Yerba Buena (modern-day San Francisco) where they unwittingly wrote the first documented account of the Central Valley's long, tenacious history of flooding.

Water issues
FLOODING

The only things that prevent a repeat of the 1772 landscape today is a series of dams doting the Sierra and levees restraining the Sacramento and San Joaquin rivers as well as dozens of major and minor tributaries that feed water into them.

The first settlers to arrive in what is now modern-day South San Joaquin County got a taste of the destructive forces of the rivers within months of arriving. They also had the misfortune of settling in the county's most flood prone area — the 5,000-acre River Junction District located at the confluence of the Stanislaus and San Joaquin rivers eight miles southwest of Manteca where the January 1997 floods started when the first levee broke.

River Junction has flooded 11 times in the 94 years since almost a dozen miles of levees were built around the farm area with the formation of a reclamation district. Prior to 1927, the area flooded virtually at will every winter and even late spring when the Central Valley wasn't in a drought cycle.

SEE FLOODING, PAGE A10



ROSE ALBANO RISSO/1997 Bulletin file photo

Wetherbee Lake residents boat by their homes flooded in 1997 almost to the second floor at the western end of Woodward Avenue.

FLOODING

FROM PAGE A1

Mormon settlers first flood victims

William Stout led a band of 20 Mormon men up the San Joaquin River from Yerba Buena. They sailed their launch known as "Comet" to a point what is now known as Mossdale. They continued up the river and established their colony on the north banks of the Stanislaus River about 1.5 miles east of where it flows into the San Joaquin River.

Within four months, Mother Nature turned on the spigot. The river rose eight feet in one hour in late December. By January, it overflowed its banks and flooded the countryside for miles. Stout wrote in his journal that the river was three miles wide looking toward Corral Hollow.

The frustrated Mormon company abandoned their settlement just in time to miss the soggy mess that greeted gold prospectors heading to the Sierra mining camps through Stockton in 1849.

Miners literally traveled through mud and water for miles to reach the eastern edge of the Central Valley.

It was common in early day Stockton for blocks of the city to have several feet of water for weeks in the winter.

Possibly the greatest flood of the 1800s occurred in January of 1862. That's when conditions similar to those that led to the 1997 floods developed. Snowpack in the Sierra was 15 feet higher than the previous record in 1849-50. Rainfall in Sonora topped 102 inches, more than 60 inches above normal. All major tributaries to the San Joaquin River reached record-breaking stages.

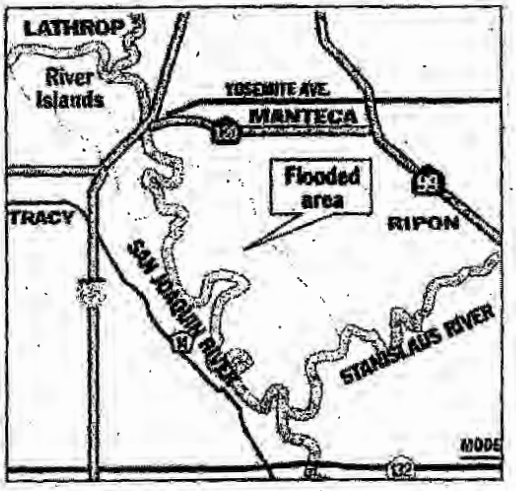
Other major flooding during the 19th century in South San Joaquin occurred in 1867, 1868, 1880, 1881, 1884, 1890 and 1893.

The first major flood in the 20th century started in River Junction in February of 1938. Boats were used to aid marooned families while cattle were driven to higher ground near Manteca. Most roads were closed. The only access to Stockton was via the French Camp Road.

The Paradise Cut levee along Stewart Tract also broke in 1938. The levee failure on March 17 closed Highway 50 (now Interstate 205/Interstate 5) and made travel to the Bay Area impossible except by boat.

20th century's worst flood was in 1950-51

The 20th century's worst flooding occurred in the winter of 1950-51. An unusually severe storm between Nov. 13 and Dec. 8 caused



extensive flooding from what is now the Airport Way bridge on the San Joaquin River north to Bowman Road in French Camp.

Prime farmland was under water for weeks causing erosion, large deposits of debris and sand as well as weed infestations. Dead livestock and poultry were found throughout the area as the water receded. Losses topped $750,000.

By January 1951, levees on both sides of the Stanislaus River as well as the San Joaquin at Mossdale had failed. Highway 50, the predecessor to Interstate 5-Interstate 205, was closed for several weeks. Flood waters came within four miles of what is today central Manteca.

The French Camp Slough backed up threatening the county hospital. Workers protected the hospital with a temporary levee. The county honor farm was threatened and some prisoners were ordered evacuated.

By the time the disaster had ended, damage along the river topped $3 million and 2,000 people were displaced between Mossdale and French Camp.

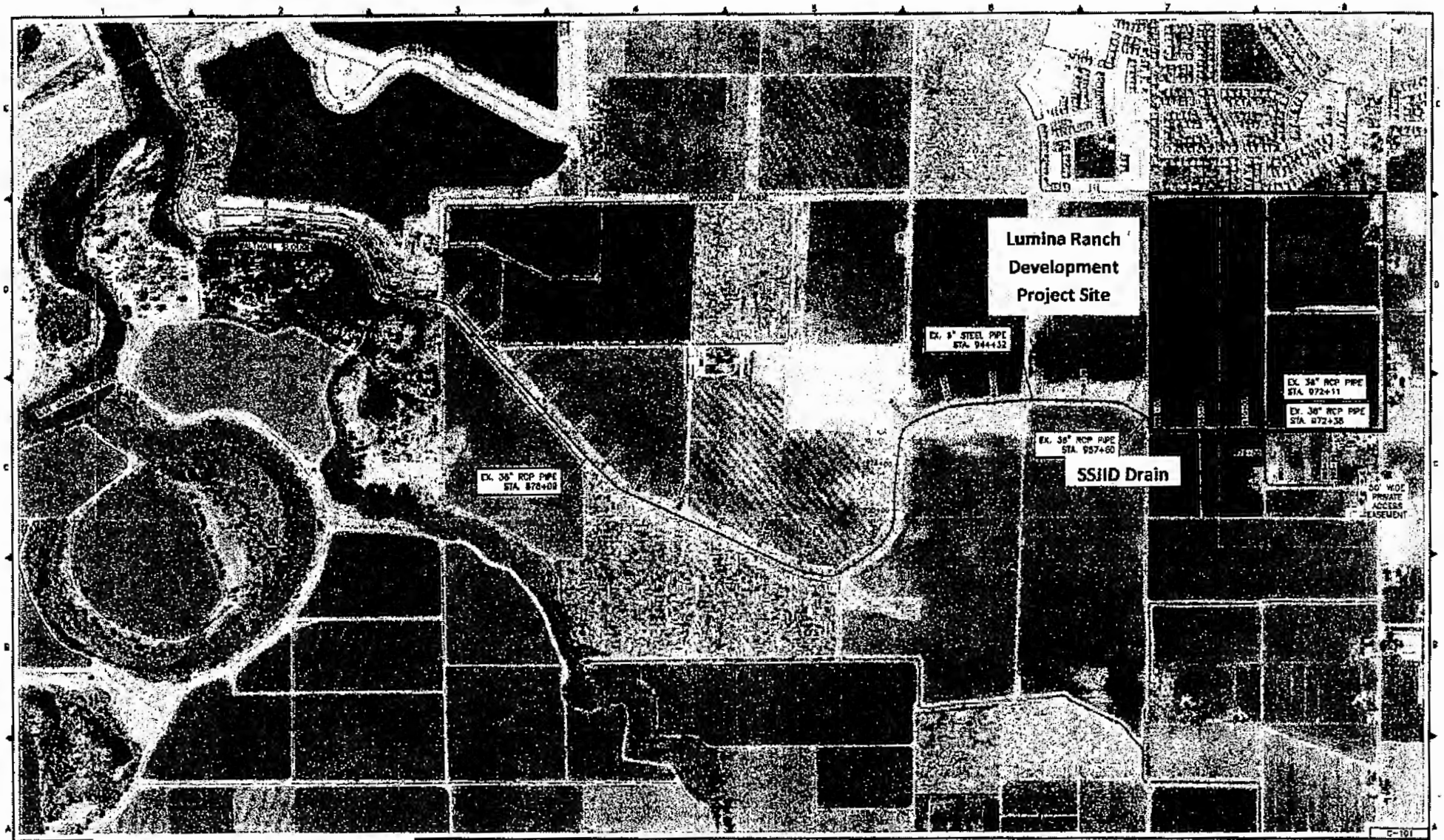
In Stockton, 125 city blocks were flooded and 3,500 people were evacuated. Flood water remained in San Joaquin County's largest city for nearly eight days with the deepest water reaching eight feet.

The 1950s saw several other floods.

The next levee break wasn't until June of 1969 at River Junction. While damage was at a minimum in that flood, it did put the Manteca Sportsmen Club under six feet of water.

Flood occurred in 1983 at River Junction and 1986 along the San Joaquin. The last flood in 1997 covered nearly 70 square miles between Manteca and Tracy, damaged 700 buildings and caused damages pushing $100 million.

To contact Dennis Wyatt, e-mail dwyatt@mantecabulletin.com



BASE FLOOD ELEVATIONS ARE BASED ON THE FEMA APPROVED 1990 DESIGN WATER SURFACE ELEVATION. ELEVATIONS WERE ADJUSTED +2.35' TO CONVERT FROM NGVD 29 TO NAVD 88.

KJELDSEN SINNOCK NEUDECK, INC.
Civil Engineers and Land Surveyors
Post Office Box 844
711 S. Pershing Avenue
Stockton, CA 95201-0844
Office: (209) 946-0268
Fax: (209) 946-0296
E-mail: ksn@ksnmail.com

RECLAMATION DISTRICT NO. 17
WOODDALE TRACT
SAN JOAQUIN COUNTY, CALIFORNIA

DRYLAND LEVEE PIPE IMPROVEMENTS
SITE MAP

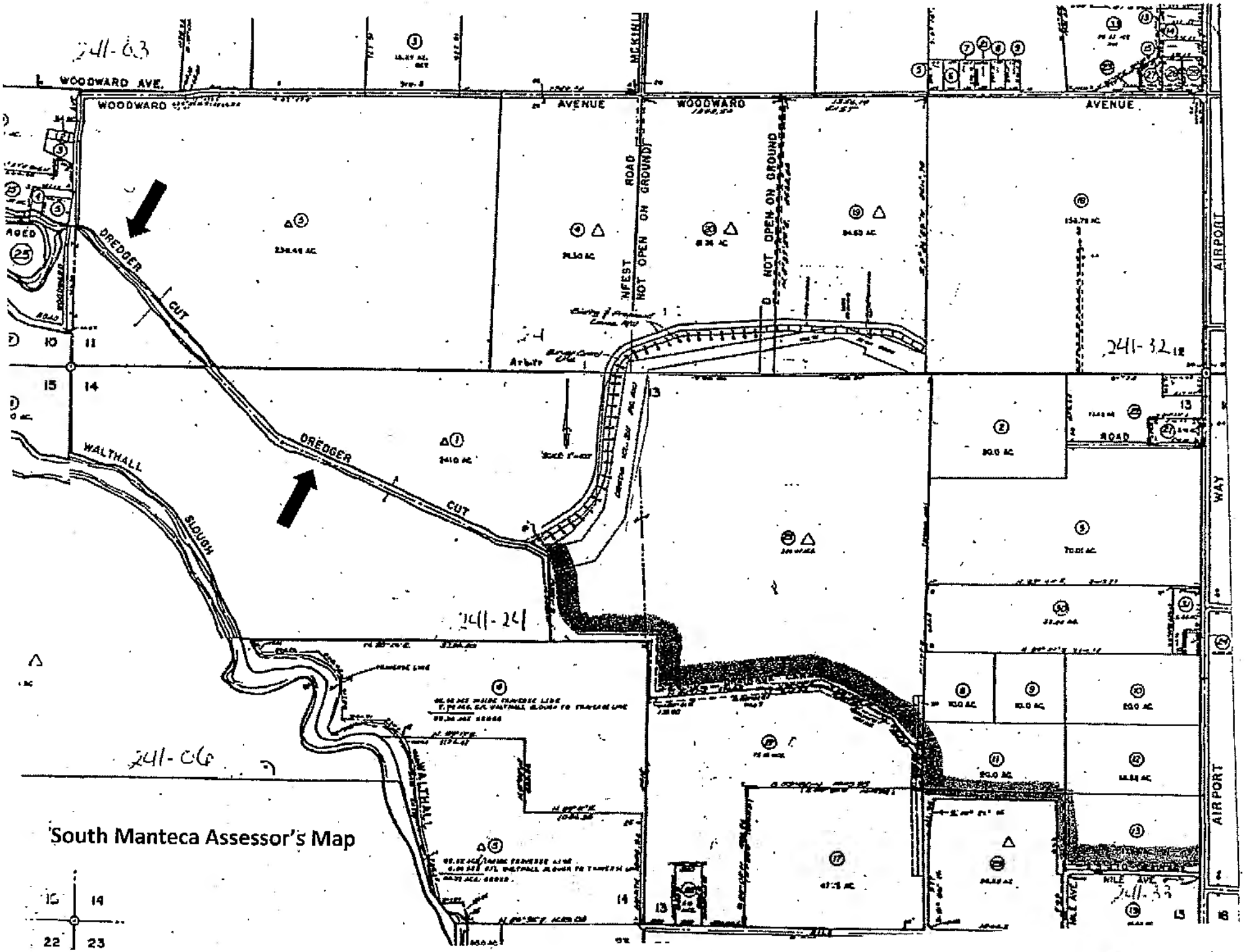
Revisions				
No.	Description	Date	By	Appd. By

Design
Drawn EEA
Check CHN

Scale 1" = 500'
Original Drawing Scale 0 ½" 1"

Date AUGUST 2013
Sheet Number 2 OF 8
Project File No. 0856-0570

ENCLOSURE 30



South Manteca Assessor's Map

ENCLOSURE 34

ENCLOSURE 35

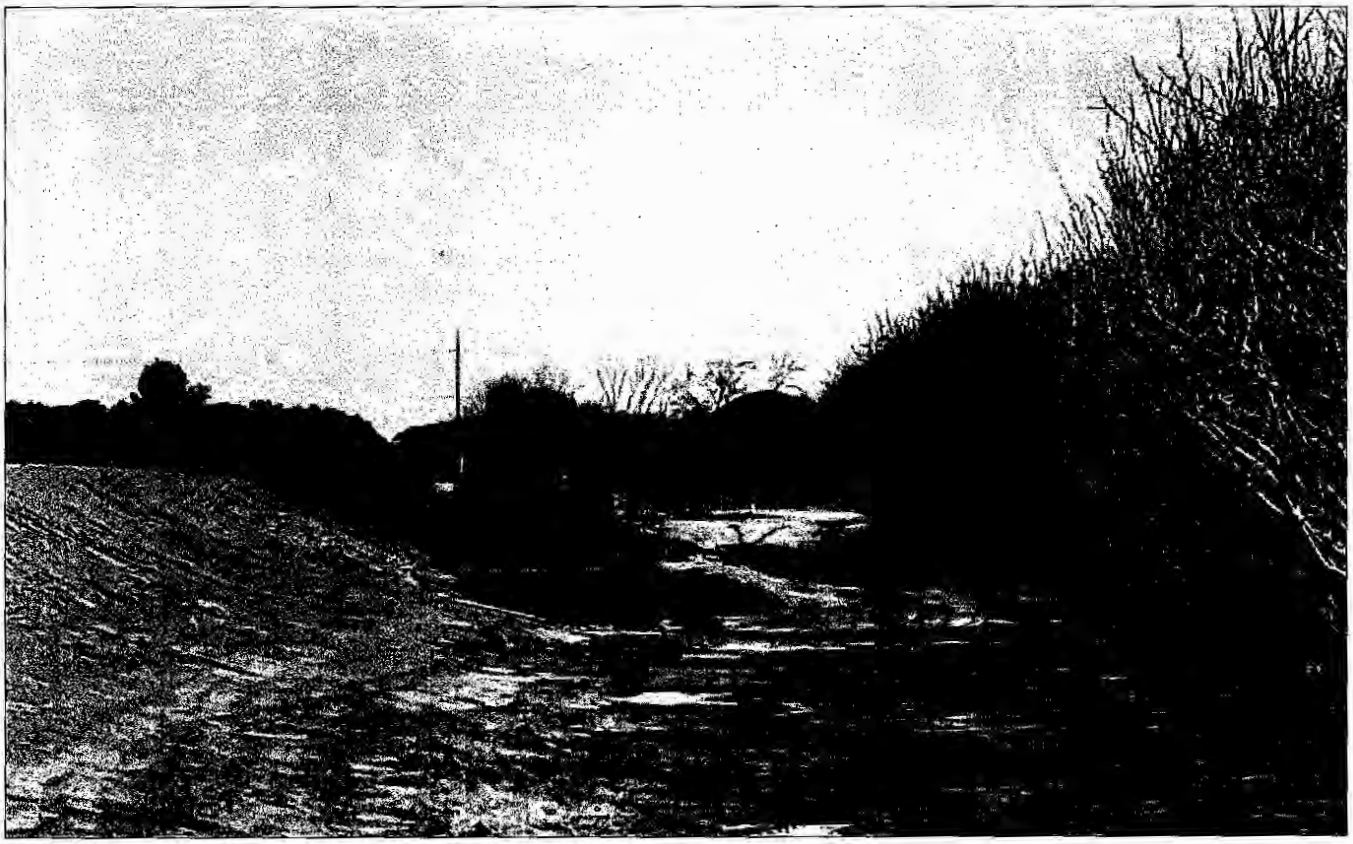
Lumina Ranch southern boundary SSJID junction box and irrigation water delivery facility photos and encroachment upon RD 17 dryland levee

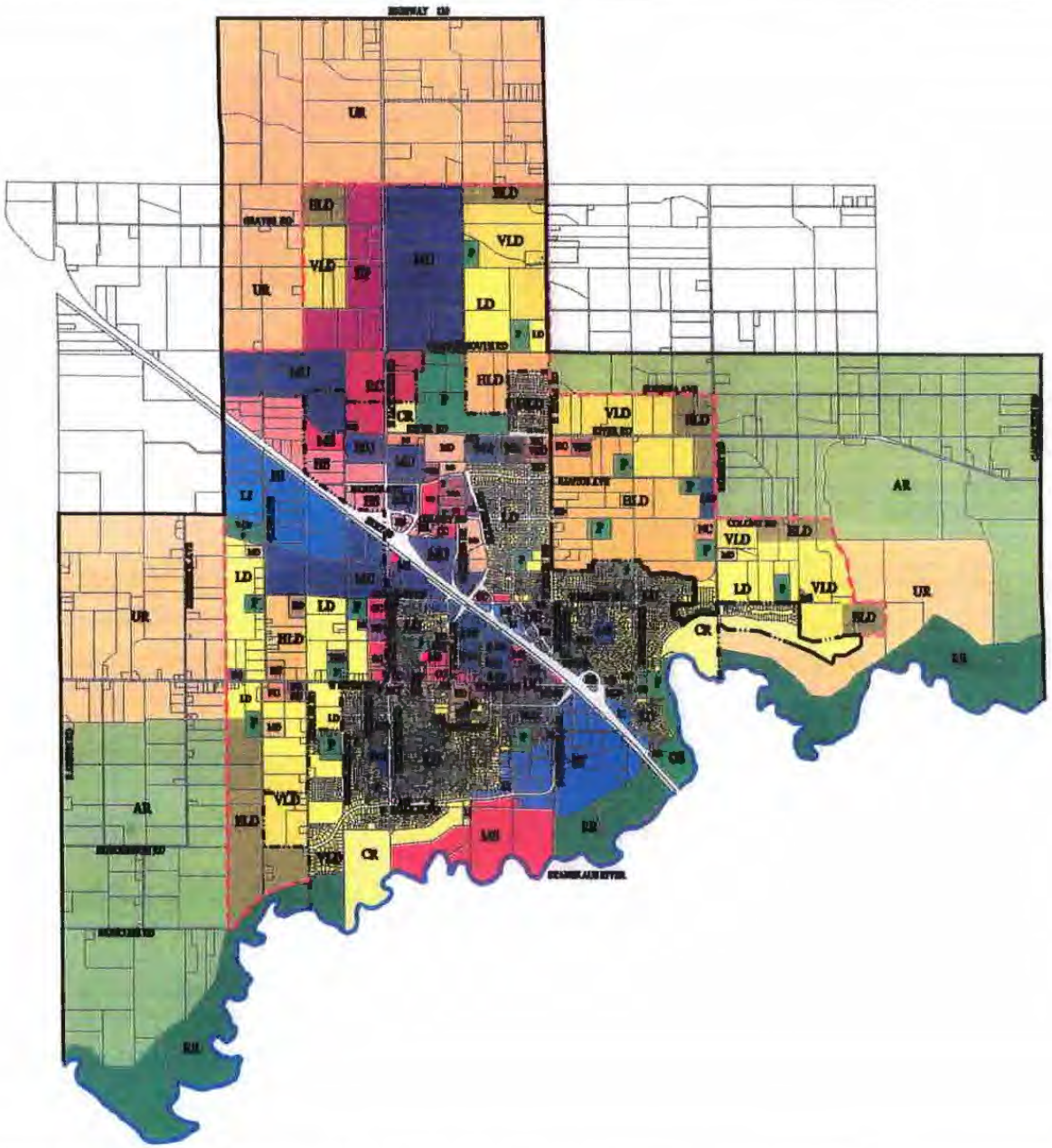












CITY OF RIPON
GENERAL PLAN 2040

Adopted September 19, 2006

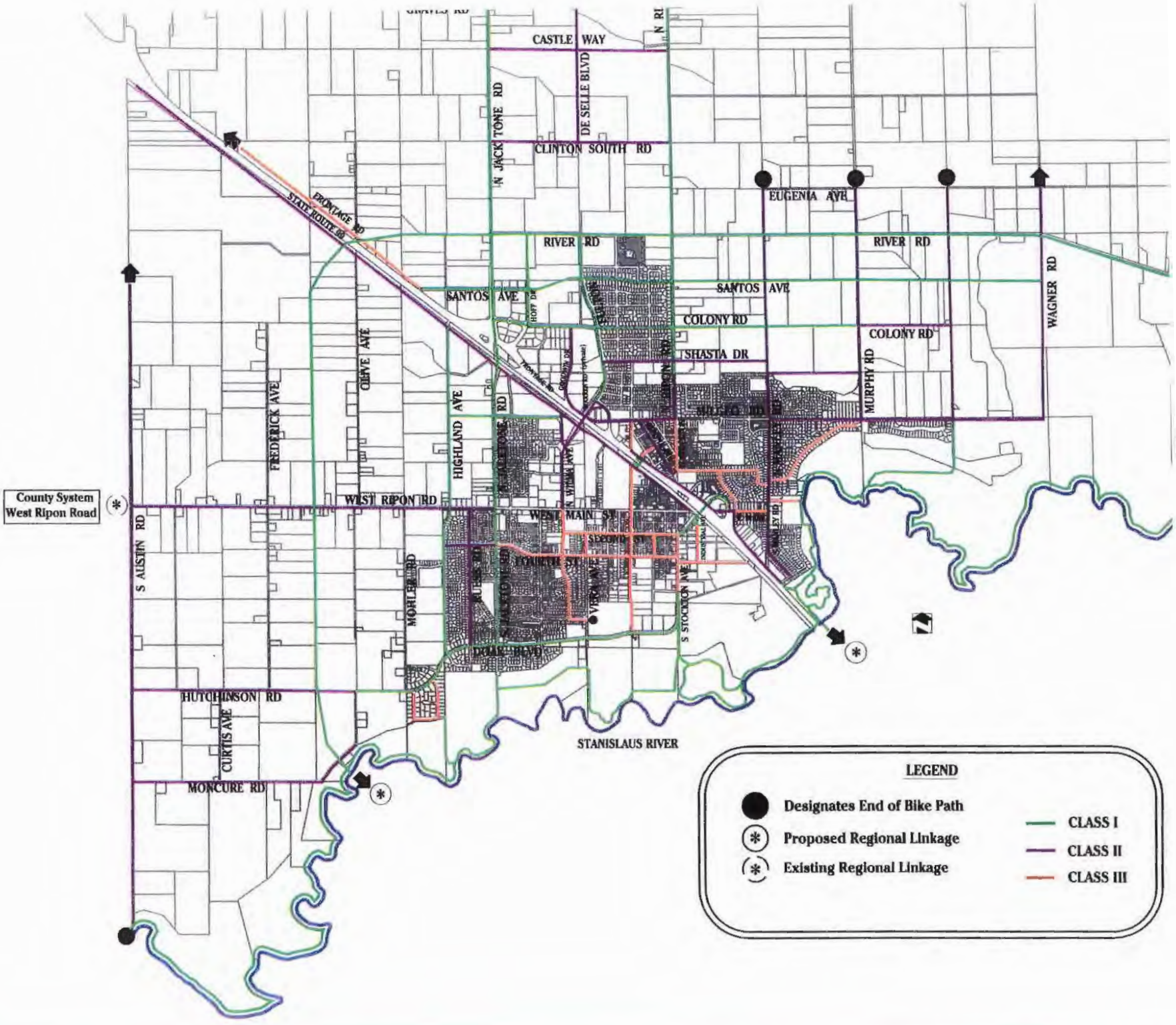
- HLD (Extremely Low Density Residential)
- VLD (Very Low Density Residential)
- LD (Low Density Residential)
- MLD (High Low Density Residential)
- MD (Medium Density Residential)
- HD (High Density Residential)
- VHD (Very High Density Residential)
- UC (Urban Core)
- NC (Neighborhood Commercial)
- CC (Community Commercial)
- RC (Regional Commercial)
- HS (Highway Service)
- CR (Commercial Recreation)
- FO (Professional Office)
- BP (Business Park)
- MU (Mixed Use)
- LI (Light Industrial)
- HI (Heavy Industrial)
- MS (Municipal Service)
- MS-FS (Municipal Servic-Fire Station)
- P (Park)
- OS (Open Space)
- S-HS (High School)
- S-ES (Elementary School)
- AR (Agricultural Reserve)
- UR (Urban Reserve)
- RR (Resource Reserve)

- City Limits
- SOI (Sphere of Influence)
- General Plan Boundary

Amendments

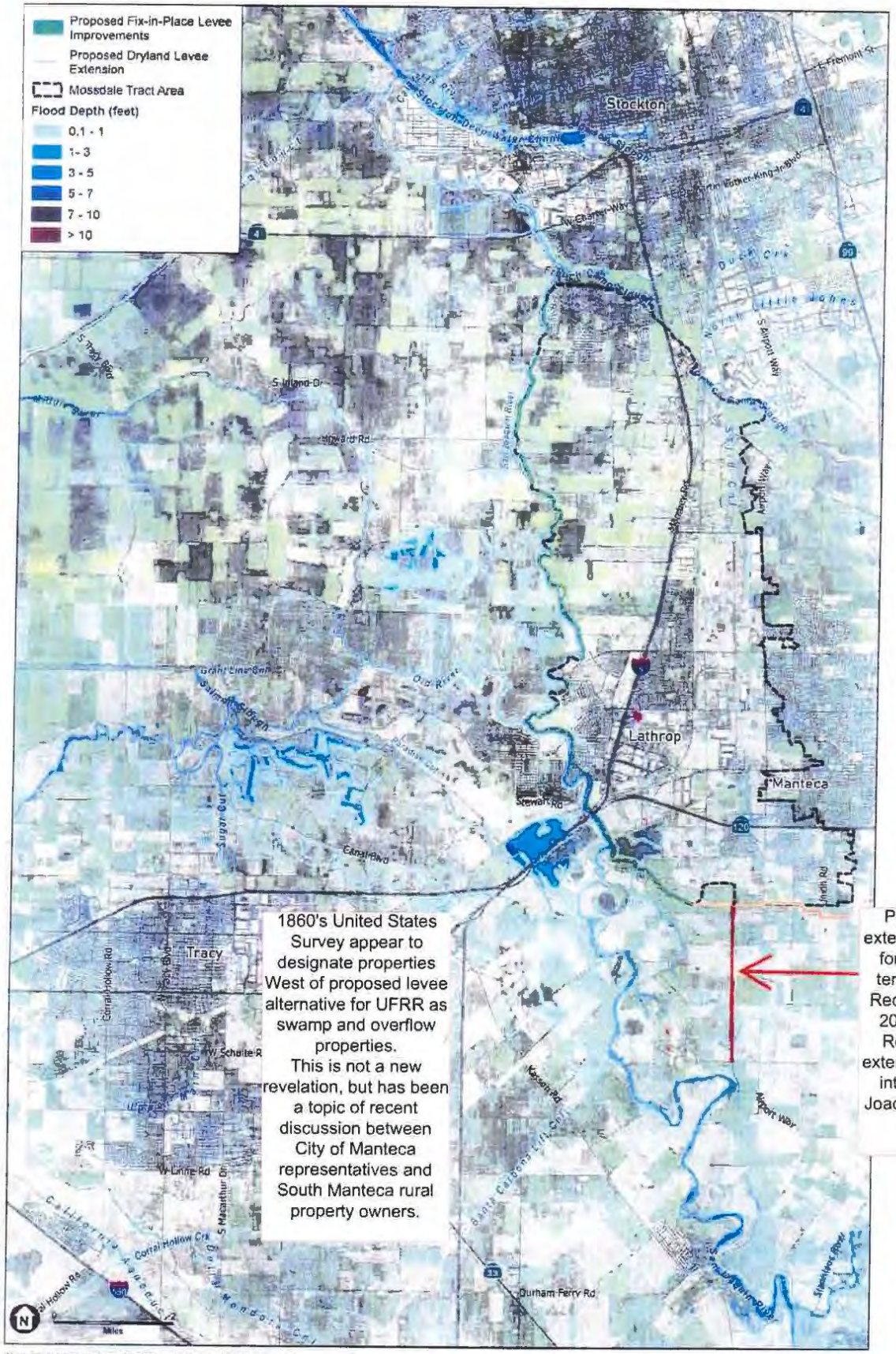
- Lawrence 1/30/07; 26.9 ac; LAFCO 13-06
- Prestage & Goodwin: 59 ac; 12/5/07; ORD 759
- Stewart SC 10/21/10; ORD 781; HS to CC
- N. Ripon & River Rd; 12/20/11; ORD 789; HLD to P & MS-FS; MD to HLD
- Alexander Place 8/14/15; ORD 820; MD to LD
- North Pointe Specific Plan 9/11/15; ORD 822; amended land use in the North Pointe Planning District to match the NPSP
- Added GP Amendment and Rezone for Alexander Place, Kiper Homes and HCB Living - 5/18/16; ORD #s 830, 839 and 839

Plan5\Shayla-Maps\dwgs\Land Use Maps\gp2040


CASTLE WAY
N JACK TONE RD
DE SELLE BLVD
CLINTON SOUTH RD
EUGENIA AVE
FRONTAGE RD
STATE ROUTE 99
RIVER RD
SANTOS AVE
COLONY RD
SHASTA DR
WAGNER RD
MURPHY RD
FREDERICK AVE
CLIVE AVE
HIGHLAND AVE
WEST RIPON RD
WEST MAIN ST
SECOND ST
FOURTH ST
VIRGIL AVE
S STOCKTON AVE
DOLE BLVD
S AUSTIN RD
HUTCHINSON RD
CURTIS AVE
MONCURE RD
STANISLAUS RIVER
County System
West Ripon Road
LEGEND
Designates End of Bike Path
Proposed Regional Linkage
Existing Regional Linkage
CLASS I
CLASS II
CLASS III

Martin Harris Proposed Mossdale Tract Urban Flood Risk Reduction Project (UFRR) levee extension alternative routing dated 1/19/2026.

Martin Harris proposed UFRR levee extension alternative routing 1/19/2026



SOURCE: MAXAR, 2024; CPAD, 2025; KSN, 2025; PSI, 2025; ESA, 2026

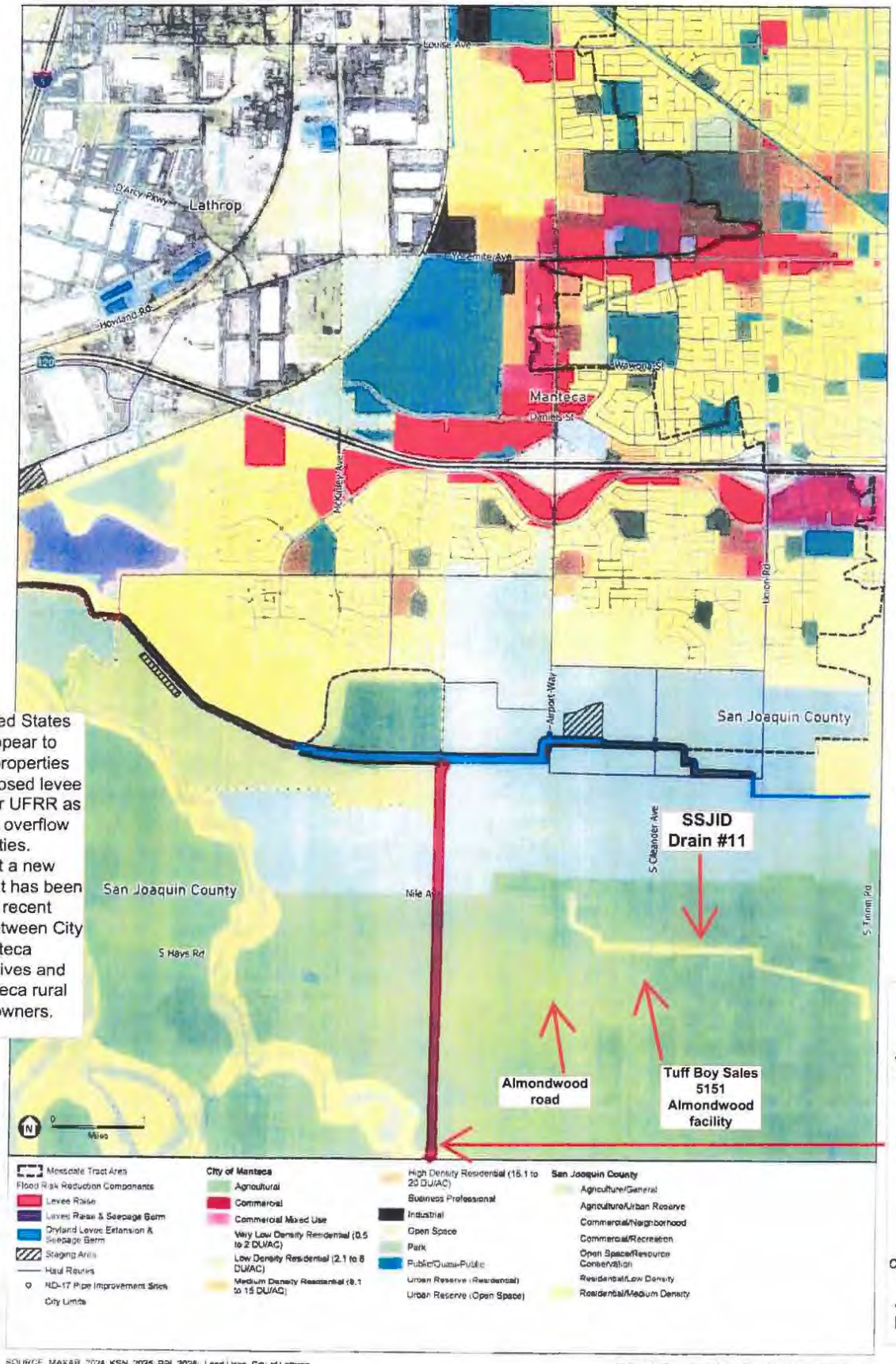
SJAFCA Mossdale Tract Urban Flood Risk Reduction Project

Figure 3.12-4
Flood Depth of Newly Inundated Areas for the With Project 200-Year 2022 Event

ESA

1/19/26

Martin Harris proposed UFRR levee extension alternative routing 1/19/2026



1860's United States Survey appear to designate properties West of proposed levee alternative for UFRR as swamp and overflow properties.
This is not a new revelation, but has been a topic of recent discussion between City of Manteca representatives and South Manteca rural property owners.

Proposed levee extension Alternative for UFRR project terminating within Reclamation Distict 2075 near Perrin Road with levee extension connecting into USACE San Joaquin River Levee system

SOURCE: MAXAR, 2024; KSN, 2025; PSI, 2025; Land Uses: City of Lathrop, City of Manteca, City of Stockton, San Joaquin County, 2025; ESA, 2025

Mossdale Tract Area Urban Flood Risk Reduction Project

Figure 3.13-1c
Existing Land Uses in the Proposed Project Area (Manteca Vicinity)
Flood Risk Reduction Components

ESA


TUFF BOY


757
TIFF BOY
TIFF BOY





Tuff Boy Sales, Inc.
5151 East Almondwood Drive
Manteca, California 95337

March 7, 2018

San Joaquin Area Flood Control Agency
Attn: Mr. Juan Neira
22 East Weber Avenue, Suite 301
Stockton, CA 95202-2317
(Juan.Neira@stocktongov.com)

Re: January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.

Dear Project Team,

My name is Josh Harris and I currently serve as the president of Tuff Boy Sales, Inc. At this time, I am in receipt of the 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report. I am submitting this letter as a Public Comment in response to the report.

Tuff Boy Sales, Inc manufactures agricultural trailers. It is situated on approximately 30 acres of land located at 5151 E. Almondwood Drive in the unincorporated area south of Manteca. We currently employ approximately 40 people who work at that site.

I have several concerns related to the levee:

1. Our family's companies have experienced two major floods at the Almondwood facility. These floods occurred in 1955 and 1997 and in both cases, the flood water reached approximately the same elevation with our office building barely staying dry. I have learned recently that there was a reason the flood water elevations were consistent. This was due to historical drainage features along the San Joaquin River Basin and flood fight measures that allowed breaking the Turtle Beach levee (located at the far west termination point of Woodward Avenue) to limit the effects of flood drainage in the area.

   Question: Can accommodations be made for flood water drainage to ensure that the Tuff Boy facility will not experience higher flood water elevations than in previous floods?

2. I am aware that the levee construction may involve concrete slurry walls that could extend over 100 feet deep into the ground. My concern is that the slurry walls may block

Tuff Boy Sales, Inc.
5151 East Almondwood Drive
Manteca, California 95337

natural ground water flows during non-flooding periods and cause the current ground water elevation to rise toward the surface.

Question: Is there an alternative method to prevent underground water seepage in the event of flooding that could be used in place of the use of slurry walls?

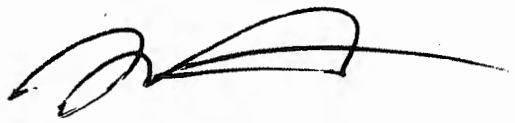
3. Historically, I am told that flood water has drained out of the south Manteca rural area by means of the Stewart Tract and Paradise Cut water conveyance channels. I am also told that Stewart Tract is no longer available for draining flood water from the area.

   Question: Will the Paradise Cut conveyance channel, in association with other drainage areas and channels downstream, be expanded to adequately accommodate the flood water drainage needs of our area?

4. Question: Will accommodations be made, or compensation provided, to properties adversely affected?

Thank you.

Regards,



Josh Harris
Tuff Boy Sales, Inc.

From **Terra Land Group** terralandgroup@gmail.com
Subject: Re: WMD Proposed flood protection project
Date February 28, 2017 at 1:19 PM
To: [redacted]
Cc: **Jennifer Cozart** jcozart@deldonco.com, **Chris Neudeck** cneudeck@[redacted]ksinc.com, **Sam Bologna** sbologna@ssjid.com, [redacted], **Hightower, Jeffrey** jhightower@ci.manteca.ca.us, **Meissner, Mark** mmeissner@ci.manteca.ca.us, [redacted], [redacted], [redacted]

Due to the flood danger evacuation notice that was issued by San Joaquin County on Monday, February 20, 2017, I have been involved in relocating from my home and completed the move yesterday.

This morning, I took time to visit the 210-acre almond property that WMD leases from TLG and viewed the berms that WMD, Bill Cambra and Fonseca Farms have constructed protecting their respective investment interests along certain boundaries of each of their properties (See Fonseca Farms/Bill Cambra and WMD Berm Construction and Excavation photos, attached).

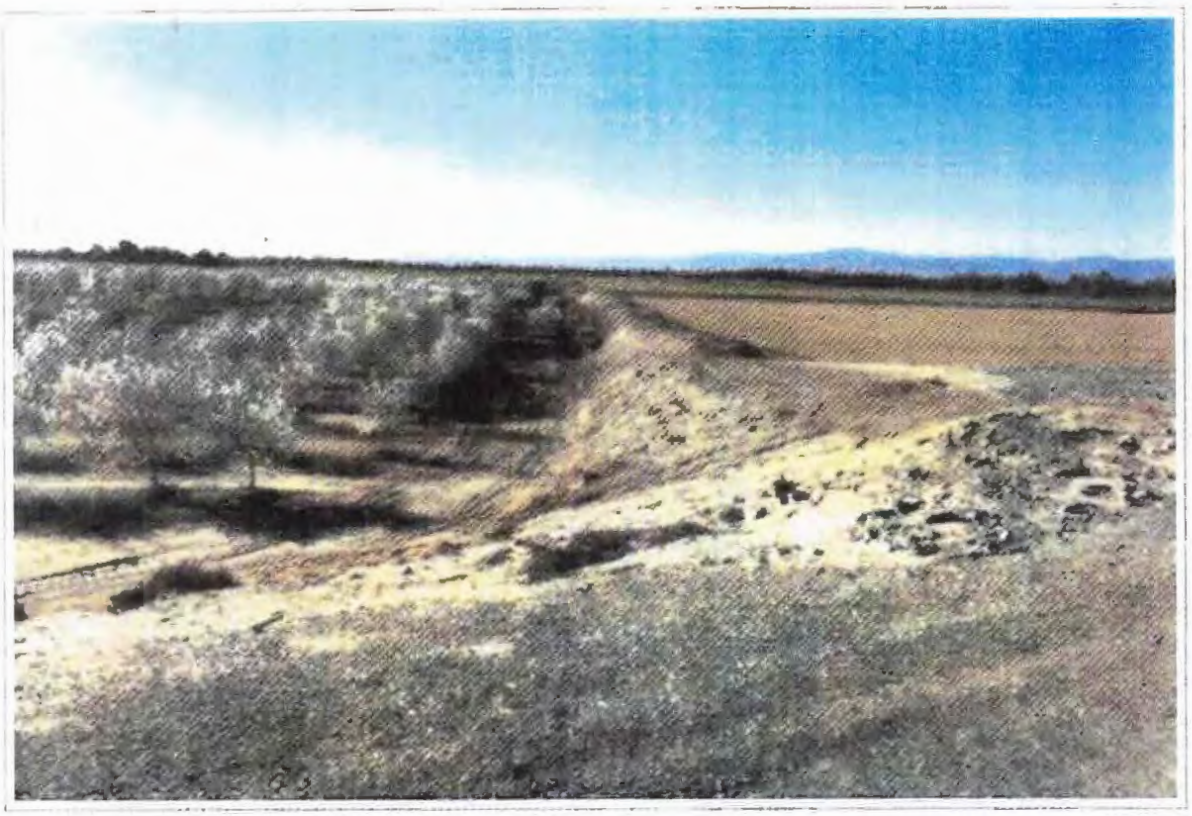
As a result, I want to make sure that RD17, South San Joaquin Irrigation District and the City of Manteca have participated in the emergency berm construction process and approved the emergency berm construction and related excavation work as it currently exists.

In light of these emergency measures, I would like to take this opportunity to copy you on some recent correspondence with the City of Manteca. Two emails will follow with links to the letters, which we share electronically at the City's request.

2017-02-28_Photos ... Excavation

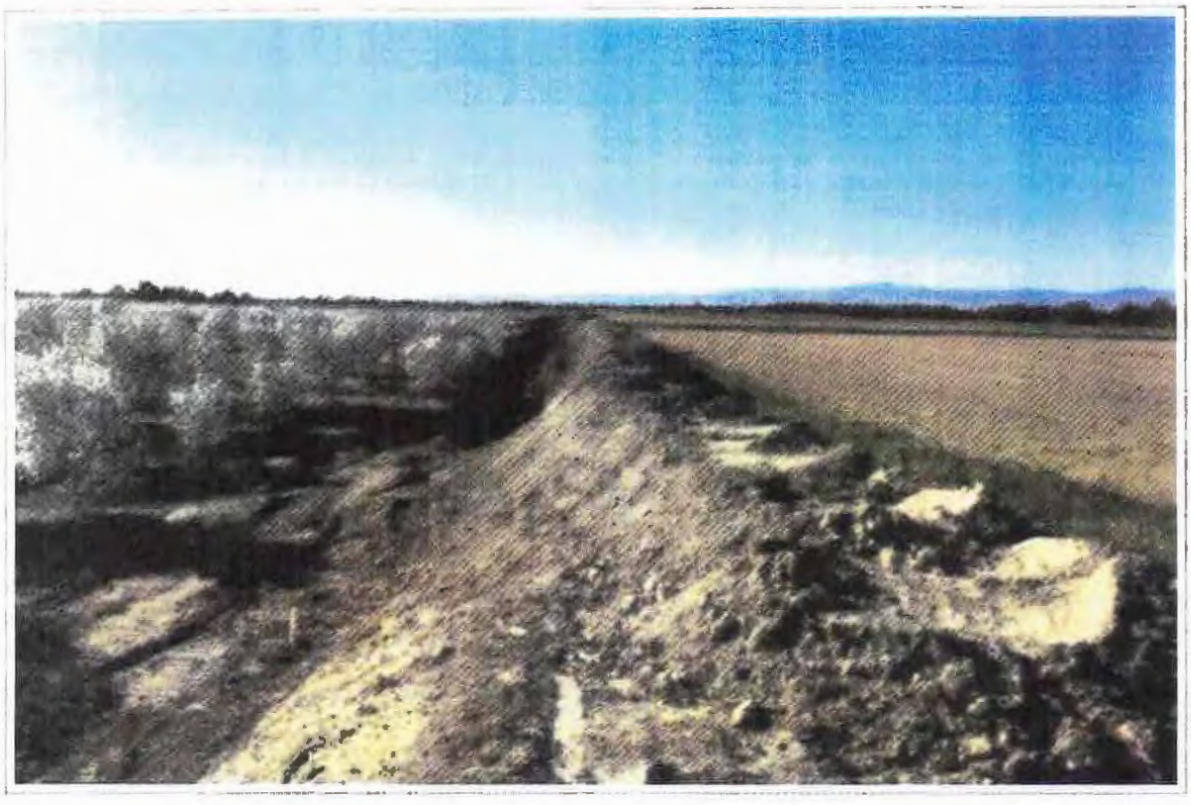
2017-02-28_Photos ... Excavation

Judi Sabatino for
Martin Harris
Terra Land Group











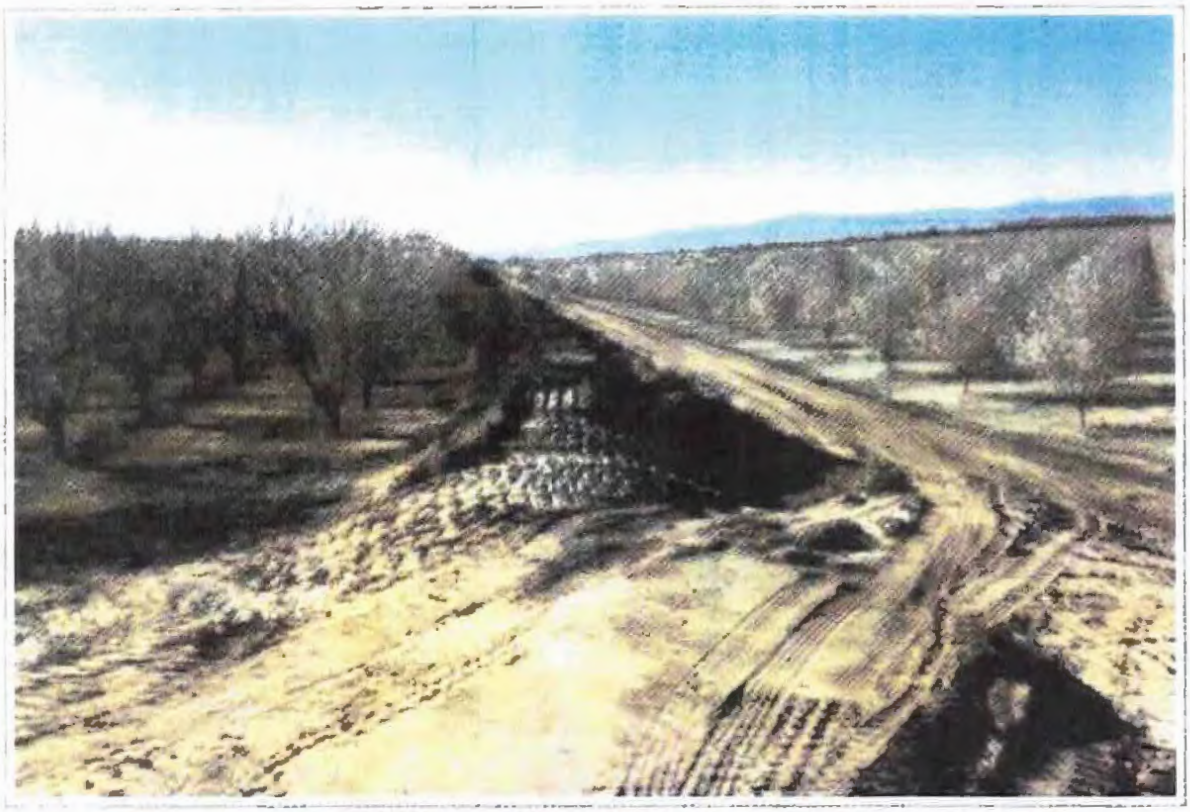














From: **Marty Harris** martykerryharris@gmail.com
Subject: Re: Public Discussion: Advising Notice for Ripon 6th Cycle Housing Element Draft Update
Date: August 19, 2024 at 10:18 AM
To: jkilgore@cityofripon.org
Cc: dmarques@mantecafire.org, edehart@riponfire.com, hsalazar@lmfire.org, Hightower, Jeffrey [LAFCO] jhightower@sjgov.org, rrickman@sjgov.org, danielle.barney@ssjid.gov

Good Morning,

Thank you for speaking with me last Monday when I handed off a letter for you to present to the Ripon City Council in relation to the Tuesday 8/13/24 Ripon City Council meeting. (See email below of less abridged letter).

250 Maximum word requirement:

As discussed with you during my visit to your office, I had written a much more detailed letter to the council but made significant reductions to the content of the original letter to meet the city council's 250-word limitation requirement which is necessary so that my letter would be read into the record.

With that in mind, and to more fully inform the council as to the full range of my concerns, I am presenting at this time the original unabbreviated version of my letter. (See full unabridged version of my 8/12/24 letter attached).

Please forward this version to the council so they may be better advised of my comments, suggestions, and concerns.

Thank you,
Martin and Kerry Harris

From: Marty Harris <martykerryharris@gmail.com>
Sent: Monday, August 12, 2024 2:19 PM
To: jkilgore@cityofripon.org <jkilgore@cityofripon.org>
Cc: dmarques@mantecafire.org <dmarques@mantecafire.org>; edehart@riponfire.com <edehart@riponfire.com>; hsalazar@lmfire.org <hsalazar@lmfire.org>
Subject: Re: Public Discussion: Advising Notice for Ripon 6th Cycle Housing Element Draft Update

Dear Council Members,

On 8/6/24, I emailed comments to the Ripon Planning Department in relation to the City of Ripon 6th Cycle Housing Element Draft Update. (Update).

Key Concerns:

1. The update includes suggested environmental constraints that clearly understate the potential for downstream impacts and back water effects to Ripon properties. (i.e. The City is subject to flooding and the primary flood hazard is the Stanislaus River and its tributaries).
2. Just a few miles away where the Stanislaus River and San Joaquin River converge, periodic high-water flows and levee erosion are advancing

sedimentation along the river channel causing reduced flow capacity.

This puts increased strain on the levees and increased potential for flooding to South Manteca and beyond.

Comments Presented in Update:

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Water Comment: In association with the Water Sustainability Act and to ensure efficient use of energy required, please consider identifying open space properties to be used to collect and store storm water or excess SSJID unutilized irrigation delivery and tail water. (i.e. Develop lake communities or Mistlin Park type storm water drainage property uses).

Additional Note: To best manage storm water and other downstream releases, the Lathrop City River Islands total water management plan appears to be an appropriate local development plan model to follow.

Please consider,
Martin and Kerry Harris

Ripon 6th Cycle Housing Element Draft Update - Origi...

From: **Marty Harris** martykerryharris@gmail.com
Subject: Re: City of Ripon 6th Cycle Public Review Draft Document
Date: August 6, 2024 at 7:43 AM
To: kzuidervaart@cityofripon.org
Cc: Hightower, Jeffrey [LAFCO] jhightower@sjgov.org, rrickman@sjgov.org, anderson@sjcog.org, leanne.randall@sjafca.org, danielle.barney@ssjid.gov

Hello,

Shared Concerns/Public Comments:

In response to a Manteca Bulletin News Article titled "Ripon Planning/Ripon seeks comments on new housing element", both my wife and I have reviewed the Draft 6th Housing Element Update and wish to comment on the following policies, programs, and background report sections of the updated draft document.

6.1 Goals, Policies, & Programs:

A. Introduction (Ensuring Sustainability)

Document States: Ensuring Ripon grows in a responsible manner.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

B. Goals, Policies, & Programs

Policy A4: Annexation: Seek the annexation of lands within the City's adopted Sphere of influence and identified 10- and 20-year Planning Horizons at a rate that ensures the adequate supply of appropriately zoned residential land to meet current and projected housing needs. Encourage thorough study and, if appropriate, the annexation of vacant and underdeveloped land appropriate to accommodate diverse housing types within the Ripon Planning Area.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Policy B3: Remove Constraints: Removal of constraints includes ensuring the City's regulations, including the General Plan, Development Code, and North Pointe Specific Plan, accommodate specific housing types and streamlined applications required under State law (e.g. Transitional housing, supportive housing, emergency shelters, residential care homes and facilities, employee housing, and provisions to streamline housing approvals).

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Policy B8: Planned Development: Support the use of Planned Development zoning for projects, when utilized to accommodate innovative site plans aimed at increasing the supply of affordable or special needs housing, preserving open space, and/or offering new recreational opportunities when requested by developers or as deemed appropriate.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Policy E1: Sustainable Building: Promote residential construction of durable materials and sustainable designs suited to local conditions that will contribute to reduction of the life-cycle cost of the dwelling, including implementing CALGreen to ensure new development is energy and water efficient and including energy conserving features in existing and future residential developments to conserve resources and reduce housing costs.

Water Comment: In association with the Water Sustainability Act and to ensure efficient use of energy required, please consider identifying open space properties to be used to collect and store storm water or excess SSJID unutilized irrigation delivery and tail water. (i.e. Develop lake communities or Mistlin Park type storm water drainage property uses).

Additional Note: To best manage storm water and other downstream releases, the Lathrop City River Islands total water management plan appears to be an appropriate local development plan model to follow.

C. Housing Programs

1. Adequate sites to accommodate housing needs (programs in need of mitigation)

Program 1: Manage available residential land: The City plays an important role in facilitating the development of housing to meet the needs of all segments of the community through promoting and maintaining its inventory of sites for residential development. The City will maintain an inventory of adequate housing sites for each income category to make certain that the development capacity is maintained to accommodate the RHNA. The inventory will detail the amount, type, size, location, and anticipated capacity of vacant and underutilized land to assist developers in identifying land suitable for residential development.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Program 3: Adequate Infrastructure and Facilities: The City will continue to use Public Facility Financing Plan fees to provide the water, wastewater, circulation

Public Facility Financing Plan fees to provide the water, wastewater, circulation, storm drainage, and other necessary services and facilities necessary to accommodate new development to address the City's fair share of regional housing needs and housing needs of special needs populations.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Program 11: Growth Accommodations and Residential Building CAP: Ripon's Growth Accommodation and Residential Building Cap program is intended to ensure that the pace of growth in the City matches the availability of services and infrastructure. The City will review and implement Growth Accommodation and Residential Building Cap program allocation cap in accordance with State law and will ensure that it does not conflict with accommodating the RHNA of 1,424 units.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

D. Housing Constraints: Public Facilities and Infrastructure

Water Service: In 2022, the City's drinking water originated from six groundwater wells. Two of the wells are located on the south side of Highway 99 and four are located on the north side of Highway 99. These wells connect to aquifers located approximately 125 to 500 feet below ground level. The aquifers are replenished by rainfall, the Stanislaus River, and agricultural irrigation water. Water is pumped from the wells directly into the City's water distribution system.

Water Comment: In association with the Water Sustainability Act and to ensure efficient use of energy required, please consider identifying open space properties to be used to collect and store storm water or excess SSJID unutilized irrigation delivery and tail water. (i.e. Develop lake communities or Mistlin Park type storm water drainage property uses).

Additional Note: To best manage storm water and other downstream releases, the Lathrop City River Islands total water management plan appears to be an appropriate local development plan model to follow.

Sewage Disposal System: The City's WWTP has met and expects to continue to meet annual wastewater collection and treatment demand in compliance with the Central Valley Regional Water Quality Control Board's Waste Discharge Requirements.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Storm Drainage System: Ripon's stormwater drainage system is managed by the City's Public Works Department. Ripon has four systems to dispose of stormwater runoff. Storm water from the older part of the City in the industrial area south of State Route 99 flows into the industrial sewage lines. Another portion is pumped out into South San Joaquin Irrigation District lines and canals. The largest portion of the storm drainage flows by gravity through seven outfall/discharge points into the Stanislaus River. A regional detention pond is included in the North Pointe project area north of State Route 99 near Jack Tone Road.

As development occurs within the City, gutters, alleys, catch basins, trunk lines, retention basins, pump stations, and surfaces infrastructure will continue to collect and convey storm runoff to the Stanislaus River and storm drainage basins. The City will continue to require new development in growth areas in the City to develop storm drains to collect and convey runoff to storm basins and outfalls and to pay PFFP fees for system-wide improvements to ensure adequate storm drainage facilities and capacity.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Water Comment: In association with the Water Sustainability Act and to ensure efficient use of energy required, please consider identifying open space properties to be used to collect and store storm water or excess SSJID unutilized irrigation delivery and tail water. (i.e. Develop lake communities or Mistlin Park type storm water drainage property uses).

Additional Note: To best manage storm water and other downstream releases, the Lathrop City River Islands total water management plan appears to be an appropriate local development plan model to follow.

E. Environmental Constraints and Parcel Characteristics

Environmental and land use constraints affecting residential development in Ripon include geologic, seismic conditions, habitat conservation, flooding, and hazardous materials.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Flooding: The City is subject to flooding problems along the natural creeks and drainages that traverse the area. The primary flood hazard is the Stanislaus River and its tributaries. The 100-year flood plain is largely confined to the southwestern portion of the City limits and sphere of influence (SOI), as shown in Figure 3-1.

Both State policy and recently enacted State legislation (Senate Bill [SB] 5) call for 200-year (0.5% annual chance) flood protection to be the minimum level of

200-year (0.5% annual chance) flood protection to be the minimum level of protection for urban and urbanizing areas in the Central Valley. SB 5 requires that the 200-year protection be consistent with criteria used or developed by the Department of Water Resources. SB 5 requires all urban and urbanizing areas in the Sacramento and San Joaquin Valley to achieve 200-year flood protection in order to approve development.

None of the sites included in the City's inventory of residential sites are located within the 100-year floodplain or other special flood hazard area. Development on the City's inventory of residential sites will not require any special measures to address flood control, since flooding hazards are minimal. The City has prepared a Storm Water Management Plan that addresses storm drainage collection, detention/retention, and pumping to minimize any impacts associated with storm events.

Standard Comment: Please consider drainage impacts to the Stanislaus River as well as associated high channel flow volume impacts to the San Joaquin River and other downgradient properties.

Water Comment: In association with the Water Sustainability Act and to ensure efficient use of energy required, please consider identifying open space properties to be used to collect and store storm water or excess SSJID unutilized irrigation delivery and tail water. (i.e. Develop lake communities or Mistlin Park type storm water drainage property uses).

Additional Note: To best manage storm water and other downstream releases, the Lathrop City River Islands total water management plan appears to be an appropriate local development plan model to follow.

Thank you for allowing our participation in the 6th Cycle Housing Element Draft update. Please contact us if you have any questions.

Thank you,
Marty and Kerry Harris



Ripon 6th Cycle Housing Packet.pdf
Downloading...

Ripon 6th Cycle Housing Packet.pdf



Ripon 6th Cycle Housing Packet.pdf
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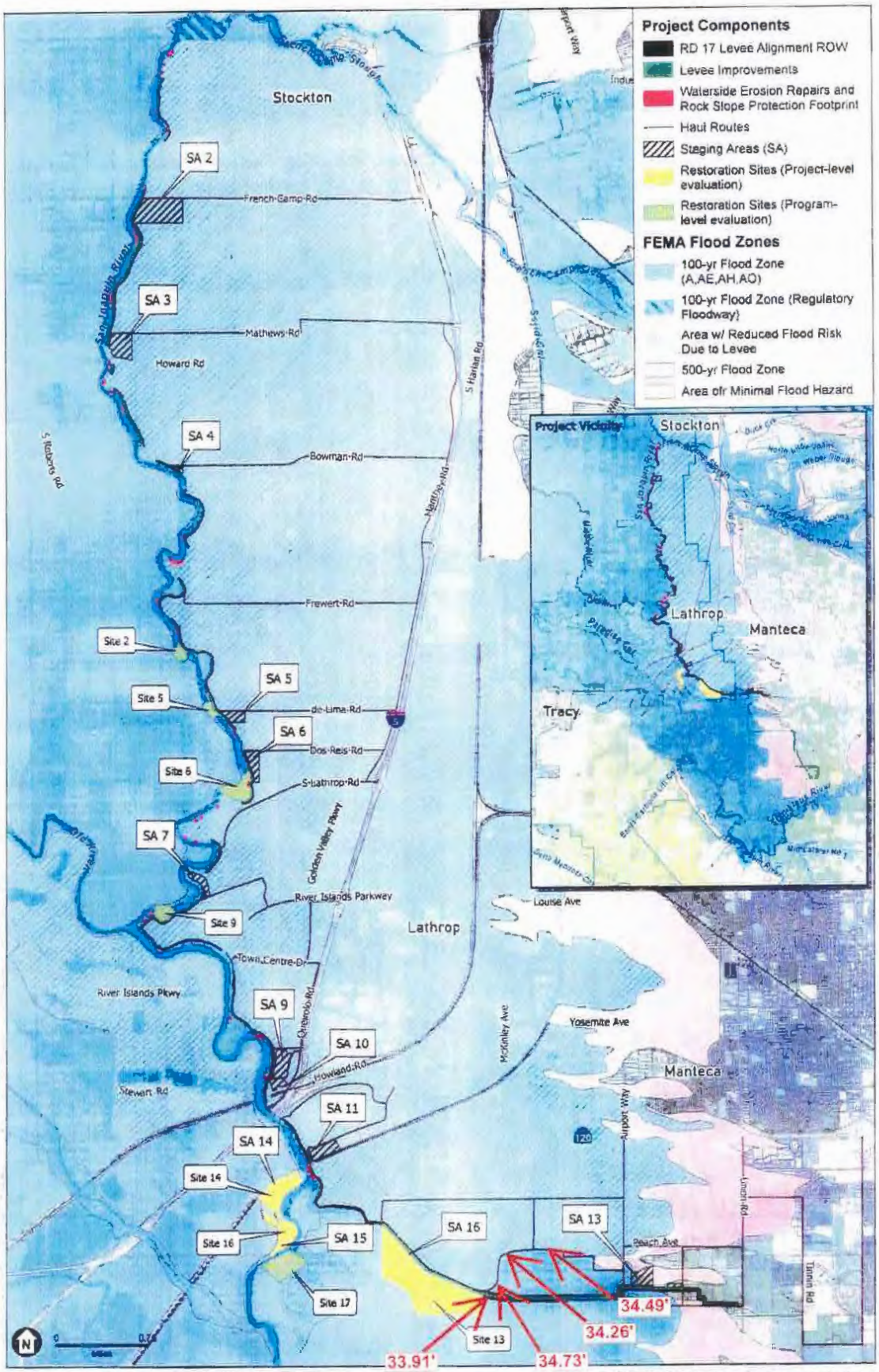
Ripon 6th Cycle Housing Packet.pdf
Downloading...



Ripon 6th Cycle Housing

Existing Reclamation District #17 Levee Elevations
North Boundary of APN 241-330-33 and 241-320-60

Elevations 33.91', 34.73', 34.26', 34.49'



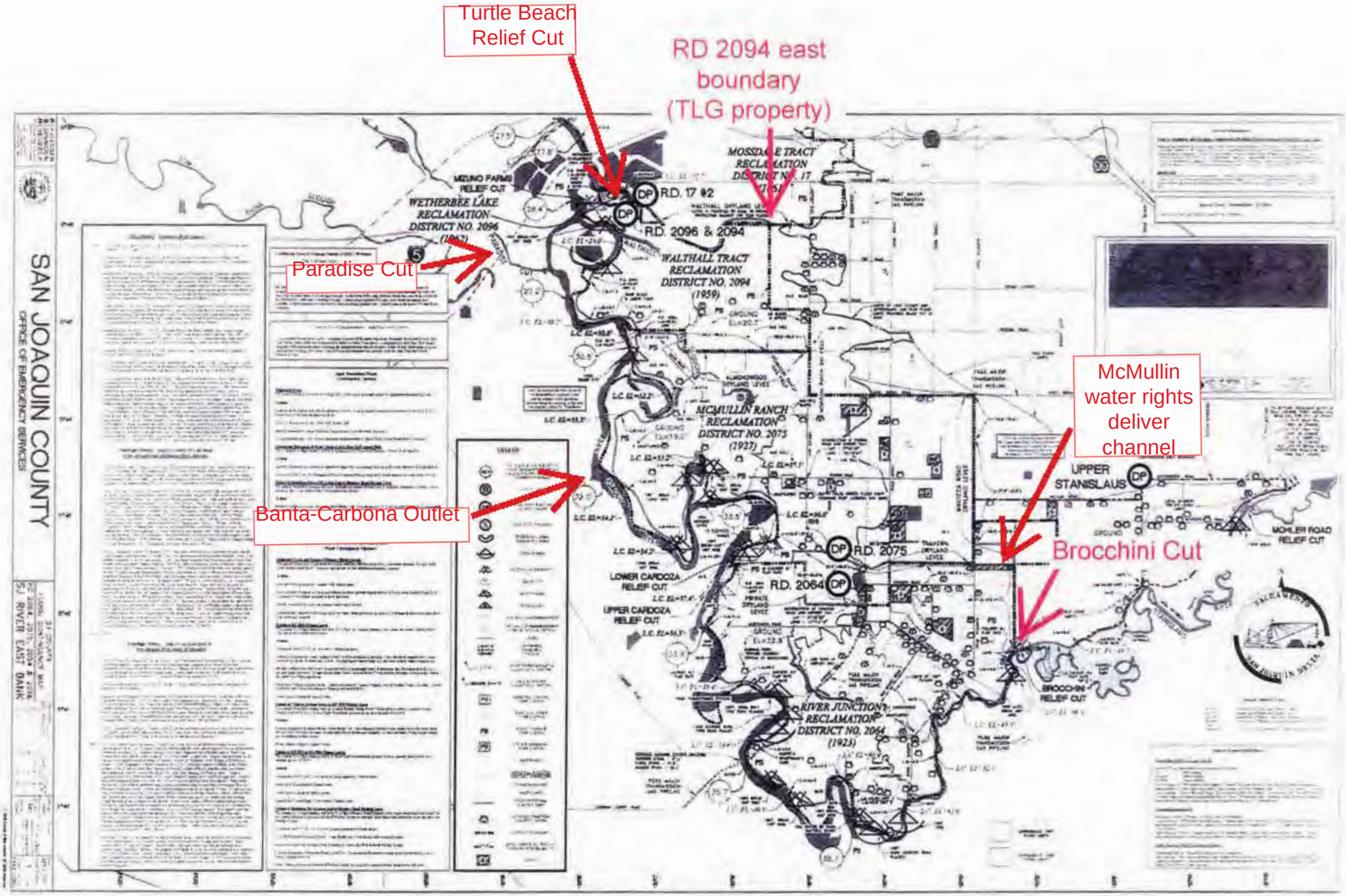
SOURCE: MAXAR, 2024; CPAD, 2025; KSN, 2025; PBI, 2025; ESA, 2025

SJAFCA Mossdale Tract Urban Flood Risk Reduction Project

Figure 3.12-3
Flood Hazard Zones in the Proposed Project Area

ESA

1/19/26

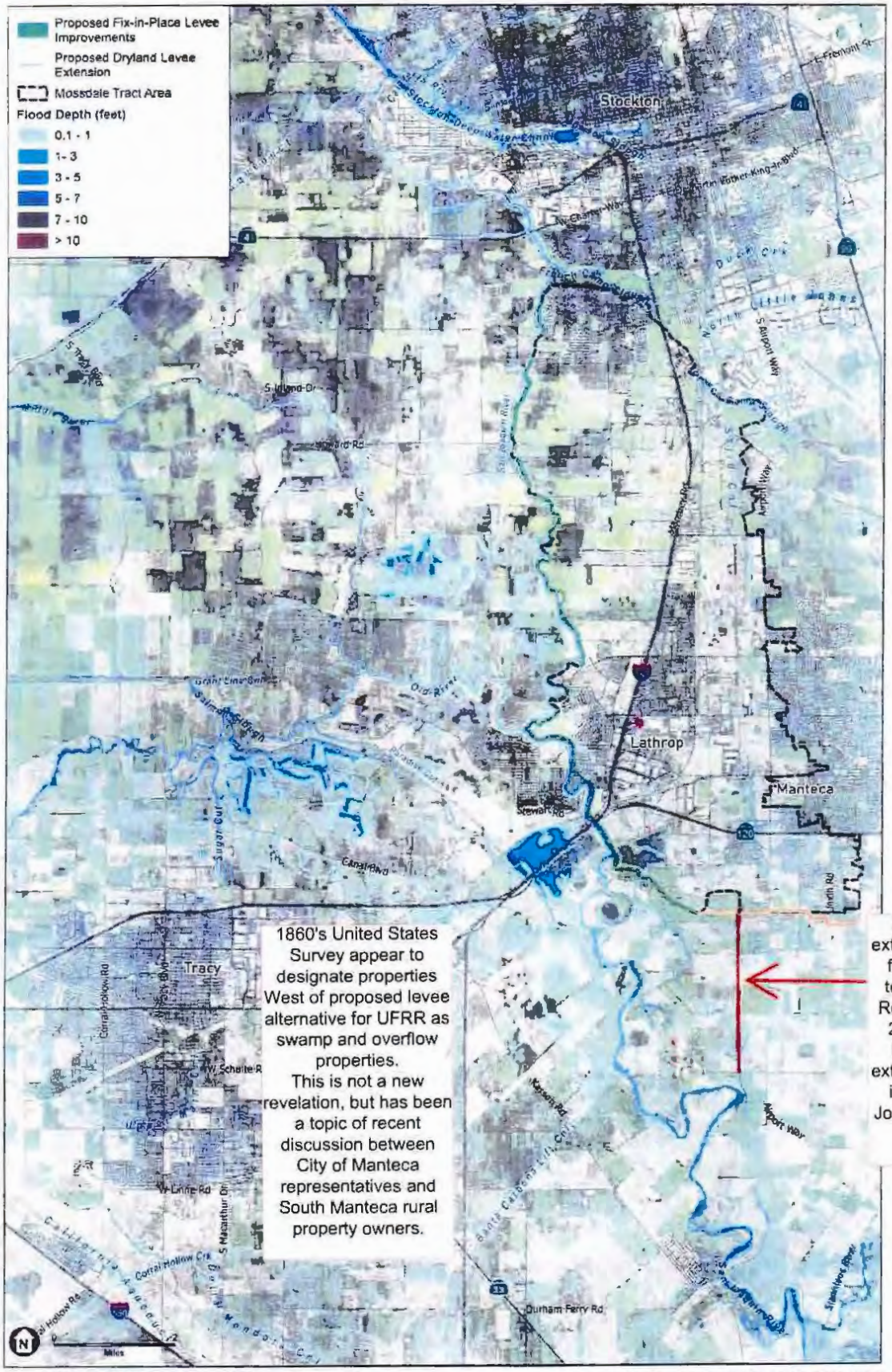

Turtle Beach Relief Cut
RD 2094 east boundary (TLG property)
Paradise Cut
Banta-Carbona Outlet
McMullin water rights deliver channel
Brocchini Cut
SAN JOAQUIN COUNTY
OFFICE OF EMERGENCY SERVICES
SJ RIVER EAST BANK
WETHERBEE LAKE RECLAMATION DISTRICT NO. 2096 (1942)
WALTHALL TRACT RECLAMATION DISTRICT NO. 2094 (1959)
MCMULLIN RANCH RECLAMATION DISTRICT NO. 2075 (1927)
RIVER JUNCTIONS RECLAMATION DISTRICT NO. 2064 (1925)
R.D. 17 #2
R.D. 2096 & 2094
R.D. 2075
R.D. 2064
UPPER STANISLAUS
MOHLER ROAD RELIEF CUT
LOWER CARDOZA RELIEF CUT
UPPER CARDOZA RELIEF CUT
BROCCHINI RELIEF CUT

ENCLOSURE 1

Letter P3 Attachments

Martin Harris Proposed Mossdale Tract Urban Flood Risk Reduction Project (UFRR) levee extension alternative routing dated 1/19/2026.

Martin Harris proposed UFRR levee extension alternative routing 1/19/2026



1860's United States Survey appear to designate properties West of proposed levee alternative for UFRR as swamp and overflow properties. This is not a new revelation, but has been a topic of recent discussion between City of Manteca representatives and South Manteca rural property owners.

Proposed levee extension Alternative for UFRR project terminating within Reclamation Distict 2075 near Perrin Road with levee extension connecting into USACE San Joaquin River Levee system

SOURCE: MAXAR, 2024; CPAD, 2025; KSN, 2025; PSI, 2025; ESA, 2026

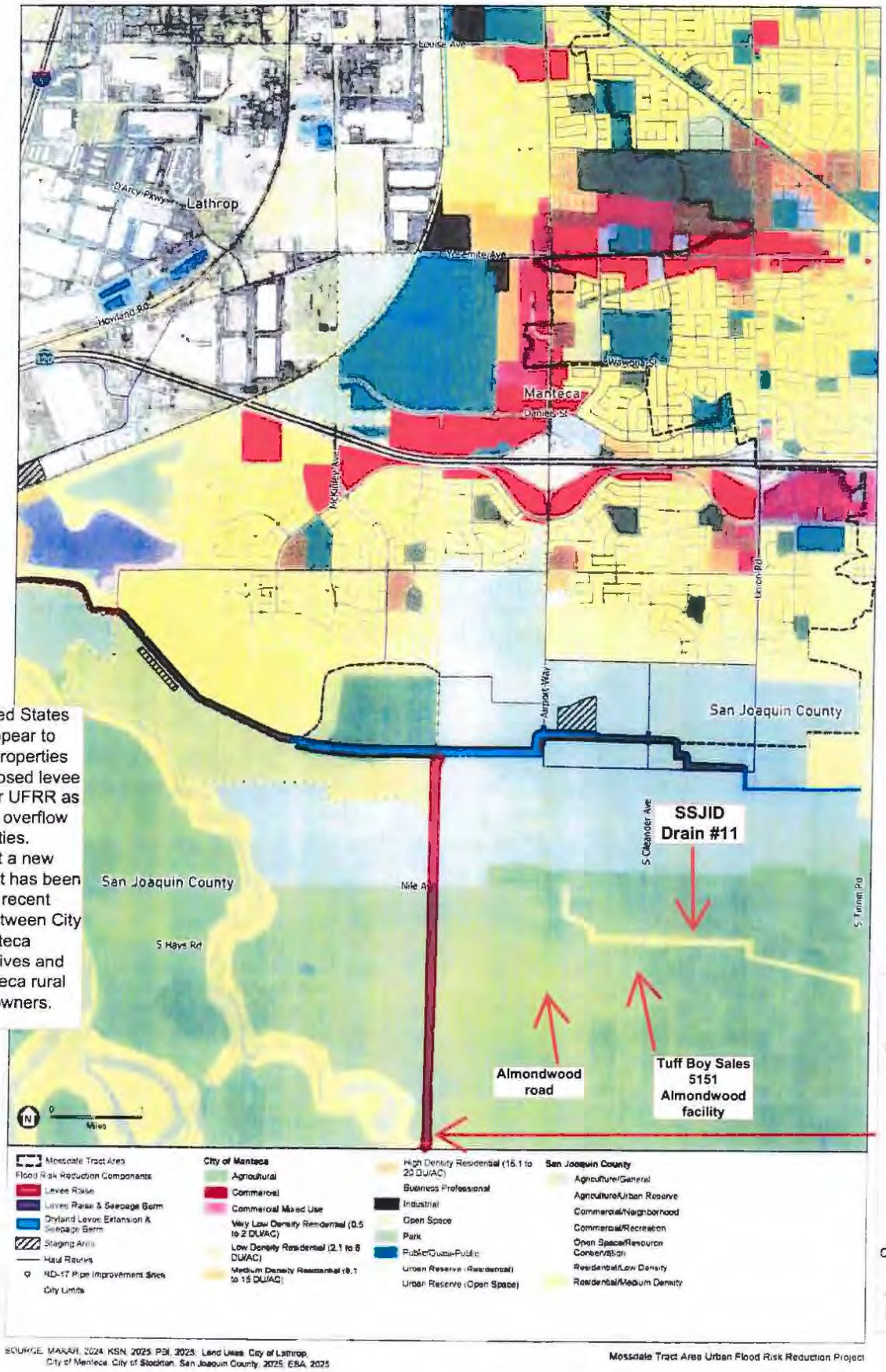
SJAFCA Mossdale Tract Urban Flood Risk Reduction Project

Figure 3.12-4
Flood Depth of Newly Inundated Areas for the With Project 200-Year 2022 Event

ESA

1/19/26

Martin Harris proposed UFRR levee extension alternative routing 1/19/2026



1860's United States Survey appear to designate properties West of proposed levee alternative for UFRR as swamp and overflow properties.
This is not a new revelation, but has been a topic of recent discussion between City of Manteca representatives and South Manteca rural property owners.

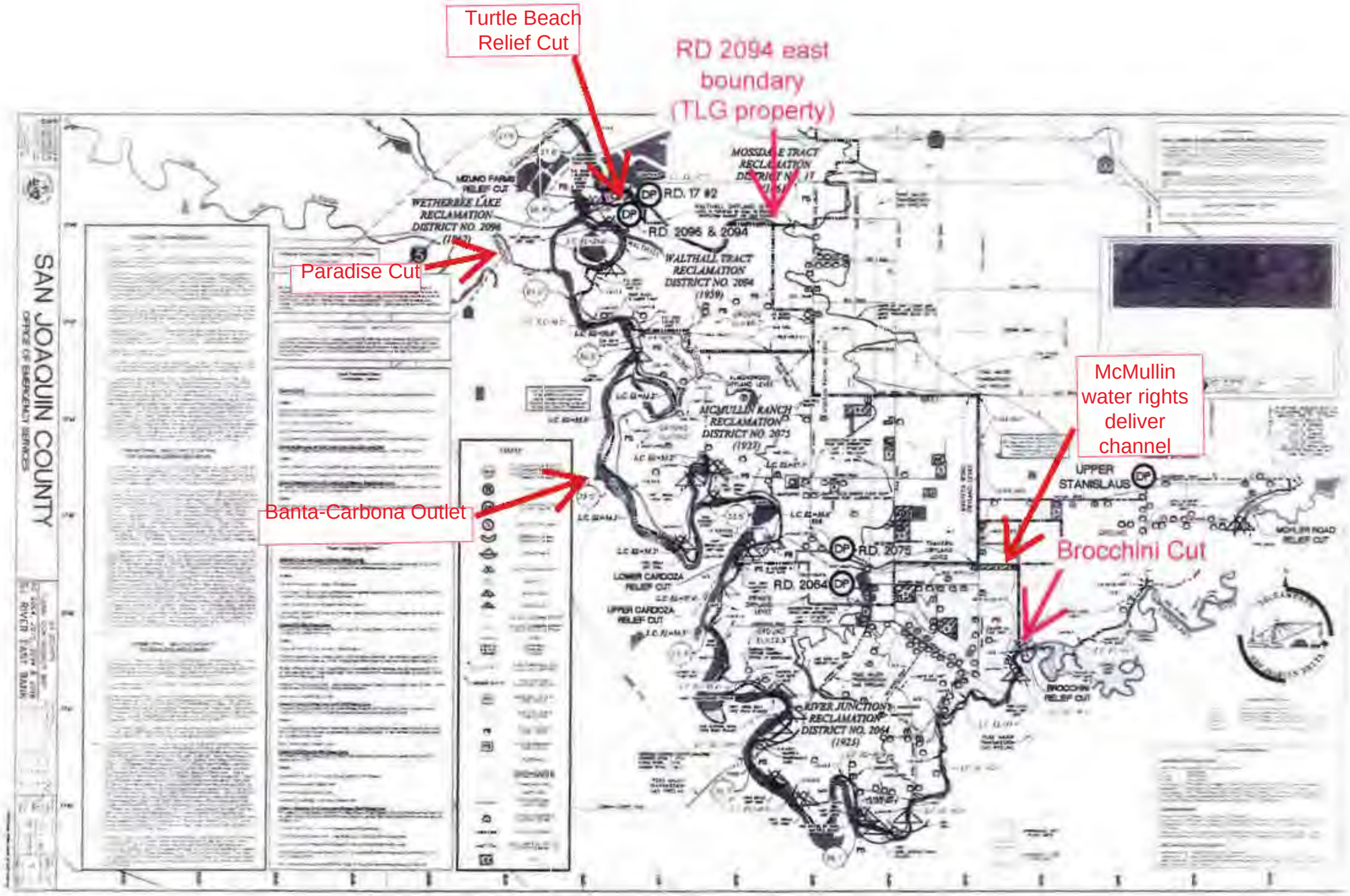
Proposed levee extension Alternative for UFRR project terminating within Reclamation Distict 2075 near Perrin Road with levee extension connecting into USACE San Joaquin River Levee system

SOURCE: MAXAR, 2024; KSN, 2025; PSI, 2025; Land Uses: City of Lathrop, City of Manteca, City of Stockton, San Joaquin County, 2025; ESA, 2025

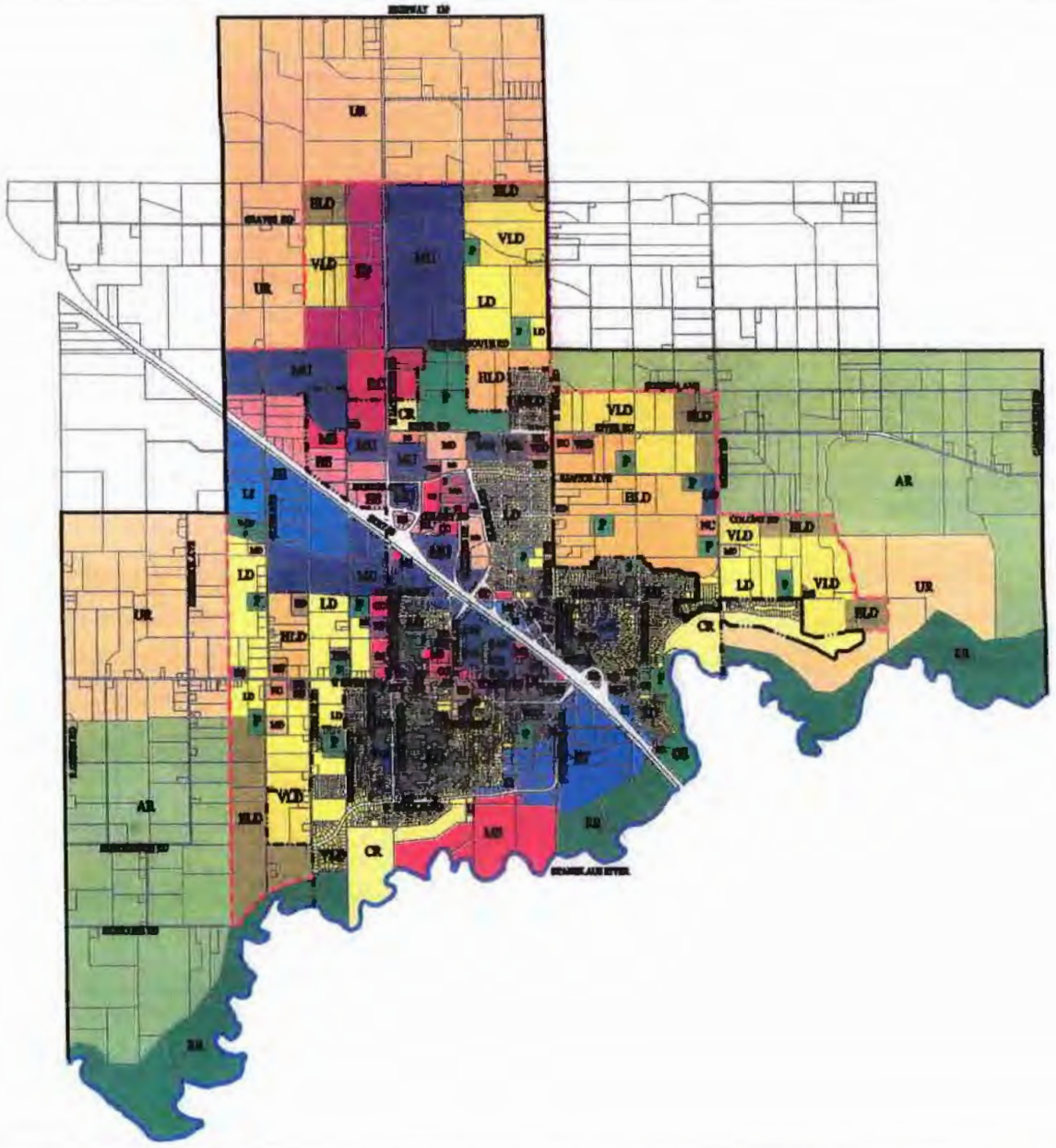
Mossdale Tract Area Urban Flood Risk Reduction Project

Figure 3.13-1c
Existing Land Uses in the Proposed Project Area (Manteca Vicinity)
Flood Risk Reduction Components

ESA


Turtle Beach Relief Cut
RD 2094 east boundary (TLG property)
Paradise Cut
Banta-Carbona Outlet
McMullin water rights deliver channel
Brocchini Cut
SAN JOAQUIN COUNTY
OFFICE OF EMERGENCY SERVICES
WETHERBEE LAKE RECLAMATION DISTRICT NO. 2096
R.D. 17 #2
R.D. 2096 & 2094
WALTHALL TRACT RECLAMATION DISTRICT NO. 2094 (1939)
MCMULLIN RANCH RECLAMATION DISTRICT NO. 2075 (1922)
R.D. 2075
R.D. 2064
UPPER STANISLAUS
RIVER JUNCTIONS RECLAMATION DISTRICT NO. 2064 (1925)

ENCLOSURE 1



CITY OF RIPON
GENERAL PLAN 2040
Adopted September 19, 2006

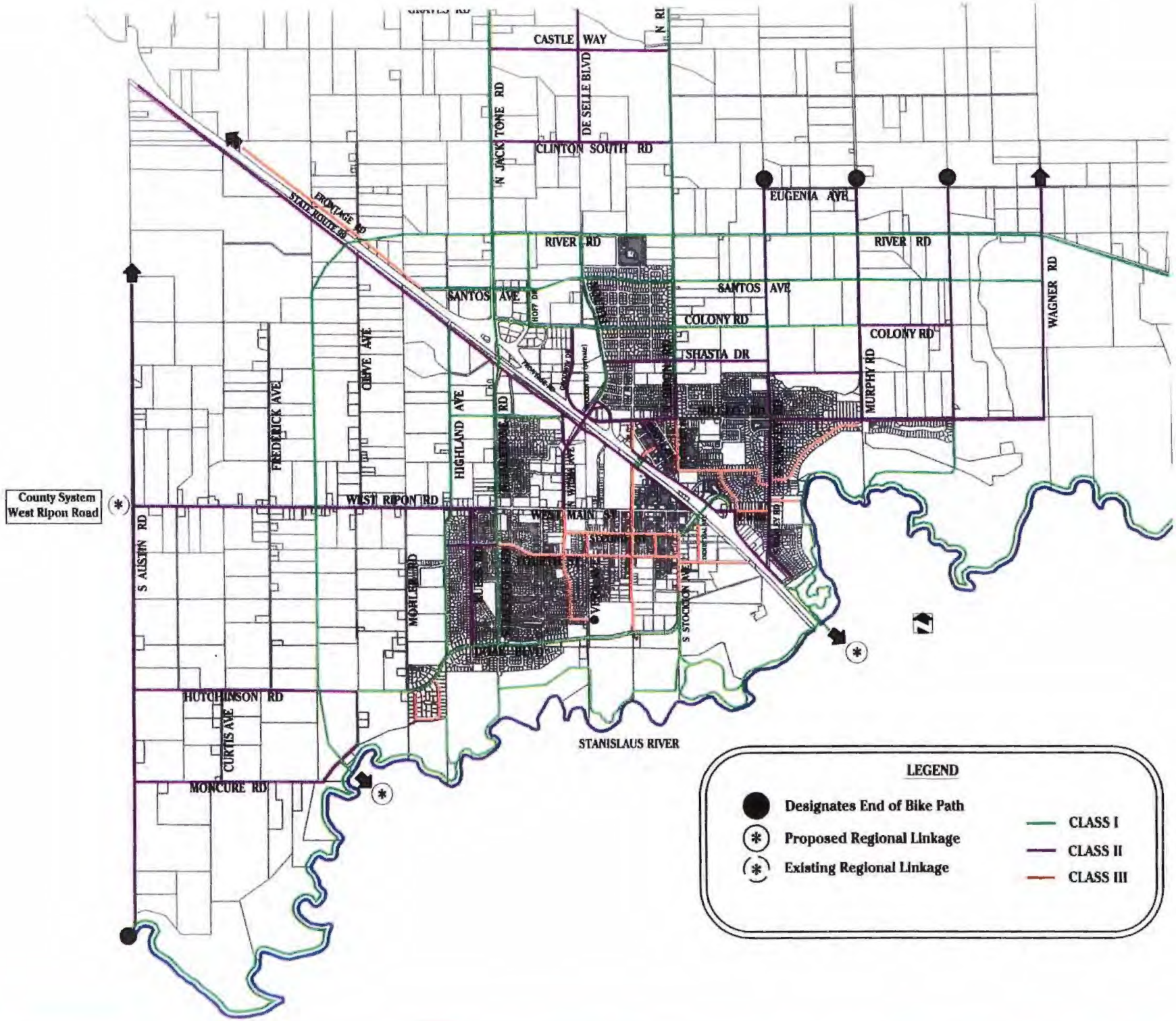
- HLD (Extremely Low Density Residential)
- VLD (Very Low Density Residential)
- LD (Low Density Residential)
- HLD (High Low Density Residential)
- MD (Medium Density Residential)
- HD (High Density Residential)
- VHD (Very High Density Residential)
- UC (Urban Core)
- NC (Neighborhood Commercial)
- CC (Community Commercial)
- RC (Regional Commercial)
- HS (Highway Service)
- CR (Commercial Recreation)
- PO (Professional Office)
- BP (Business Park)
- MU (Mixed Use)
- LI (Light Industrial)
- HI (Heavy Industrial)
- MS (Municipal Service)
- MS-FS (Municipal Servic-Fire Station)
- P (Park)
- OS (Open Space)
- S-HS (High School)
- S-ES (Elementary School)
- AR (Agricultural Reserve)
- UR (Urban Reserve)
- RR (Resource Reserve)

- City Limits
- SOI (Sphere of Influence)
- General Plan Boundary

Amendments

- Lewmoore 1/30/07; 26.9 ac; LAFCO 13-06
- Frontage & Goodwin: 59 ac; 12/5/07; ORD 759
- Sevenet SC 10/21/10; ORD 781; HS to CC
- N. Ripon & River Rd; 12/20/11; ORD 789; HLD to P & MS-FS; MD to HLD
- Alexandra Place 8/14/15; ORD 820; MD to LD
- North Pointe Specific Plan 9/11/15; ORD 822; amended land use in the North Pointe Planning District to match the NPSP
- Added GP Amendment and Rezone for Alexandra Place, Kipar Homes and HCB Living - 5/18/16; ORD #s 820, 830 and 839

Plan3\Shapfs-Maps\dwgs\Land Use Maps\gp2040


CASTLE WAY
N JACK TONE RD
DE SELLE BLVD
CLINTON SOUTH RD
EUGENIA AVE
RIVER RD
SANTOS AVE
COLONY RD
SHASTA DR
WAGNER RD
MURPHY RD
OLIVE AVE
FREDERICK AVE
HIGHLAND AVE
WEST RIPON RD
WEST MAIN ST
S AUSTIN RD
MOHLER BLVD
S STOCKTON AVE
HUTCHINSON RD
CURTIS AVE
MONCURE RD
STANISLAUS RIVER
FRONTAGE RD
STATE ROUTE 99
County System
West Ripon Road
LEGEND
Designates End of Bike Path
Proposed Regional Linkage
Existing Regional Linkage
CLASS I
CLASS II
CLASS III

TERRA LAND GROUP, LLC

October 16, 2018

VIA EMAIL

Lathrop Planning Commission
390 Towne Centre Dr.
Lathrop, CA 95330
% Mark Meissner
(mmeissner@ci.lathrop.ca.us)

Re: October 17, 2018 Lathrop Planning Commission ("LPC") Agenda Item 9.1: Phelan Lathrop Gateway, Minor Specific Plan Amendment No. SPA-18-71 Site Plan Review No. SPR-18-40.

Dear Planning Commissioners,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns several properties located in Manteca and Lathrop. As an organization, TLG devotes many of its efforts to ensuring the safety of our community by urging local, regional, and state authorities to pursue flood mitigation efforts when moving forward with new development projects.

This appears to be increasingly important when you consider what appears to be very significant flood and other hydrology-related impacts associated with planned changes to roadways, interchanges, and transit public utilities infrastructure, particularly in the form of the proposed Altamont Corridor Express "ACE*forward*" alignment.

TLG has reviewed the staff report and other attachments relating to the Phelan Lathrop Gateway, Minor Specific Plan Amendment No. SPA-18-71 Site Plan Review No. SPR-18-40. TLG has a special interest in this development project because the project, as presented, appears to have the potential to obstruct or alter access to Tuff Boy Sales, a trailer sales and leasing business located on the corner of Yosemite Avenue, Guthmiller Road, and SR 120. (Tuff Boy is TLG's property lease tenant.) TLG representative Martin Harris is also a partial owner of Tuff Boy Sales, and has a strong interest in protecting a safe, sufficient, and convenient access to the Tuff Boy Sales property.

TLG believes its access to the Tuff Boy property may be altered or obstructed if the Phelan Lathrop Gateway plan is approved as-is. The Phelan Lathrop Gateway Conditions of Approval appear to allow the reduction of roadway lanes along Yosemite Avenue/Guthmiller road. TLG believes this may lead to future CalTrans findings that eliminate or severely limit the volume of traffic flows that the proposed future Highway 120/Yosemite Avenue-Guthmiller Road interchange may be able to accommodate. This becomes very important when you consider the previously-approved office commercial zoning and potential future uses of the Tuff Boy property site.

In addition to its Lathrop site, Tuff Boy Sales has operated a trailer manufacturing business for over sixty years in south rural Manteca along the eastern edge of the flood-prone areas. The Tuff Boy manufacturing site is approximately one half mile from Nile Garden Elementary School and is further situated approximately four miles southeast from the proposed McKinley Avenue/Union Pacific Railroad ("UPRR") grade separation identified in the staff report associated with the October 17, 2018 LPC meeting agenda item 9.1. The Tuff Boy manufacturing property was moderately impacted by flood waters in both 1955 and 1997, but has never been completely inundated by flooding.

TLG believes flood impacts to the south Manteca rural area may be increased if the Phelan Lathrop Gateway Plan is approved as-is. TLG believes the Phelan Lathrop Gateway Project revised traffic study is based on the assumption that a UPRR underpass and associated grade separation will be constructed. This construction may allow McKinley Avenue traffic to travel under the UPRR tracks, which could potentially lead to obstructing or exacerbating floodwaters travelling through the floodway. (This belief is supported on page 4.13-60 of the San Joaquin County 2014 Regional Transportation Plan and Sustainable Communities Strategy EIR.)

Most concerning, TLG believes that changes to the UPRR track grade elevation may trigger a series of flood levee construction and drainage projects that may or may not be completed as various upstream (and/or downstream) drainage areas look to offset the potential for flood and other drainage impacts and backwater effects that may be created from newly-constructed infrastructure creating obstructions in the floodway.

In the interest of protecting and safeguarding the entire south Manteca rural community, Martin Harris has devoted a significant amount of time to write letters and attend public meetings for the purpose of calling attention to the potential for greater flood risks and backwater effects due to the placement and/or modification of structures affecting drainage flows in the floodway. These beliefs are supported by evidence as outlined below in the remainder of this letter. TLG also has a few comments and concerns that TLG believes the Lathrop Planning Commission should carefully consider.

To begin, TLG would like to draw the commissioners' attention to page 7 of 14 of the October 17, 2018 LPC agenda item 9.1 staff report. This item identifies two (2) regional improvements that appear to be tied to the Phelan Lathrop Gateway project:

> [Regional Improvement #1] *is the Altamont Corridor Express ACEfoward Alignment of the Union Pacific Railroad (UPRR) at McKinley Avenue. The second* [regional improvement] *is the improvements to the McKinley Interchange, south of the project area.*
>
> *The ACEfoward Alignment includes constructing an underpass at the McKinley Avenue and UPRR*

intersection. This project would result in McKinley Avenue traveling under the UPRR tracks to allow for the expansion of Union Pacific Railroad tracks at this intersection. The project would also require expansion of the roadway to allow for access to the adjacent properties. The improvements to this track may result in right-of-way acquisition by Union Pacific of a portion of Parcel 6.

The SR120 / McKinley Avenue Interchange Project is located along SR120 between Yosemite Avenue and Airport Avenue within the jurisdictional limits of both the City of Manteca and San Joaquin County (outside of Lathrop City Limits). The improvements include a partial cloverleaf interchange that includes on- and off-ramps, two (2) new ramp bridges, auxiliary lanes on SR120, ramp metering and roadway improvements on McKinley Avenue including a Class 1 bike path. The estimated construction schedule is from August 2019 to August 2020. The improvements to this interchange may result in commercial truck traffic utilizing McKinley Avenue to travel to the Phelan Lathrop Gateway project as opposed to the current Yosemite Interchange.

Most important, TLG would like to call the commissioners' attention to page 6 of 10, item 24 of the Exhibit "A" February 11, 2015 Lathrop Gateway Vesting Tentative Parcel Map (Phase 1) Consolidated Conditions of Approval with Planning Commission Revision. This page states on item 24:

The applicant shall not be required to set aside right-of-way or create a non-buildable area to accommodate slopes from a future grade separated crossing at McKinley Avenue and the UPRR tracks given that the City's General Plan does not specify a grade separation at this location.

QUESTION: By whose authority will a McKinley Avenue and UPRR rail intersection grade separation be allowed? By UPRR? The Central Valley Flood Protection Board? By the San Joaquin Regional Rail Commission? What potential flood and other drainage impacts may be created to the Phelan Lathrop Gateway Project as well as the many other urban and rural residents, businesses, and property owners located upstream? (**See Enclosure**)

In addition, TLG believes that it is important for the LPC to carefully evaluate impacts for two (2) other regional roadway improvement projects as part of any Lathrop Gateway Business Park Specific Plan project approval being considered.

Regional Improvement #3 is not specifically identified in the Phelan Lathrop Gateway staff report and supporting documents, but it affects this project, as well as the entire Lathrop Gateway Business Park Specific Plan ("LGBPSP"). Regional Improvement #3 is described on page 72 of the July 2018 South Lathrop Specific Plan EIR Addendum, Mitigation Measure 3.14-6 which details mitigation measures that appear to require the City of Lathrop's participation with CalTrans, the San Joaquin Council of Governments ("SJCOG"), the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes.

Mitigation Measure 3.14-6: *At the SR 120/Yosemite Avenue interchange, the City of Lathrop in coordination with Caltrans will prepare a Project Study Report - Project Development Support (PSR-PDS) document. The project applicant shall pay its fair share toward improvements to the SR 120/Yosemite Avenue Interchange to the City of Lathrop, who will be the lead agency for the interchange improvement project. The project's fair share traffic contribution to these improvements is estimated to be 28 percent. The following mitigation measures as shown in Figure 3.14-13 would be necessary to provide acceptable operations under cumulative conditions:*

1. *Install traffic signal control at both ramp-terminal intersections and provide coordinated signal operation. An evaluation of all applicable signal warrants should be conducted and additional factors (e.g., congestion, approach conditions, driver confusion) should be considered before the decision to install a signal is made.*
2. *Widen the eastbound and westbound off-ramps to accommodate one left-turn lane, one shared through/left-turn lane and a separate right-turn lane.*
3. *Widen the eastbound and westbound diagonal on-ramps to provide three receiving lanes (2 mixed-flow and 1 HOV) and ramp metering.*
4. *Widen Yosemite Avenue (south of SR 120) to four lanes to provide two through and one right turn lane on the northbound approach.*
5. *Widen the SR 120 undercrossing to accommodate six lanes including two through lanes in each direction, two left-turn lanes on the northbound approach to the westbound ramp-terminal intersection and on the southbound approach to the eastbound ramp-terminal intersection. Tieback walls will be necessary to accommodate widening under SR 120.*

   Relocate the westbound ramp-terminal intersection approximately 550 feet north of its current location to create an L-7 interchange configuration with a northbound Yosemite Avenue to westbound SR 120 loop on-ramp. The two lane loop on-ramp would be metered and would increase the westbound SR 120 weave distance between the Yosemite Avenue and the I-5 northbound and southbound ramps.

The City of Lathrop will participate with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening Project from four to six lanes.

TLG has a few questions which TLG would like to direct to the City of Lathrop that may be important to consider.

1. **QUESTION:** Will the City of Lathrop's participation "with SJCOG, the City of Manteca, and San Joaquin County in the preparation of a Corridor System Management Plan for SR 120 between Mossdale junction I-5 to south junction SR 99 as part of the Tier 1 SR 120 Widening

Project from four to six lanes" be limited to preparing a management plan involving traffic circulation levels of service impacts only?

2. **QUESTION:** Will the City of Lathrop's participation in the Corridor System Management Plan also include the evaluation, identification, and implementation of the mitigation measures necessary to offset any impacts that may be created due to what appears to be the potential to alter existing flood water drainage patterns in and along the Lower San Joaquin River Basin as a result of the Caltrans SR 120 highway improvements to be considered?

3. **QUESTION:** Is it contemplated that a joint powers authority (involving SJCOG, the City of Lathrop, the City of Manteca, and San Joaquin County) will be created to conduct the Corridor System Management Plan?

4. **QUESTION:** When is it anticipated that the Corridor System Management Plan will be completed?

5. **QUESTION:** Will current state and/or federal funding requirements condition funding approval for the SR 120 highway expansion project on requiring roadway grade elevation to be set above the 200-year flood plain? If so, what flood water drainage impacts may be created?

6. **QUESTION:** What role, if any, will California Senate Bill No. 5 ("SB5") have on the SR 120 highway improvement process?

7. **QUESTION:** Was the Fehr & Peers September 28, 2018 updated traffic analysis conducted by calculating traffic flows along the SR 120 highway in its present form, or was the analysis calculated in its projected expanded form?

8. **QUESTION:** Will the Phelan Lathrop Gateway SR 120 highway expansion development fee contributions include any and all amounts necessary to mitigate any flood water drainage and back water effects that may be created?

Regional Improvement #4 is described as part of mitigation measure 19-3 of the LGBPSP Environmental Impact Report ("EIR"), which requires that the developer widen Guthmiller Road/Yosemite Avenue from two (2) to six (6) lanes.

TLG believes it is important to mention that a revised mitigation measure (as stated on page 12 of 14 of the October 17, 2018 LPC agenda item 9.1 staff report) appears to call for a reduction in the total amount of Guthmiller Road/Yosemite Avenue traffic lanes required based on a September 28, 2018 traffic analysis conducted by Fehr & Peers.

QUESTION: As part of the Fehr & Peers September 28, 2018 updated traffic analysis, was consideration given for the potential flood drainage impacts and back water effects involved as part

of conducting and implementing the findings of a new traffic study? This appears to be especially important when it is considered that this new study appears to allow lane reductions along Guthmiller Road and Yosemite Avenue in favor of supporting UPRR rail track expansion and grade separation upgrades at the UPRR and McKinley Avenue intersection. (**See Enclosure**)

QUESTION: What effect will groundwater elevations have on maintaining the current UPRR grade elevation by allowing McKinley Avenue to tunnel under the current grade elevation of the UPRR rail system as presently utilized?

QUESTION: How will this new traffic study affect the future viability of the Highway 120/Yosemite Avenue-Guthmiller Road interchange, as called for in the LGBPSP?

TLG believes it is premature to allow any reduction to the previously-approved six (6) Yosemite Avenue/Guthmiller Road traffic lanes, as previously approved to be constructed, until such time that CalTrans has completed its Highway 120/Yosemite Avenue-Guthmiller Road improvement study and presented its findings for public review and comment.

TLG also believes this is particularly important when considering that the City of Lathrop has previously approved LGBPSP zoning for office commercial development involving a significant amount of acreage in the area adjacent to and north of the Highway 120/Yosemite Avenue-Guthmiller Road interchange.

QUESTION: If the proposed roadway lane reductions along Yosemite Avenue/Guthmiller Road are approved in conjunction with the Phelan Gateway Project, isn't it likely to adversely affect the chances of CalTrans approving improvements called for to the Highway 120/Yosemite Avenue-Guthmiller Road interchange?

QUESTION: If the improvements to the Highway 120/Yosemite Avenue-Guthmiller Road interchange are not constructed as called for in the LGBPSP, won't that significantly diminish any future interest in the office commercial zoned properties previously approved and allowed for in the LGBPSP? (ie. APN #241-400-04, 241-400-05, 241-400-06, and 241-400-07)

In closing, the LGBPSP EIR Addendum states on page 47 that the "exposure of the proposed development to flooding hazards is less than significant." However, to minimize impacts to off-site properties, TLG believes that any consideration to expand rail service or construct new grade separations at the McKinley Avenue/UPRR rail crossing, in addition to a whole range of other unidentified traffic circulation, flood protection, and storm and waste water management public utilities infrastructure supporting development in the region, should consider any and all flood and other drainage impacts and backwater effects that may be created.

Most important, and in fairness to every resident, business, school, and property owner that may be affected, it seems to make the most sense to take immediate action and promote sustainable growth in our area. This can be achieved in part by identifying a design and funding mechanism that allows for and mitigates impacts associated with the wide range of public utilities infrastructure necessary to safeguard and protect both our urban and rural communities from the flood and other environmental hazards known to our area.

Thank you for your attention to this very important matter.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosure:

1. 10/16/2018 letter from TLG to the San Joaquin Regional Rail Commission, with Enclosures provided by Dropbox hyperlinks.

cc:

San Joaquin Area Flood Control Agency, Attn: Marlo Duncan, Project Manager (marlo.duncan@stocktongov.com)
California Department of Transportation, District 10, Attn: Jes Padda, Acting Deputy District Director (jes.padda@dot.ca.gov)
San Joaquin Council of Governments, % Diane Nguyen (nguyen@sjcog.org)
San Joaquin Regional Rail Commission Board of Directors, VIA US MAIL, 949 E. Channel Street, Stockton, CA 95202
Central Valley Flood Protection Board, % Leslie Gallagher, Executive Officer (leslie.gallagher@cvflood.ca.gov)
San Joaquin County Board of Supervisors, % Mimi Duzenski, Clerk of the Board (mduzenski@sjgov.org)
San Joaquin Local Agency Formation Commission, Attn: James Glaser (jglaser@sjgov.org)
Manteca City Council, % Lisa Blackmon, City Clerk (lblackmon@ci.manteca.ca.us)
Tri-Valley - San Joaquin Valley Regional Rail Authority, Attn: Michael Tree, Executive Director (mtree@acetobart.org)

ENCLOSURE

TERRA LAND GROUP, LLC

October 16, 2018

VIA U.S. MAIL

San Joaquin Regional Rail Commission
Board of Directors
949 E. Channel Street
Stockton, CA 95202

Re: November 2, 2018 San Joaquin Regional Rail Commission ("SJRRC") Board Meeting Agenda Item: Public Comments.

Dear SJRRC Board Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns several properties located in Manteca and Lathrop. As an organization, TLG devotes many of its efforts to ensuring the safety of our community by urging local and state authorities to pursue flood mitigation efforts that protect everyone concerned.

It appears that the high rate of development growth in the areas of Manteca and Lathrop may result in very significant flood and other hydrology-related impacts being created to those residents, business, and property owners located south of the proposed south Manteca Reclamation District No. 17 ("RD 17") dryland levee extension currently being considered. This appears to be particularly concerning when those potential impacts are not considered at the project level or adequately defined and considered at any reasonable level at all.

Further, TLG believes that it is important to mention that the January 2018 Lower San Joaquin River Feasibility Study ("LSJRFS"), as well as all other feasibility studies and/or environmental impacts statements that TLG has reviewed to date, may not fully consider the potential for any and all flood and other hydrology-related impacts involved due to RD 17's plan to pursue a phased strategy of levee improvements and other Federally assisted improvements in order to meet California Senate Bill No. 5 ("SB5") requirements. (See page 3-40 of the LSJRFS)

This is consistent with Page 3-42 of the LSJRFS which states:

> *The identification of Alternative 7a as the NED Plan serves to set the level of Federal participation in the project. Alternative 7a may not fully meet the NFS objective of SB 5 compliance, but in order to expedite authorization, the NFS elected not to pursue a Locally Preferred Plan (LPP) at this time.*

What non-federal sponsor elected not to pursue a Locally Preferred Plan at this time?

5151 E. ALMONDWOOD DRIVE MANTECA, CA 95337

Is it in the public's best interest to allow a non-federal sponsor to pursue any flood risk management plan that places emphasis on expediting the process over taking the time to consider and mitigate against the potential for very significant drainage impacts affecting the developing and non-developing urban and rural areas of Manteca and Lathrop?

TLG asks the SJRRC board members to fully consider the information and concerns detailed in the enclosures attached before the board has any discussion or considers any update or approval actions involving the ACE*forward*/Union Pacific Railroad ("UPRR") rail expansion and/or increases to UPRR grade separation and associated track elevation. **(See Enclosures 1 -10)** In particular, TLG asks the board to consider these potential changes as they may affect drainage in and along the South Delta/Lower San Joaquin River Basin. Additionally, TLG requests the SJRRC board members to take our concerns into consideration as part of any participation by the SJRRC in any 33 USC 408 application, discussion, or information presented to the U.S. Army Corps of Engineers and other agencies with the potential to affect drainage pathways in and along the South Delta/Lower San Joaquin River Basin.

Thank you for your attention to this matter.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

These Enclosures have been included digitally on the enclosed CD and can also be downloaded via Dropbox through the provided hyperlinks.

1. 09/18/2018 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/eyt2wl6isuplxvb/2018-09-18_LTR_MCC_AgItsD1%26E3.pdf?dl=0)
2. 09/10/2018 letter from TLG to the San Joaquin County Local Agency Formation Commission (https://www.dropbox.com/s/p43d2hsn9kbiow7/2018-09-10_LTR_LAFCo_AgIt4.pdf?dl=0)

3. 09/18/2018 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/a9ivw8xeucgsa6t/2018-09-18_LTR_SJAFCA_AgIts3.2%263.3.pdf?dl=0)
4. 9/24/2018 letter from TLG to the Manteca Planning Commission (https://www.dropbox.com/s/o94mh1tsnblzigm/2018-09-24_LTR_MPC_AgIt6.2.pdf?dl=0)
5. 9/24/2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/iyz1jo9r1bzs8i0/2018-09-24_LTR_CVFPB_AgIt8A.pdf?dl=0)
6. 03/28/2018 letter from TLG to the San Joaquin Council of Governments (https://www.dropbox.com/s/zh6z7q38g799dky/2018-03-28_LTR_SJCOG_LTR1_RTPSCS.pdf?dl=0)
7. 10/08/2018 letter from TLG to Reclamation District No. 17 (https://www.dropbox.com/s/smq1d55w5unqqhk/2018-10-08_LTR_RD17_AgIts3-8.pdf?dl=0)
8. 05/16/2018 letter #1 from TLG to the San Joaquin Regional Rail Commission (https://www.dropbox.com/s/8kqcxjkod66chk7/2018-05-16_LTR_SJRRC_LTR1_ACEDEIR_PublicComm.pdf?dl=0)
9. 05/16/2018 letter #2 from TLG to the San Joaquin Regional Rail Commission (https://www.dropbox.com/s/1f8voyc3zrv4pyr/2018-05-16_LTR_SJRRC_LTR2_ACEDEIR_PublicComm.pdf?dl=0)
10. 07/30/2018 letter from TLG to the San Joaquin Regional Rail Commission (https://www.dropbox.com/s/4ccyoh0a78sw7td/2018-07-30_LTR_SJRRC_AgIt5.pdf?dl=0)

October 22, 2018

VIA EMAIL

Central Valley Flood Protection Board
% Leslie Gallagher, Executive Officer
3310 El Camino Ave # 170
Sacramento, CA 95821
(leslie.gallagher@cvflood.ca.gov)

Re: October 26, 2018 Central Valley Flood Protection Board ("CVFPB") Meeting Agenda Item 5.C: Permit Nos. 17643-1, 17792-1, and 18213-1 City of Lathrop.

Dear Board Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). TLG owns several properties located in Manteca and Lathrop. As an organization, TLG devotes many of its efforts to ensuring the safety of our community by urging local and state authorities to pursue flood mitigation efforts when moving forward with new development projects.

Although this letter follows a similar format to previous letters, this letter contains new information that TLG believes is important to consider, particularly on page 13, Questions 53, 54 and 55.

As recent flooding in Ellicott City, Maryland and Houston, Texas have demonstrated, unrestrained development without consideration for flood impacts can have serious consequences. In particular, as more and more development projects continue to move forward, TLG has put forth a regular effort to ensure that local authorities are aware of the need for cumulative environmental review and analysis of all hydrology-related impacts associated with all past, present, and reasonably foreseeable development projects affecting drainage in and along the Lower San Joaquin River Basin and especially the areas affecting the urban and rural areas of Manteca and Lathrop.

This is especially important when the cumulative effects of the October 26, 2018 CVFPB Agenda Item 5.C are considered together with total flood and other potential drainage and other hydrology-related impacts that may be created.

With that in mind, TLG once again calls your attention to information previously presented in the form of TLG's public review and comments submitted in response to the recently-released January 2018 San Joaquin River Basin Lower San Joaquin River, CA FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report ("LSJRFS"). **(See Enclosure 1)**

For some time now, TLG has sent various copies of our letters to the CVFPB and other authorities expressing public concerns related to development in the floodplain and the need to examine any potential impacts related to San Joaquin River (and tributary) flow deficiencies and the potential for upstream and downstream channel flow stage increases due to drainage patterns affected by grade, levee location, and other environmental considerations.

(**See Enclosure 1** which contains a list of letters and related items in its own Enclosure 1. This list contains information that TLG believes is important to consider as part of any CVFPB discussion or approval action affecting drainage in and along the South Delta/Lower San Joaquin River Basin. TLG would also like to call the board's attention to Pages 8 through 14 of Enclosure 1, which TLG believes that if not properly allowed for, could lead to very significant storm water drainage impacts affecting current SSJID/City of Manteca drainage facilities discharging into the French Camp Outlet Canal ("FCOC"). Also **See Enclosures 2 & 3**. In addition, **See Enclosures 4 through 35** which detail public concerns related to current efforts to approve large-scale state water projects as well as local public works and other private development projects affecting drainage in and along the South Delta/Lower San Joaquin River and its tributaries.)

In brief, the enclosures attached describe recently discovered information as detailed in letters from TLG to various agencies that may affect flood control in the Reclamation District No. 17 ("RD 17") and Manteca/Lathrop region. These letters provide supporting evidence while building an overall context and framework for TLG's and other members of the public's concerns regarding any current and/or future development projects that continue to be approved with the potential to affect hydrology in the urban and rural areas of Lathrop and Manteca. The significant details contained in the enclosed letters offer a framework which leads TLG to believe that the complex nature of the potential flood issues involved may be too difficult for the public to adequately understand without the benefit of a comprehensive and cumulative CEQA and NEPA Environmental Review and Analysis.

Further, TLG believes that it is important to mention that the LSJRFS may not fully consider the potential for any and all flood and other hydrology-related impacts involved due to RD 17's plan to pursue a phased strategy of levee improvements and other Federally assisted improvements in order to meet California Senate Bill No. 5 ("SB5") requirements. (See page 3-40 of the LSJRFS).

This is especially important when you consider that Page 3-42 of the LSJRFS states:

> *The identification of Alternative 7a as the NED Plan serves to set the level of Federal participation in the project. Alternative 7a may not fully meet the NFS objective of SB 5 compliance, but in order to expedite authorization, the NFS elected not to pursue a Locally Preferred Plan (LPP) at this time.*

QUESTION: What non-federal sponsor elected not to pursue a Locally Preferred Plan at this time? Is it in the public's best interest to allow a non-federal sponsor to pursue any flood risk management plan that places emphasis on expediting the process over taking the time to consider and mitigate against the potential for very significant drainage impacts affecting the developing and non-developing urban and rural areas of Manteca and Lathrop?

Why is this important? For some time now, the City of Manteca has continued to approve a high volume of development projects without key storm water, disinfected and undisinfected wastewater effluent spray field and San Joaquin River discharge, potable water well, and traffic circulation and other public utilities services infrastructure being properly identified, analyzed, and presented for public review in support of protecting the needs of our growing community.

This becomes very concerning when you consider potable water short-term and long-range delivery impacts that may be created as a result of meeting any and all SB5 200-year flood protection requirements that may apply. These impacts are especially important when considered in connection with the City of Manteca's plans to expand City of Manteca potable water deliveries to as far south as Nile Garden School. **(See Enclosure 22)** Page 4.13-2 of the March 2014 San Joaquin Council of Governments ("SJCOG") Regional Transportation Plan/Sustainable Communities Strategy Draft EIR defines a broad hydrologic groundwater supply region that extends far beyond the areas of the Nile Garden Elementary School and newly-proposed alternative City of Manteca Well #30 sites. For this reason, TLG believes that any water quality issues at the Nile Garden School well site may also exist at the City of Manteca proposed alternative Well #30 site as well.

QUESTION: Isn't achieving water quality the key reason that the City of Manteca originally reached out to the South San Joaquin Irrigation District ("SSJID") to allow water blending in an effort to obtain better water quality as required by state law?

This water blending strategy has been utilized in the past by the City of Manteca. On April 21, 2014 the City of Manteca wrote a letter to the State Water Resources Control Board in response to the release of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (and other reports). The letter described a brief history of the City's actions regarding water blending:

> *Prior to mid-2005, the City used groundwater as its sole potable water source. Beginning in July and August 2005, the City began substituting a portion of its potable water supply from groundwater to surface water from the South San Joaquin Irrigation District's South County Surface Water Supply Project. Subsequently, EC levels in the WQCF's effluent decreased significantly. In fact, in recent years we have observed a 25% improvement in EC levels over those seen in 2004-2005.*

QUESTION: With all the groundwater quality issues affecting municipal wells in the Manteca and Lathrop areas, isn't it likely that water blending will continue to be a likely option?

It is stated in the attachments for the September 18, 2018 Manteca City Council ("MCC") Meeting Agenda Item D.1 (18-405) that, *The Nile Garden Elementary School is located on a 15.3 acre site. The Nile Garden School has a population of 535, and is projected to grow to 550 students.* (Attachment 4, page 2) This projected growth figure of 550 students appears to significantly understate the Manteca Unified School District's ("MUSD") plans to expand Nile Garden's facility to accommodate a student population of 1000 students. This intent was discussed in a Manteca Bulletin newspaper article dated October 5, 2017 titled, "Nile Garden school wasn't in danger of flooding, but..." and was addressed in a letter from TLG to the MUSD dated October 31, 2017.

TLG believes increasing the population of Nile Garden school may create potential greater flood impacts in the form of meeting SB5 200-year flood protection requirements. A levee might be required to be constructed in order to protect the expanding areas of the school, which may lead to greater flood impacts to the unprotected areas surrounding the new levee.

QUESTIONS: Wouldn't SB5 200-year flood protection apply to this situation? What flood drainage impacts will that create?

Most important, TLG believes the real benefit to the City of Manteca extending its reach south to Nile Garden school is in the form of promoting further development expansion. This development may generate the tax revenues required to support 200-year flood protection in the recently-entitled development areas that remain subject to the 200-year SB5 mandate. That could be a good thing if it achieves adequate flood protection for everyone that may be affected.

TLG believes that this becomes even more concerning when considering any and all flood protection and drainage issues involved with conveying SSJID surface water to a location suitable to blend with any City of Manteca well water being pumped. (These blending concerns would also apply to any effluent waste water being discharged.) This is especially important when considering potential drainage impacts for any infrastructure that may be required to be located in the flood-prone areas south of Manteca.

QUESTION: Wouldn't it make sense to consider these flood and drainage impacts as part of a full and comprehensive environmental impact analysis?

Accordingly, TLG believes that total potential for development-related drainage impacts to the Lathrop and Manteca areas appear to be significant and a cause for public concern when you consider the following items as outlined below.

1. Representations made by Dante Nomellini of RD 17 to the San Joaquin County Board of Supervisors ("SJCBS") on November 7, 2017 indicate that "The flow in the San Joaquin River is difficult to measure because the gauging station at Vernalis, which is upstream from RD 17, it gets flooded out. In '97 it was inoperable. The estimate was, there was about 110,000 cubic feet per second [unconfirmed] at that point, which is 100-year event. The 200-year event is expected to be much higher than that. (Within **Enclosure 1**: 02/26/2018 Letter to the San Joaquin Area Flood Control Agency ("SJAFCA"), **see its own Enclosure 3**: 04/20/2017 Letter to SJCBS; also **see its own Enclosure 4**: 11/07/2017 SJCBS Meeting Transcript)

2. Dennis Wyatt of the Manteca Bulletin wrote this quote in his March 22, 2016 article titled "Paradise Cut Work Nears:" "Engineers determined expanding the Paradise Cut would reduce flood stages significantly at Mossdale Crossing – 1.8 feet under a 50-year event as well as under a 100-year event such as the 1997 flood that inundated 70 square miles between Manteca and Tracy. (Within **Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 5**: 03/22/2016 Manteca Bulletin News Article "Paradise Cut work nears"; also **see its own Enclosure 6**: Map of Paradise Cut with Questions.)

3. **QUESTION:** Doesn't the formation of a seventy square mile flood water basin pond describe a watershed region without a means to effectively drain?

4. **QUESTION:** If the channel flow capacity of the San Joaquin River at the Vernalis monitoring station is limited to approximately 40,000 cubic feet per second ("cfs"), as measured in the channel at the time of the February 20, 2017 levee breach, what flood impacts may be created if flows totaling 110,000 cfs are experienced as forecasted by Dante Nomellini to the SJCBS on November 7, 2017? (Within **Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 4**: 11/07/2017 SJCBS Meeting Transcript)

5. **QUESTION:** If channel flow capacity is limited to 37,000 cfs at Mossdale and 15,000 cfs at Paradise Cut (totaling 52,000 cfs), where will San Joaquin River flows of 110,000 cfs (as forecasted by Dante Nomellini to the SJCBS on November 7, 2017) be drained at the time of a future flood event of magnitude and size forewarned by Mr. Nomellini (110,000 cfs)? Is it time to consider a southern bypass? (**Within Enclosure 1**: 02/26/2018 Letter to SJAFCA, **see its own Enclosure 7**: Conceptual Vernalis Bypass Design)

6. The LSJRFS states in Appendix F: "Hydraulics," Page 88, that: *"The Delta Front raises are unlikely to impact flood frequency."* However, improvements to the RD 17 tieback levee would impact stages for events more rare that 1% ACE.

7. **QUESTION:** If adequate flood drainage channel flows are not allowed for on the San Joaquin River, Old River, and Paradise Cut, both upstream and downstream of the Clifton Court Forebay, where will the next 70-square-mile flood water basin form and at what depth will flood waters

reach?

8. **QUESTION:** Based on past flood history in our area and potential new impacts due to global warming, it appears that both Old River and Paradise Cut flows both upstream and downstream of Clifton Court Forebay may be insufficient in total capacity to handle the drainage flows expected at the time of future flooding. (Within **Enclosure 1:** 02/26/2018 Letter to SJAFCA, **see its own Enclosure 6:** Map of Paradise Cut with Questions)

9. This becomes more concerning when considering Paradise Cut improvements as compared to certain information provided in the LSJRFS which calls attention to an *"observed decrease in efficiency as the project size increases is consistent with the hydraulic limitations presented by the downstream stage boundary being within the tidal region of the Delta."* (For the original text, see the LSJRFS Page 3-6; also see Page 88 of Appendix F: "Hydraulics," as quoted above in Item #6.)

10. Most notable, and of particular concern, is that the staff report for the June 11, 2018 Lathrop City Council meeting Agenda Item 4.9 indicates that future improvements to control any potential for erosion and scour failure have not been identified but will be considered. (See May 18, 2018 RD 2062 River Islands at Lathrop Phase 1 Area – Report of Adequate Progress Towards Urban Level of Flood Protection – Annual Report)

11. **QUESTION:** What effect will any future scour and/or erosion plan have on San Joaquin River (and associated tributary) drainage patterns affecting channel flow velocity and potential for increased sedimentation?

12. **QUESTION:** Have our local authorities fully assessed the short term and long range operations and maintenance challenges that sedimentation may create affecting our area?

13. **QUESTION:** Other areas of the California Central Valley are facing similar sedimentation challenges. What can our local community leaders learn from flood prevention efforts being conducted upstream? (These efforts were shared by Reggie Hill, General Manager for the Lower San Joaquin Levee District, in a webinar hosted by the California Silver Jackets/CA Department of Water Resources on April 24, 2018.)

14. Page 5-237, Section 5.16: Utilities and Public Services, Existing Conditions of the LSJRFS states:

> *storm water in Manteca is handled by the city and by the South San Joaquin Irrigation District (City of Manteca, 2003). Drainage flows west into French Camp Canal, which flows into French Camp Slough and ultimately drains into the Delta. Manteca has a target level of service of*

10-year storm drainage protection for all development and a 100-year storm drainage protection for all structures (City of Manteca, 2003).

15. **QUESTION:** Shouldn't proposed City of Manteca Zone 39 (River Drain) storm water facilities be included in a timely and proper past, present, and foreseeable cumulative impact analysis? (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to the Manteca City Council ("MCC"), **Enclosure 14**: 01/22/2018 Letter to the Manteca Planning Commission ("MPC"), **Enclosure 16**: 02/06/2018 Letter to MCC, and **Enclosure 17**: 02/07/2018 Letter to SJC LAFCo)

16. Page 5-239 of the LSJRFS states:

Basis of Significances

A project alternative would have a significant impact related to utilities and public services if it would:

- *Result in substantial adverse physical impacts associated with the need for of new or physically altered public service or facilities, including police service, fire protection, school, library, drinking water, wastewater and storm water collection facilities;* [**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14**: 01/22/2018 Letter to MPC, **Enclosure 15**: 02/05/2018 Letter to MCC, **Enclosure 16**: 02/06/2018 Letter to MCC, and **Enclosure 17**: 02/07/2018 Letter to SJC LAFCo]
- *Substantially increase need for new or physically altered public service or facilities, the construction of which could cause significant environmental impacts, in order to maintain*
  acceptable service ratios, response times or other performance objective; [...] [**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14**: 01/22/2018 Letter to MPC, **Enclosure 15**: 02/05/2018 Letter to MCC, **Enclosure 16**: 02/06/2018 Letter to MCC, and **Enclosure 17**: 02/07/2018 Letter to SJC LAFCo]
- *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;* [**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14**: 01/22/2018 Letter to MPC, **Enclosure 16**: 02/06/2018 Letter to MCC, and **Enclosure 17**: 02/07/2018 Letter to SJC LAFCo]
- *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant*

environmental effects; [...] [**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo]

17. **QUESTION:** Shouldn't proposed City of Manteca Zone 39 (River Drain) storm water and Zone 25 waste water facilities also be included in a timely and proper past, present, and foreseeable cumulative impact analysis? (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 12**: 01/27/2018 Letter to RD2075, **Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 15:** 02/05/2018 Letter to MCC, **Enclosure 16:** 02/06/2018 Letter to MCC, **Enclosure 17:** 02/07/2018 Letter to SJC LAFCo, and **Enclosure 19**: 10/11/2017 Letter to DSA)

18. Page 5-239 of the LSJRFS states:

5.16.3 ALTERNATIVE 1 - NO ACTION

[...] Flooding that occurs under the No Action Alternative would result in backflow of storm water facilities, including a 72-inch storm line which drains into Old Mormon Slough and storm drains for the subdivisions located south of Highway 120 in RD 17.

19. **COMMENT:** This "No Action Alternative" should consider the City of Manteca's intent and/or need to improve and/or expand current storm water collection, retention, and drainage infrastructure in conjunction with flood and other hydrology-related drainage impacts involved. (**Within Enclosure 1, 02/26/2018 Letter to SJAFCA, See its own Enclosure 13**: 12/12/2017 Letter to MCC, **Enclosure 14:** 01/22/2018 Letter to MPC, **Enclosure 16:** 02/06/2018 Letter to MCC, and **Enclosure 20:** 09/18/2017 Letter to MCC)

20. **QUESTION:** What if City of Manteca storm water drainage infrastructure is removed and not restored as forewarned in Section 5.16.4, page 5-240 of the LSJRFS? Wouldn't storm water drainage for City of Manteca subdivisions located south of Highway 120 in RD 17 (as well as possibly others in storm drainage zones 34 & 36) be very significantly impacted when considered as part of the 7a Alternative impact analysis? See excerpt as included on Page 7-7 of the March 2017 San Joaquin River Basin-Wide Feasibility Study State Recommended Plan, which states:

Mormon Channel Bypass: *This element includes a control structure and channel improvements to divert up to 1,200 cfs from the upstream end of the Stockton Diverting Canal to the Mormon Channel to add resiliency against projected climate change by reducing flows in the Stockton Diverting Canal and Old Calaveras River. This element is included in the State Recommended Plan because it provides stage reduction benefits along the urbanized reaches of the Calaveras River and Stockton Diverting Canal and provides significant recreational benefits at modest cost.*

21. **QUESTION:** Will currently existing FCOC backwater effects continue to impede and/or block City of Manteca storm water drainage during periods of high water flows and/or flooding?

22. **QUESTION:** Is the FCOC still a viable option and reasonable means of conveying what appears to be a growing amount of storm water to be generated as a result of the continuing high volume of development projects recently being approved and located within City of Manteca storm water drainage zones 34 and 36?

23. **QUESTION:** Since the burden of compliance and enforcement of the SB5 requirements for our area appears to fall on the City of Manteca, isn't it especially important that the City of Manteca, as the lead agency, carefully consider any and all flood and other hydrology-related impacts associated with the continued and expanded use of the FCOC as our developing community prepares for the next 100-year and 200-year flood/storm event?

24. **QUESTION:** If for any reason, any portion of storm water from zones 34 and 36 can not be drained into the FCOC, what additional facilities including storm water drainage outfalls will need to be constructed or expanded to handle those portions of storm water volumes generated in zones 34 and 36? Will any additional storm water facilities that may be considered be sized to accommodate:

(i) a 10-year storm event?
(ii) two 10-year storm events?
(iii) a 100-year storm event?
(iv) a 200-year storm event?

Is the council aware that in April 2018, land use authorities in and around Houston, Texas changed the conditions of approval for new development to require meeting a 500-year flood protection standard?

25. **QUESTION:** Have storm water flows and detention basins in storm water zones 34 and 36 been properly and adequately sized to guard against and prevent system overflows and any down gradient storm water drainage impacts that may affect drainage in zone 39 or the rural areas south of the existing RD17 dry land levee?

26. **QUESTION:** What consideration was given for storm water (and flood water) drainage flows traveling through SSJID drain #10 which travels through and extends from zone 36 turning south to and along the southern boundary of zone 39?

27. **QUESTION:** Page 7 of the Oakwood Landing Water District - City of Manteca Joint Drainage/Wastewater Feasibility Study Final Report ("JDWFS") notes that SSJID drain #11 exists near the southern boundary of zone 39, but no mention of SSJID drain #10 appears to be

mentioned in the JDWFS. Why? (See the City of Manteca 2013 Storm Drain Master Plan, Figure 5-1, which depicts the exact location of SSJID drain #10.)

28. **QUESTION:** Since SSJID drain #10 originates upgradient in zone 36 before continuing and running downgradient along and through the eastern and southern perimeter of zone 39, shouldn't any SSJID drain #10 drainage flows be considered as part of any meaningful drainage analysis?

29. **QUESTION:** Will any meaningful SB5 200-year flood protection environmental impact review and analysis involve how and in what manner drainage flows will pass through the SSJID Drain #11 drainage system?

30. **QUESTION:** What effect will any meaningful SB5 200-year flood protection environmental impact review and analysis have on determining the future operations of SSJID Drain #11?

31. **QUESTION:** Due to the difficulties in meeting the SB5 200-year compliance standard, isn't it likely that drainage flows through the Drain #11 system will need to have the total channel flow drainage volumes significantly reduced to avoid any potential for flood waters to encroach upon and compromise the RD 17 cross levee?

32. **QUESTION:** What impacts will that create for those affected?

33. **QUESTION:** Is it possible that the potential for what appears to be very significant flood impacts involved will result in SSJID Drain #11 being repurposed to convey SSJID surface water to the rural and urbanizing areas of southwest Manteca?

34. **QUESTION:** What flood and other hydrology-related impacts will that create? Wouldn't it make sense to evaluate these potential impacts as part of a full and comprehensive environmental impact review and analysis? With all the recent information identifying San Joaquin River (and associated tributary) channel flow deficiencies and back water effects involved, how can the City of Manteca approve any project that depends on an Environmental Impact Report dating as far back as 2010?

35. **QUESTION:** If Oakwood Shores untreated sewage wastewater is sent to the Manteca Wastewater Quality Control facility for treatment and eventual discharge, won't those treated wastewater discharges and/or spray field applications only add to the potential for greater flood impacts that may be created?

36. **QUESTION:** City of Manteca staff have actively pursued and represented to the public the City of Manteca's intent to drain treated and/or partially treated wastewater from Eckert Cold Storage and other industrial sources into the area described in the September 18, 2018 MCC

Meeting Agenda Item E.3 (18-394): Adopt a resolution conveying a Conservation Easement to San Joaquin Council of Governments (SJCOG) upon a portion of City Property (...). In light of that, wouldn't it make sense to consider the flood and drainage impacts as part of a full and comprehensive environmental impact analysis? What drainage and other impacts may be created by any levee and other flood and/or drainage improvements that may be required to offset any impacts created?

37. **QUESTION:** Based on representations made by the City of Manteca and consulting firms acting on the City of Manteca's behalf, isn't it likely that any future flood protection improvements necessary to protect any portion of the 417.4 acres of City of Manteca property to be conveyed by agenda item E.3 (previously presented to the MCC on 9/18/2018) may result in very significant flood and other hydrology-related drainage impacts to the unprotected areas both upstream and downstream of the 417.4 acre area to be conveyed?

38. This is particularly important to consider when it is realized that State of California Assembly Bill No. 70 ("AB 70"), Section 1, Section 8307 (a) (approved on October 10, 2007) states that: *A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project.*

39. **QUESTION:** Wouldn't AB 70 subject the City of Manteca to very significant flood liability exposure?

40. **QUESTION:** In fact, isn't it likely that apparent stormwater drainage deficiencies and impedances affecting stormwater drainage flows emanating from City of Manteca stormwater Zone 34 (ie. CenterPoint Building 3 – SPC-18-75, as well as other industrial development projects west of Airport Way) may eventually overload system capacity and result in very significant flood impacts to stormwater Zone 34 as well as other affected stormwater zones and drainage areas downstream? Isn't it also likely that any liability exposure may eventually extend to both San Joaquin County as well as the State of California?

41. **QUESTION:** Shouldn't the City of Manteca consider any potential to extend any flood liability exposure to other governing authorities outside of the areas controlled by the City of Manteca before approving any City of Manteca development project that may adversely affect flood water drainage in and along the South Delta/Lower San Joaquin River Basin?

42. **QUESTION:** Given that the JDWFS includes Hydrologic Input Parameters as presented in Appendix "D" (Drainage Hydrologic and Hydraulic Calculations), do the flow volumes presented represent total flows generated to determine the retention pond capacity necessary to handle one or two 10-year storm/flood events? Has any consideration or hydraulic modeling been created to

evaluate flow volumes and drainage pathways to be expected in the event that a 200-year storm or flood occurrence?

43. **QUESTION:** When you consider that page 37 of the JDWFS describes a "downstream boundary condition: free outfall" that appears to be limited by controlled pumping upstream and within zone 39 that totals 28.8 cubic feet per second, what increased flood impacts may be created due to additional storm water drainage flows generated in zones 34 and/or 36 that may potentially overload the zone 34 and/or zone 36 systems before spilling over and draining into zone 39?

44. **QUESTION:** Should drainage flows through the zone 39 outfall be metered and measured to prevent discharging more storm water than the San Joaquin River channel can safely handle during periods of high flows or flooding?

45. **QUESTION:** Drainage flows from Dutra Estates do not appear to be included in the Appendix D: Drainage Hydrologic and Hydraulic Calculations as included in the JDWFS. Why?

46. **QUESTION:** When you consider that page 10 of the JDWFS lists project assumptions that state "the bottom elevation of the detention basin will be a minimum of 2 feet above the groundwater elevation", TLG can't help but question where will groundwater (that is currently being pumped for the purpose of lowering the high groundwater elevations currently existing in zone 39) be conveyed and drained during periods of high San Joaquin River channel flows and/or flooding?

47. **QUESTION:** When you consider widely recognized and accepted channel flow deficiencies affecting drainage capacity in and along the South Delta/Lower San Joaquin River System, wouldn't it make sense for our local authorities to work together to clearly identify, define and present to the public plans for storm water collection, retention, and discharge in conjunction with an upstream drainage plan that fully aligns with and mitigates impacts for any storm and flood protection plan to be considered?

48. **QUESTION:** Will the potential for increased drainage impacts associated with the current high level of urban expansion along the South Delta/Lower San Joaquin River Basin outpace our community's ability to generate the development fee funding necessary to construct and maintain the flood protection/drainage facilities needed to safeguard both our local urban and rural areas from the increased danger of flooding?

49. **QUESTION:** What safeguards and protections related to public safety are being lost by expediting the flood protection infrastructure improvement process in a way that appears to indicate that one or more project sponsors are prioritizing efforts to utilize a phased approach to more effectively enhance local development efforts to meet SB5 time-sensitive deadlines? What

impacts may be created to any and all developing and non-developing areas affected by potential storm water drainage and retention pond system failures emanating from zones 34 and/or 36??

50. **QUESTION:** With this in mind, can more be done with hydraulic modeling to ensure that any flood mitigation and/or drainage project being considered (including the expansion of Paradise Cut and those included in the JDWFS) carefully evaluates existing South Delta/Lower San Joaquin River Basin drainage conditions for a full range of potential flood events that may be expected to occur? (ie. 50-year, 100-year, 200-year, a 1997 type event, etc.)

51. **QUESTION:** What additional hydraulic modeling analysis should be conducted to consider the magnitude of potential impacts for any and all past, present, and reasonably foreseeable flood mitigation (and other projects) affecting drainage in and along the South Delta/Lower San Joaquin River Basin?

52. On July 27, 2018, the Central Valley Flood Protection Board approved a City of Lathrop application to construct a storm water drainage outfall structure through the east bank of the San Joaquin River, but only under what appears to be the following conditions:

i) At any time that the San Joaquin River channel flows (as measured at the Mossdale monitoring station) reach 25.38 feet in elevation, storm water discharges through the outfall shall be limited to 200 cubic feet per second; and

ii) Once San Joaquin River channel flows reach flood stage (28.5 feet in elevation) at the Mossdale monitoring station, **no** storm water will be allowed to be pumped into the San Joaquin River through the outfall structure.

53. **QUESTION:** Will any future consideration by the City of Lathrop, Oakwood Shores, or the City of Manteca to construct or modify one or more storm water drainage outfalls through the right bank of the San Joaquin River be met with the same limited and/or no discharge requirement for any and all times that the San Joaquin River channel is subjected to high river flow conditions? Even so, how many storm water drainage outfalls pumping into the San Joaquin River can the river system effectively handle?

54. **QUESTION:** Will any CVFPB action to approve the October 26, 2018 CVFPB meeting agenda item 5.C and associated permitting and expansion of three storm water drainage outfall structures along the San Joaquin RIver lead to greater upstream flood and other drainage impacts than currently exist?

55. **QUESTION:** Most important, are local authorities taking the necessary steps to ensure that current development growth includes adequate retention pond capacity to safeguard and protect our local urban and rural communities against any potential for any backwater and other flood and stormwater impacts that may be created? (**See Enclosures 31, 32 & 33**)

56. **QUESTION:** During times that the South Delta/Lower San Joaquin River Basin is simultaneously impacted by both heavy rainfall and high San Joaquin River channel flows affecting drainage in our area, where will storm water be stored and/or conveyed to?

57. **QUESTION:** What storm backwater and/or impeded drainage flow impacts are likely to occur if we experience a 200-year flood event or even a very significant smaller event like what we experienced in the 1997 flood?

58. **QUESTION:** How will our local community handle the total storm water drainage flows that potentially may be generated?

59. **QUESTION:** Isn't it likely that these same types of questions caused our local and state legislatures to promote smarter and more sustainable growth by means of the flood protection safeguards offered in SB5?

60. **QUESTION:** Should South Delta/Lower San Joaquin River Basin hydraulic models consider reducing the total amount of development acreage currently planned or zoned as urbanizing in support of allowing other urban area land uses that may offer increased flood protection while more effectively minimizing impacts to the upstream and downstream areas affected?

61. **QUESTION:** Wouldn't it make sense for additional consideration to be given that fully analyzes any and all drainage impacts created based on what appears to be the State Water Resources Control Board's anticipated rescheduled November 7, 2018 (previously scheduled for August 2018) adoption of proposed amendments to the water control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary which are expected to include new and revised flow objectives for the Lower San Joaquin River and its tributaries? (**See Enclosure 5**) For more information, visit the State Water Board's website at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/

62. **QUESTION:** Will any hydraulic modeling analysis performed consider any and all impacts associated with what appears to be the State of California's plans to move forward with one or two twin tunnels, as called for in the "Bay Delta Conservation Plan - California WaterFix Final EIR/EIS" dated December 2016?

63. **QUESTION:** What effect will a proposed new reservoir at the south end of the Delta (near the town of Byron) have on flood water drainage along the South Delta/Lower San Joaquin River and associated tributaries? (**See Enclosure 6**)

64. **QUESTION:** What consideration will be given to allow for potential upstream and downstream San Joaquin River stage increases due to global warming and/or San Francisco Bay tidal action?

65. **QUESTION:** Will any hydraulic modeling analysis performed recognize and allow for impacts resulting from known channel flow deficiencies along the South Delta/Lower San Joaquin River (and associated tributaries) that are becoming more problematic over time due to sedimentation and vegetative overgrowth? (Within **Enclosure 1** (02/26/2018 Letter to SJAFCA), see its own Enclosure 1 which contains a list of letters and related items. This list contains information that TLG believes is important to consider as part of any hydraulic modeling or environmental review analysis that is or will be conducted. Within this list, please note Item 24: 05/31/2017 Letter to John Maguire, Item 26: 05/12/2017 Letter to John Maguire, and Item 28: 04/20/2017 Letter to the SJCBS.)

66. **QUESTION:** Wouldn't it make sense to delay any expansion or other improvements to or along the San Joaquin River, Old River, and Paradise Cut until adequate environmental review and hydraulic modeling has been conducted?

Most important, TLG believes drainage flows through and along Paradise Cut and Old River with what appears to be the potential to drain to and into a proposed new reservoir (near the town of Byron) may prove inadequate to handle the total drainage flows that may be created from all sources. (**See Enclosure 6**)

To support this, page ES-2 of the LSJRFS states:
Analysis of the study area is challenged by the presence of three sources of flooding, the Delta Front, Calaveras River and San Joaquin River. This results in commingled floodplains for the North and Central Stockton areas. The distributary nature of the Delta also affects Delta water levels, because high flows from the Sacramento River may "fill" the Delta prior to a peak inflow on the San Joaquin River as occurred in 1997, raising water levels on the Delta front levees.

67. **QUESTION:** Isn't it likely that high flows from the Sacramento River and other sources to the north of Manteca may "fill" any new South Delta reservoir being considered prior to peak inflows arriving from the San Joaquin River, as occurred in 1997?

68. **QUESTION:** Wouldn't that diminish and/or impede the drainage flow benefits to be expected and depended upon for those residents, business, and property owners located in the rural areas of south Manteca and further situated south of the existing RD 17 dryland cross levee? (ie. RD 2094, 2096, 2075 and 2064)

69. **QUESTION:** What backwater effects and increased flood elevations may be created?

70. **QUESTION:** What additional cumulative flood and other impacts may be created in association with the Manteca Planning Commission's recent approval of the September 25, 2018 MPC Meeting Agenda Item 6.2: CenterPoint Building 3 – SPC-18-75. Commercial Site Plan to

construct a new 746,790 square-foot Class A industrial concrete tilt-up warehouse and associated site improvements?

With this in mind, TLG believes that the current SB5 flood protection approval process is deficient and flawed in its approach. Further, TLG believes that the current flood protection phased approval process does not allow for and mitigate what appears to be very significant upstream and downstream impacts that may be created.

For this reason, TLG urges the CVFPB to condition any October 26, 2018 Agenda Item 5.C board discussion, action, or project approval affecting drainage in and along the South Delta/Lower San Joaquin River Basin on adding provisions to the current RD 17/RD 2062 phased flood prevention improvement approach strategy that require and support immediate and more extensive environmental impact study and analysis to be conducted. This study should fully evaluate and mitigate flood and other hydrology-related impacts that may be created in association with any past, present, and reasonably foreseeable SPFC and non-SPFC flood protection levee and other improvements previously approved or being considered that my affect drainage in and along RD Nos. 17, 2062, 2094, 2075, 2085, 2096, and 2064, as well as any other affected reclamation districts downstream.

TLG believes that this is important when you consider that in the LSJRFS, Page 5-286, Section 5.23: Cumulative Effects states:

> *NEPA and CEQA require the consideration of cumulative effects of the proposed action combined with those of other projects. NEPA defines a cumulative effect as an environmental effect that results from the incremental effect of an action when combined with other past, present and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.7). The CEQA Guidelines require an assessment of the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable." CEQA requires cumulative impacts of a project be assessed with respect to past, current and probable future projects within the region. ... This cumulative analysis uses the list approach. Section 5.23.3 includes a description of the past, present and future projects.*

(Within **Enclosure 1:** 02/26/2018 letter to SJAFCA, **see its own Enclosure 10:** Three Petitions **and its own Enclosure 21:** Table 5-46: Development Projects within RD 17.)

This becomes especially important when considering potential flood liability associated with AB 70 in conjunction with past, present, and reasonably foreseeable changes in conditions to the environment as well as anticipated changes to the City of Manteca and the City of Lathrop General Plans as compared to known channel flow deficiencies and other environmental conditions currently existing along the San Joaquin River, Calaveras River, Little John Creek,

French Camp Slough, Paradise Cut, and Old River. These conditions may be affected by anticipated changes in state water flow objectives as well as the following factors: the size, placement, and potential capital improvement costs associated with storm water drainage, conveyance and retention, disinfected and un-disinfected waste water effluent spray field and San Joaquin River discharge, potable water delivery, and traffic circulation and rail transit infrastructure, as well as any SB5 flood protection and other drainage improvements serving our local urban and rural communities. These factors, as affected by the anticipated changes in state water flow objectives, may lead to significant flood and other hydrology-related mitigation measures becoming necessary to accommodate the rapid pace of development affecting both the urban and rural developing and non-developing areas along the South Delta/Lower San Joaquin River Basin. **(See Enclosures 1 to 35)**

As a result of acting in this manner, the CVFPB can serve the best interests of the public by promoting a higher level of flood protection for the entire RD 17 and RD 2062 drainage system areas (ie. this includes RD Nos. 2064, 2075, 2094, & 2096 as well as any other affected reclamation districts downstream). Most important, this effort shall offer the necessary protections and allow appropriate mitigation measures to be identified and put in place to ensure the reduction of any impacts associated with any and all flood protection alternatives and other forms of development infrastructure being considered for all developing and non-developing urban and rural properties that may be affected. **(See Enclosures 1 to 35)**

Thank you for your attention to this matter.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/cm

Enclosures:

Please Note: To conserve file size, copies of these Enclosures (except Enclosures 3, 5, 6, 34 & 35, which are attached) can be downloaded individually through their corresponding Dropbox hyperlinks.

1. February 26, 2018 letter from TLG to San Joaquin Area Flood Control Agency. *Please access this Enclosure by downloading the file from Dropbox at this link:* (https://www.dropbox.com/s/8scnhemfwexbkr9/2018-02-26_LTR_SJAFCA_LSJR%20EIR_PublicComm_wEncl.pdf?dl=0)
2. March 5, 2018 letter from TLG to the San Joaquin County Local Agency Formation Commission. *Please access this Enclosure by downloading the file from Dropbox at this link:*

(https://www.dropbox.com/s/tl0ir7soookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0)

3. San Joaquin County Local Agency Formation Commission Reclamation District Municipal Service Review Administrative Draft, Page 26-9
4. July 17, 2018 letter from TLG to the State Water Resources Control Board (https://www.dropbox.com/s/aqyqwf9by8za11l/2018-07-17_LTR_SWRCB_BayDeltaPlan.pdf?dl=0)
5. CA State Water Resources Control Board Notice of Public Meeting and Consideration of Adoption of Proposed Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document.
6. July 17, 2018 news article from the *Sacramento Bee*: "Delta tunnels get 'real' as backers seek $1.6B loan from Trump administration."
7. June 19, 2018 letter from TLG to the California Department of Water Resources, Division of Flood Management (https://www.dropbox.com/s/z0u2f4e5h9nucgl/2018-06-19_LTR_DWR_CVTributariesProg.pdf?dl=0)
8. May 14, 2018 letter from TLG to Greg Showerman, Manteca Community Development Director for the City of Manteca (https://www.dropbox.com/s/8oao37q42u7u4e5/2018-05-14_LTR_GShowerman_TM2.2.pdf?dl=0)
9. June 11, 2018 Letter from TLG to the Lathrop City Council (https://www.dropbox.com/s/zjp4aoq4iljpcty/2018-06-11_LTR_LCC_AgIt4.9.pdf?dl=0)
10. June 18, 2018 Letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/azn194g6ld2vhqp/2018-06-18_LTR_CVFPB_AgIts5A11.pdf?dl=0)
11. July 16, 2018 Letter #1 from TLG to the Manteca City Council (https://www.dropbox.com/s/5fle1kpwvzqhcc9/2018-07-16_LTR_MCC_LTR1AgItC2.pdf?dl=0)
12. July 16, 2018 letter from TLG to the San Joaquin County Resource Conservation District and American Rivers (https://www.dropbox.com/s/guf6va8txy61p6g/2018-07-16_LTR_SJCRCD-AmRivers_FollowUp.pdf?dl=0)
13. July 16, 2018 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/hzv4kzfrqz9dpv3/2018-07-16_LTR_SJAFCA_PubComm.pdf?dl=0)
14. July 23, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/o4n530zgcm10tlk/2018-07-23_LTR_CVFPB_AgIts5C7B7C.pdf?dl=0)
15. July 30, 2018 letter from TLG to the San Joaquin Regional Rail Commission (https://www.dropbox.com/s/4ccyoh0a78sw7td/2018-07-30_LTR_SJRRC_AgIt5.pdf?dl=0)
16. August 7, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/345gd6v8vhatcrq/2018-08-07_LTR_CVFPB_AgIts4%265.pdf?dl=0)

17. August 9, 2018 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/u1bdy2gnf6u9tdy/2018-08-09_LTR2_MCC_AgItB1_Great Wolf.pdf?dl=0)
18. August 13, 2018 letter from TLG to the Manteca Planning Commission (https://www.dropbox.com/s/e1umdzixy14ktzz/2018-08-13_LTR_MPC_AgIt6.1_LuxuryApts.pdf?dl=0)
19. August 20, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/9sn15q9s9ahwyzx/2018-08-20_LTR_CVFPB_AgIts8B9C.pdf?dl=0)
20. September 4, 2018 letter from TLG to the Manteca City Council Re: Agenda Item E.1 (https://www.dropbox.com/s/3y7wqql45kamksn/2018-09-04_LTR_MCC_AgItE1.pdf?dl=0)
21. September 10, 2018 letter from TLG to the Lathrop City Council Re: Agenda Items 4.11 & 5.1 (https://www.dropbox.com/s/kmlm7ojyva9y6e9/2018-09-10_LTR_LCC_AgIts4.11%265.1.pdf?dl=0)
22. September 18, 2018 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/eyt2wl6isuplxvb/2018-09-18_LTR_MCC_AgItsD1%26E3.pdf?dl=0)
23. September 10, 2018 letter from TLG to the San Joaquin County Local Agency Formation Commission (https://www.dropbox.com/s/p43d2hsn9kbiow7/2018-09-10_LTR_LAFCo_AgIt4.pdf?dl=0)
24. March 28, 2018 letter from TLG to the San Joaquin Council of Governments (https://www.dropbox.com/s/zh6z7q38g799dky/2018-03-28_LTR_SJCOG_LTR1_RTPSCS.pdf?dl=0)
25. September 18, 2018 letter from TLG to the San Joaquin Area Flood Control Agency (https://www.dropbox.com/s/a9ivw8xeucgsa6t/2018-09-18_LTR_SJAFCA_AgIts3.2%263.3.pdf?dl=0)
26. September 24, 2018 letter from TLG to the Manteca Planning Commission (https://www.dropbox.com/s/o94mh1tsnblzigm/2018-09-24_LTR_MPC_AgIt6.2.pdf?dl=0)
27. September 24, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/vyiymsf6p0no7aq/2018-09-25_LTR_SJCOG_AgIt3.pdf?dl=0)
28. October 8, 2018 letter from TLG to Reclamation District No. 17 (https://www.dropbox.com/s/smq1d55w5unqqhk/2018-10-08_LTR_RD17_AgIts3-8.pdf?dl=0)
29. October 16, 2018 letter from TLG to the Lathrop Planning Commission (https://www.dropbox.com/s/u3hlqgixbmxjcww/2018-10-16_LTR_LPC_AgIt9.1.pdf?dl=0)
30. October 16, 2018 letter from TLG to the San Joaquin Regional Rail Commission (https://www.dropbox.com/s/61ttzwt1uv0abzf/2018-10-16_LTR_SJRRC_AgItPubComm.pdf?dl=0)
31. September 4, 2018 Manteca City Council meeting transcript (https://www.dropbox.com/s/bg2ab7p3ygg129l/2018-09-04%20MCC%20Meeting%20E1%20Transcript.pdf?dl=0)

32. September 10, 2018 Lathrop City Council meeting transcript (https://www.dropbox.com/s/t73d9r8an5farcl/2018-09-10%20LCC%20Meeting%20Transcript.pdf?dl=0)
33. September 13, 2018 San Joaquin County Local Agency Formation Commission meeting transcript (https://www.dropbox.com/s/z556xo1pxwmib2i/2018-09-13%20LAFCo%20Transcript.pdf?dl=0)
34. June 5, 2018 Speech by Kerry Harris as presented at the June 5, 2018 Manteca City Council Meeting, with attachment.
35. February 16, 2017 Email from Fleener Richards to the Manteca City Council

cc:

Manteca City Council, % Lisa Blackmon, City Clerk (lblackmon@ci.manteca.ca.us)
San Joaquin Council of Governments, % Diane Nguyen (nguyen@sjcog.org)
Reclamation District No. 17, % Chris Neudeck (cneudeck@ksninc.com)
Reclamation District No. 2075, % Pam Forbus (pamforbus@sbcglobal.net)
San Joaquin Area Flood Control Agency, % Marlo Duncan, Project Manager (marlo.duncan@stocktongov.com)
South San Joaquin Irrigation District Board of Directors, % Betty Garcia, Executive Secretary/Clerk of the Board (bgarcia@ssjid.com)
Lathrop City Council, % Teresa Vargas, City Clerk (website_cco@ci.lathrop.ca.us)
San Joaquin Flood Control and Water Conservation District, % Fritz Buchman (fbuchman@sjgov.org)
San Joaquin Local Agency Formation Commission, Attn: James Glaser (jglaser@sjgov.org)
San Joaquin Regional Rail Commission Board of Directors, VIA US MAIL, 949 E. Channel Street, Stockton, CA 95202
San Joaquin County Board of Supervisors, % Mimi Duzenski, Clerk of the Board (mduzenski@sjgov.org)
Jeff Denham, United States House of Representatives, % Peter Butler (Peter.Butler2@mail.house.gov)
Jon Ericson, Hydrology and Flood Operations Officer, California Department of Water Resources (jon.ericson@water.ca.gov)
California Department of Water Resources, Attn: Mary Jimenez (mary.jimenez@water.ca.gov)
Michael Mierzwa, Lead Flood Management Planner, California Department of Water Resources (michael.mierzwa@water.ca.gov)
Tanis Toland, U.S. Army Corps of Engineers, Sacramento District (Tanis.J.Toland@usace.army.mil)

Senate Bill 5 (SB 5)

Future development and growth of the Delta is substantially affected by Senate Bill (SB) 5 that applies to all areas within the FEMA 500-year and 100-year floodplains. It requires cities and counties to establish substantial evidence that certain development and projects are protected from a 200-year flood event before approval can be granted. The requirements for substantial evidence are provided in the Urban Levee Design Criteria (ULDC) and the Urban Level of Protection (ULOP) documents developed by DWR. This also applies to in-fill development.

The burden of enforcement of the SB 5 requirement is on the land use authorities (cities and counties) not the reclamation districts. Table 26-4 shows the land use authority that has jurisdiction within each of the reviewed districts. Some of the districts, such as RD 17, encompass land within multiple municipalities.

Table 26-4: Reclamation District Associated Land Use Authority

		LAND USE AUTHORITY				
DISTRICT	NAME	STOCKTON	LATHROP	MANTECA	TRACY	COUNTY
RD 17	Mossdale	✓	✓	✓		✓
RD 348	New Hope					✓
RD 404	Boggs Tract	✓				✓
RD 828	Weber Tract	✓				
RD 1007	Pico & Nagle				✓	✓
RD 1608	Smith Tract	✓				✓
RD 1614	Smith Tract	✓				✓
RD 2042	Bishop Tract	✓				
RD 2058	Pescadero				✓	✓
RD 2062	Stewart Tract		✓			
RD 2064	River Junction			✓		✓
RD 2074	Sargent-Barnhart	✓				
RD 2075	Mc Mullin					✓
RD 2085	Kasson			✓		✓
RD 2094	Wathal			✓		✓
RD 2095	Paradise					✓
RD 2096	Wetherbee			✓		✓
RD 2107	Mossdale		✓			✓
RD 2115	Shima Tract	✓				
RD 2119	Wright-Elmwood	✓				✓
RD 2126	Atlas Tract	✓				

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO–SAN JOAQUIN DELTA ESTUARY AND FINAL SUBSTITUTE ENVIRONMENTAL DOCUMENT

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board ("State Water Board") will hold a public meeting to consider adoption of proposed amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the "Bay-Delta Plan") and the supporting proposed final Substitute Environmental Document ("Final SED"). An opportunity to submit written comments on modifications to the proposed amendments is being provided, as described below.

The proposed amendments include new and revised flow objectives for the Lower San Joaquin River ("LSJR") and its tributaries, the Stanislaus, Tuolumne, and Merced Rivers, for the reasonable protection of fish and wildlife beneficial uses and revised salinity water quality objectives for the reasonable protection of southern Delta agricultural beneficial uses, as well as a program of implementation for these objectives ("Proposed Final Amendments"). The proposed Final SED evaluates the potential environmental impacts, benefits, and economic impacts of the proposed amendments and includes written responses to comments received during the extensive comment period that ended March 17, 2017.

In response to the comments received, the text of the proposed amendments was modified. Those changes are identified in double strikeout and double underline in the Proposed Final Amendments, which are included as an appendix to the Final SED (Appendix K, *Revised Water Quality Control Plan*). The public may submit written comments on the changes that are identified in double strikeout and double underline in Appendix K, *Revised Water Quality Control Plan,* in accordance with the procedures of this notice. The comment period on the adequacy of the SED concluded in March 2017, and the State Water Board will not accept written comments on this matter.

The date, time, and location of the meeting to receive oral public comments and for consideration of adoption is:

Tuesday, August 21, 2018, 9:30 a.m.
and
Wednesday, August 22, 2018, 9:30 a.m.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

The meeting may be continued if necessary.

BACKGROUND

The San Francisco Bay/Sacramento-San Joaquin River Delta Estuary ("Bay-Delta") is important to the natural environment and economy of California. The Bay-Delta Plan protects water quality in the Bay-Delta watershed by identifying the beneficial uses of the waters, water quality objectives to protect those uses, and a program of implementation to achieve the water quality objectives. The Porter-Cologne Water Quality Control Act and the federal Clean Water Act require the State Water Board to regularly review and update the Bay-Delta Plan, which was last updated in 2006.

Since adoption of the 2006 Bay-Delta Plan, concerns related to adequate flows for protection of fish and wildlife have escalated and new information on crop salinity tolerances in the southern Delta has emerged. In 2009, the State Water Board initiated review of the Bay-Delta Plan LSJR flow and southern Delta water quality objectives and the program of implementation for those objectives. In December 2012, the State Water Board released draft amendments to the Bay-Delta Plan ("2012 Draft Amendments") and a draft substitute environmental document ("2012 SED") and provided opportunity for written public comment and oral comment at a hearing that concluded in March 2013. In consideration of the large number of public comments received on the 2012 Draft Amendments and 2012 SED, and new additional information, the State Water Board released revised amendments to the Bay-Delta Plan on September 15, 2016 ("2016 Draft Amendments") and recirculated a substantially revised draft substitute environmental document ("Recirculated SED") in its entirety for public review and comment. The review and comment period on the 2016 Draft Amendments and Recirculated SED lasted for six months and included a five-day public hearing in four cities that concluded on January 3, 2017. The public comment period closed at 12 noon on March 17, 2017.

The 2016 Draft Amendments included the following elements: (1) new and revised narrative and numeric flow objectives for the LSJR, the Stanislaus, Tuolumne, and Merced Rivers for the reasonable protection of fish and wildlife beneficial uses, (2) revised salinity water quality objectives for the reasonable protection of agricultural beneficial uses in the southern Delta, (3) a program of implementation to achieve those objectives, and (4) monitoring and special studies necessary to fill information needs and determine the effectiveness of, and compliance with, the new objectives. The new and revised flow objectives would require increased flows in February through June that can be adaptively implemented under the program of implementation to reasonably protect fish and wildlife beneficial uses. The revised salinity water quality objective would increase the existing objectives, which are lower than necessary to reasonable protect agricultural beneficial uses in the southern Delta.

The State Water Board has considered all oral testimony and timely written public comments on the 2016 Draft Amendments and Recirculated SED. The State Water Board has prepared responses to those comments and made modifications to the 2016 Draft Amendments and the Recirculated SED that are reflected in the Proposed Final Amendments and the Final SED based on the comments received. At the public meeting, the State Water Board will consider adoption of the Proposed Final Amendments and the Final SED.

DOCUMENT AVAILABILITY

The Final SED includes the Proposed Final Amendments (located in Appendix K, *Revised Water Quality Control Plan*), responses to comments, and modifications to the Recirculated SED. The Final SED is available on the State Water Board's web site at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/bay_delta_plan/water_quality_control_planning/2018_sed/.

For a reasonable cost for copying, you may obtain an electronic copy of the documents on disk by contacting the Division of Water Rights Records Unit at (916) 341-5421 or at dwr@waterboards.ca.gov.

SUBMISSION OF WRITTEN COMMENTS ON REVISED APPENDIX K

The text of the Proposed Final Amendments is found in Appendix K of the Final SED. Extensive public participation, including review and comment, was already provided on the prior draft documents. The public comment period on the Recirculated SED closed on March 17, 2017 and, except for Appendix K as specified below, no additional written comments on the Final SED will be accepted, consistent with the State Water Board's regulations. (Cal. Code Regs., tit. 23, § 3779, subd. (e).)

The State Water Board will only accept written comments on the revisions to the 2016 Draft Amendments that are reflected in the Proposed Final Amendments in double underline and double strikeout, located in Appendix K, *Revised Water Quality Control Plan*, of the Final SED. Written comment letters must be **received by 12:00 p.m. (noon) on Friday, July 27, 2018**.

The State Water Board requests that comment letters on the changes to Appendix K be submitted via email to Jeanine Townsend, Clerk to the Board, by email at LSJR-SD-Comments@waterboards.ca.gov (please note that the email capacity is less than 50 megabytes total). Please title the subject line: "Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments." Electronic submission by email in pdf text format is preferred.

If submitting a hard copy of a comment letter, please address the letter to the attention of Jeanine Townsend, Clerk to the Board, State Water Resources Control Board, 1001 I Street, 24th Floor, Sacramento, CA 95814. Couriers delivering comment letters in person to CalEPA Headquarters Building must check in with lobby security personnel.

PROCEDURAL MATTERS

At the public meeting at which the State Water Board will consider adopting the Proposed Final Amendments and Final SED, interested persons will have an opportunity to comment orally on the proposed action. The State Water Board may consider and adopt changes to the Proposed Final Amendments consistent with the general purpose of the amendments.

There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. In order to ensure a productive, efficient, and fair meeting in which participants have an opportunity to be heard, oral comments will be limited to **three minutes** per speaker or as otherwise directed by the State Water Board Chair depending upon the number of commenters waiting to be heard on a given day.

FUTURE NOTIFICATIONS

The State Water Board will hold the public meeting at the time and location noted above. Any change in the date, time, and location will be provided by notices sent via the Lyris e-mail list. Any person desiring to receive future notices on this matter must sign up for the Lyris e-mail list. To sign up, access the E-mail List Subscription form, click on the "Water Rights" title bar, select the box for "Bay-Delta Notices" and provide the required information. The form is located at: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

WEBCAST INFORMATION
Video and audio broadcasts of the public meeting will be available via the internet and can be accessed at: https://video.calepa.ca.gov/.

CALIFORNIA ENVIRONMENTAL QUALITY ACT
This is to advise that the State Water Board is considering amending the Bay-Delta Plan in accordance with a regulatory program exempt under Section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and with other applicable laws and regulations.

PARKING AND ACCESSIBILITY
For directions to the Joe Serna, Jr. CalEPA Headquarters Building and public parking information, please refer to the map on the State Water Board Web site: http://www.calepa.ca.gov/headquarters-sacramento/location/.

The CalEPA Headquarters Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. Video and audio broadcasts of the meeting will be available via the internet and can be accessed at: https://video.calepa.ca.gov/.

On-site Spanish translation may be provided upon request. For more information, or to request Spanish interpreting services, please contact Chris Carr at (916) 341-5305 or chris.carr@waterboards.ca.gov, no later than August 6, 2018.

Durante la reunión se proveerá servicio de intérprete en español si alguien lo solicita. Para más información o para solicitar servicios de intérprete en español, puede contactar a Chris Carr, (916) 341-5305 o chris.carr@waterboards.ca.gov, a más tardar para el Agosto 6, 2018.

All visitors to the CalEPA Headquarters Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION
For more information on this matter, please direct questions to Chris Carr at (916) 341-5305 or chris.carr@waterboards.ca.gov, or Tim Nelson at (916) 445-5987 or timothy.nelson@waterboards.ca.gov.

July 6, 2018
Date

Jeanine Townsend
Clerk to the Board

ENCLOSURE 6



DELTA NEWS

Delta tunnels get 'real' as backers seek $1.6B loan from Trump administration

BY RYAN SABALOW AND DALE KASLER
rsabalow@sacbee.com

July 17, 2018 04:17 PM
Updated July 18, 2018 07:46 AM

Critical permits and legal challenges are still pending, and some farming groups still haven't committed to paying for part of Gov. Jerry Brown's controversial $17 billion Delta tunnels project.

But even with the uncertainty, backers of the project are poised to ask the Trump administration for a $1.6 billion federal loan that millions of Californians ultimately would have to repay through increases in their water bills.

Privacy - Terms

On Thursday, the just-formed Delta Conveyance Finance Authority, led by the regional water agencies backing the tunnels project, is expected to start the application process for a $1.6 billion federal water infrastructure loan administered by the U.S. Environmental Protection Agency.

Congress set up the loan program in 2014 to spur upgrades to the nation's aging system of irrigation projects and dams.

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The loan would represent a significant milestone for the project, which has been in the planning phase for nearly a decade, said Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California, which delivers Delta water to 19 million people in the south state.

"We're going to be issuing contracts in the next few months, and we're going to be spending some real money," Kightlinger said. "If we get this loan now, we're moving from millions into billions (of dollars). That's real." Metropolitan and other agencies have spent a combined $200 million planning the tunnels.

Earlier this year, Metropolitan's board breathed life into the struggling project by approving a $10.8 billion investment in California WaterFix, the name Brown's administration gave the tunnels.

Other hurdles remain before machines can start boring the 30-mile path under the Sacramento-San Joaquin Delta.

Most San Joaquin Valley farmers haven't agreed to pay into the project. A state board also has yet to issue a key permit required to start construction; dozens of lawsuits against the tunnels are pending.

Brown's office says WaterFix will shore up deliveries of Northern California river water to the south state while reducing the environmental harm done to the Sacramento-San Joaquin Delta, the hub of the state's water-delivery network

The project is fiercely opposed by Sacramento area politicians, Delta farmers and fishing and environmental groups.

Tunnels opponent Barbara Barrigan-Parrilla of Restore the Delta said she was troubled that the repayment plan under the loan doesn't start for at least five years after the project is finished.

"Our grandchildren and great-grandchildren will be footing the bill for dry tunnels when investments should have been made in sustainable water projects for their communities," she said.

Meanwhile, Brown's office on Tuesday said it has tweaked the design of the tunnels to reduce environmental impacts to Delta communities, wetlands and fish.

Under the new design, revealed in an environmental impact report, the state Department of Water Resources said the twin 40-foot-wide tunnels will be realigned to avoid the town of Hood and municipal water wells. The town sits at the north end of the Delta, near the spot where water will be diverted from the Sacramento River and drawn into the tunnels.

At the south end of the Delta, the state said it will create a new reservoir near the town of Byron, eliminating the need to expand the two-mile wide holding pond known as Clifton Court Forebay that sits below the state's massive Delta pumping plant. The state said the change will reduce harms to wetlands and endangered salmon and Delta smelt.

U.S. Rep. John Garamendi, D-Walnut Grove, an opponent of the project, said the state had merely put "lipstick on this pig by making cosmetic modifications."

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Southern California water agency agrees to spend $11 billion on Delta tunnels - again

Why Southern California is calling for a do-over on its vote to bankroll the Delta tunnels

June 5, 2018 Manteca City Council Meeting
Speech by Kerry Harris

Good evening, Council Members. My name is Kerry Harris and I reside at 22911 Oleander Road in Manteca.

As many of you are aware by now, Ellicott City, Maryland experienced devastating flooding over the Memorial Day weekend. The 2018 flood killed one person—a National Guardsman—and destroyed dozens of businesses. It was considered a thousand-year flood, and to make matters worse, the same city had just finished rebuilding after a similar flood struck it in 2016, which killed two people. That's two thousand-year floods within two years.

Many news articles have surfaced regarding these floods and the impact that over-development could have had on worsening the conditions. I would like to share part of one with you now. It was published online on May 28, 2018 by Kelly Anderson at Fox45 Baltimore. It's called "A Man-Made Disaster? Did development worsen Ellicott City flooding?"

"Barely a week before Sunday's devastating floods, Ellicott City business owners were expressing concerns over the possibility of a repeat of the 2016 damage. "Right now, I'd say they have to do a lot more," said Sally Fox Tennant, owner of Discoveries. She was referring to the county's prevention efforts. "I'm confident in saying that. Because if they don't, this town may be destroyed."

"What we're having problems with now is the velocity of water its coming at a fast rate," said Barry Gibbons, owner of the Forget-Me-Not Factory. "The runoff is so rapid."

Runoff from new construction has been a long-standing complaint. In 2016, a man named Brian Kelm posted about the same issue on Facebook. He said: "This "top down" flooding has nothing to do with mother nature. This is a man-made disaster caused by greedy and/or uninformed people who decided that building homes above this wonderful city was worth the risk of destroying it." He mentioned his 100-year-old home was suffering from new flooding issues.

As recently as last week, a petition was floating around Main Street businesses, calling on county leadership to correct the runoff issue. The petition says in part: "We the undersigned strongly believe the Howard County flood authorities have not taken or proposed all necessary remedial actions to safeguard the historic Ellicott City community from future flash floods.... and they have not acknowledged the major role recent over-development played in the magnitude of the extensive flood damage." Business owners said they gathered thousands of signatures.

In a phone interview Monday, one day after the flood, Tennant, owner of Discoveries, was asked if she plans to come back a second time. She said without further mitigation efforts on behalf of the county, "you'd be a fool to come back."

I have some questions for the city council: could a flood event like that happen to the areas in and around Manteca and Lathrop?

Also, are storm water and potential flood impacts being properly evaluated as compared to the high volume of projects being approved?

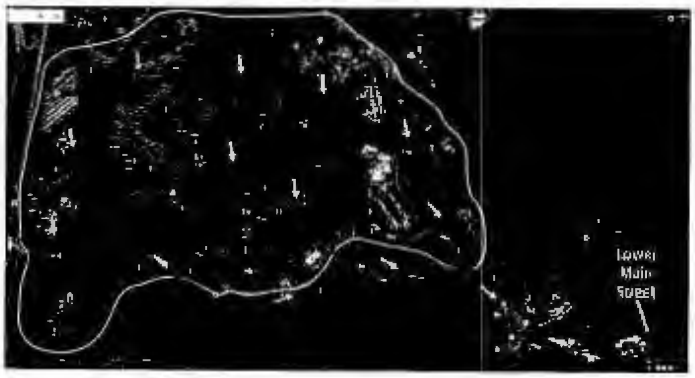
And finally, when the next flood comes, will we be ready? Or will we be like the victims of Ellicott City, would we "be a fool to come back"?

Email or Phone Password Log In
Sign Up
Forgot account?



Brian Kelm
August 3, 2016 ·

ELLICOTT CITY FLOOD: STOP CALLING IT A NATURAL DISASTER
For 200+ years the flooding in Ellicott City came from the rising of the Patapsco River and was mostly limited to lower Main Street. During major rain storms the water was absorbed into the ground in the surrounding woods north and west of town and the Tiber River, which runs east along Fredrick Road, was wide enough to handle the overflow that ran through town. (rivers have the uncanny ability to be just as wide and deep as they need to be) In the past 20+ years developers and Howard County zoning board have banded together to pave over all of those woods with medium and high density housing. The yellow area is mostly new construction built in the last two decades. When you pave over the natural terrain and add sewers and roads that lead directly to Main Street (red area) you get a high speed rollercoaster for the water to ride right through town. This "top down" flooding has nothing to do with Mother Nature. This is a man-made disaster caused by greedy and/or uninformed people who decided that building homes above this wonderful city was worth the risk of destroying it. Our county has an infill problem and the Zoning Board never seems to grasp the big picture. My house is on one of the highest hills in Ellicott City and every year that more houses are built in the backyards of my neighbors, the more ground water I get in my basement. My house was built 100+ years ago and when I bought it in 2001 it didn't even have a sump pump because it didn't need one. In 2011, during Hurricane Lee, and right after two new houses were built in my neighbors back yard, I had to cut a emergency hole in the floor with a pick axe through a foot of water to pump it out with a submersible pump.
The county executive may be right that this is a "once in a thousand year storm" but anyone who has ever been on Main Street in a rain storm knows that flooding is a common occurrence since the construction above town became so out of control. Now, in perfect irony, The state and county will spend more money than they earn on tax from new construction to fix the damage it created. This is a horrible disaster but nature had nothing to do with it. #ECSTRONG



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ENCLOSURE 35

From: Richards Fa
To: Manteca Bulletin; dmoorhead@mantecagov.com; Mmorowit; Sdebrum; Richard Silverman
Subject: Levee Construction:
Date: Thursday, February 16, 2017 12:54:42 PM

Manteca has been searching for ways to finance a Levee Project that could bankrupt us in the future. Assuming the responsibility of this project is subjecting us to serious flood litigation in the future if this levee fails. The state Legislature approved of a 500M payment for a 1997 breach of a delta levee that failed. That was paid out because permission was given to build homes in this flood prone area. There was another state payout of 45M for a levee failure. This was paid in the years 1979-1980. This council not only want's to spend 150M on this project and break the city bank, it also want's to set us up for a future flood damage suit if the levee ruptures and causes serious damage to existing infrastructure. Unlike the state, we don't have that kind of revenue to payout large losses to flood victims. Believe me, all participants who assume ownership of this river and erect this secondary dam, will payout huge sums to home owners and flood insurance firms.

The Army Corps and Bureau of reclamation is responsible for flood control of the Sacramento River and the San Joaquin Rivers. This council is paused and ready to place Manteca in financial disaster to accommodate Developers and adhere to the Governors blackmail scheme to force small cities to pay for a state project obligation. This Governor knows that the Federal Government has an exemption from suits filed on the Government. This safety valve doesn't apply to the State, for one can see that the State Of California had to pay a combined 545 thousand dollars for flood damage caused by two separate breaches in the levee that caused widespread damage. It is apparent that the state is trying to sucker Manteca into constructing a levee and being sued for future flood damage, instead of the state. Why not ask the developers to sign an agreement with the state to cover flood damage and see how fast they take flight from this project. I find it hard to believe that a council could be so unprofessional in failing to see what the state and Special Interest is trying to do to you and Manteca residents. It's apparent that the state and developers prey on your lack of knowledge, or they wouldn't try to get away with this scheme. By the state being assessed for flood damage, their looking for suckers who will commit entire cities to assume the damage they were forced to pay by the Federal Government to settle flood claims in the past.

Fleener Richards.

TERRA LAND GROUP, LLC

December 18, 2018

VIA EMAIL

Lathrop Planning Commission
390 Towne Centre Dr.
Lathrop, CA 95330
% Mark Meissner
(mmeissner@ci.lathrop.ca.us)

Re: Letter 2: December 19, 2018 Lathrop Planning Commission ("LPC") Meeting Agenda Items 9.1: Phelan Lathrop Gateway, Minor Specific Plan Amendment No. SPA-18-71 Site Plan Review No. SPR-18-40

Dear Planning Commission Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG").

Although this letter follows a similar format to previous letters, this letter contains information beginning on page 2 that TLG believes is important to consider.

It appears that the high rate of development growth in the areas of Manteca and Lathrop may result in very significant flood and other hydrology-related impacts being created to those residents, business, and property owners located south of the proposed south Manteca Reclamation District No. 17 ("RD 17") dryland levee extension currently being considered. This appears to be particularly concerning when those potential impacts are not considered at the project level or adequately defined at any reasonable level at all.

Further, TLG believes that it is important to mention that the January 2018 Lower San Joaquin River Feasibility Study ("LSJRFS") may not fully consider the potential for any and all flood and other hydrology-related impacts involved due to RD 17's plan to pursue a phased strategy of levee improvements and other Federally assisted improvements in order to meet California Senate Bill No. 5 ("SB5") requirements. (See page 3-40 of the LSJRFS) (within Enclosure 9: 10/22/18 letter to the Central Valley Flood Protection Board, see its own Enclosure 1: 2/26/18 letter to San Joaquin Area Flood Control Agency)

This is especially important when you consider that Page 3-42 of the LSJRFS states:

> *The identification of Alternative 7a as the NED Plan serves to set the level of Federal participation in the project. Alternative 7a may not fully meet the NFS objective of SB 5 compliance, but in order to expedite authorization, the NFS elected not to pursue a Locally Preferred Plan (LPP) at this time.*

What non-federal sponsor elected not to pursue a Locally Preferred Plan at this time?

Is it in the public's best interest to allow a non-federal sponsor to pursue any flood risk management plan that places emphasis on expediting the process over taking the time to consider and mitigate against the potential for very significant drainage impacts affecting the developing and non-developing urban and rural areas of Manteca and Lathrop?

With these concerns in mind, TLG believes that the potential for even greater flood and other hydrology-related cumulative impacts may exist when considering the full range of drainage effects associated with any Oakwood Lake Water District and City of Manteca Joint Drainage/Wastewater Action Plan that may be considered. **(See Enclosures 1-12)** With these concerns in mind, TLG believes that any City of Manteca/Oakwood Lake Joint Wastewater - Stormwater project or feasibility study to be considered should include the information and concerns detailed in the enclosures attached.

Most important, the November 28, 2018 Oakwood Lake/City of Manteca Joint Drainage Plan update group email sent from Greg Showerman to TLG and others failed to identify the Central Valley Flood Protection Board ("CVFPB") as one of the key authorities that would need to approve any joint wastewater/stormwater drainage project involving the Oakwood Lake Water District and the City of Manteca. **(See Enclosure 13)** This becomes especially important when considering the upstream and downstream flood drainage impacts and potential challenges that may be created from draining more stormwater into the San Joaquin River than the river channel can effectively handle. **(See Enclosures 1-12)**

This is especially concerning when it is considered that the California Environmental Quality Act ("CEQA") pursuant to Article 5 (// 15061 (b)(3) states: "by "General Rule" that CEQA applies only to projects that have the potential for causing a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment."

Question: Wouldn't the proposed McKinley Avenue/Union Pacific Railroad ("UPRR") grade separation as called for in the September 28, 2018 Fehr & Peers traffic study and 10/17/18 LPC staff report qualify as a reasonably foreseeable indirect physical change in the environment? **(See Enclosure 10)**

Question: What total drainage and back water effects may be created? **(see Enclosure 9)**

Question: What potential drainage impacts to the South Lathrop Regional Storm Water Drainage Outfall as well as other affected properties may be created resulting from this project in connection with the City of Lathrop previously allowing an exception to the storm water design criteria to allow the South Lathrop Commerce Center storm water retention design to be reduced to meet a 100 year-24 hour storm event instead of a 100 year-48 hour storm event? **(See Enclosure 11)**

Question: Is the City of Lathrop doing enough to ensure that sufficient storm water retention basin capacity is provided for to ensure that drainage along the South Delta-Lower San Joaquin River Basin is not further compromised?

Question: Wouldn't the September 10, 2018 Lathrop City Council decision to allow an exception to the storm drain design criteria allowing storm water retention design to be reduced based on a 100 year-24 hour storm event be likely to lead to a reasonably foreseeable indirect physical change in the environment?

Question: Shouldn't the City of Lathrop's decision to deviate from established and previously recognized storm water retention requirements trigger additional cumulative environmental review for this project as required by CEQA?

For these reasons, TLG believes that the LPC board members should condition any current or future board action or project approvals or findings of consistency affecting drainage in and along the South Delta/Lower San Joaquin River Basin to immediately require additional environmental review that fully considers the information and concerns detailed in the enclosures attached. Most important, TLG requests the LPC board members to take our concerns into consideration as part of any City of Lathrop participation in any 33 USC 408 or other permit application, discussion, or information presented to the U.S. Army Corps of Engineers or other agencies with the potential to affect drainage pathways in and along the South Delta/Lower San Joaquin River Basin.

Thank you for your attention to this important matter.

Respectfully,

Martin Harris
for Terra Land Group, LLC.

MH/kh

Enclosures:

Enclosures 1-12 can be downloaded via Dropbox through the provided hyperlinks.

1. December 10, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/fpdjazl02d3sc37/2018-12-10_LTR_CVFPB_Agits8B10B10C.pdf?dl=0)
2. December 4, 2018 letter from TLG to the State Water Resources Control Board (https://www.dropbox.com/s/ioo64ry9cb6cxbu/2018-12-04_LTR_SWRCB_Aglt13.pdf?dl=0)
3. December 4, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/81u3968ixord8li/2018-12-04_LTR_CVFPB_Agits4A4B.pdf?dl=0)
4. December 3, 2018 letter from TLG to the San Joaquin County Board of Supervisors (https://www.dropbox.com/s/ncxkow9gb28an9t/2018-12-03_LTR_SJCBOS_Aglt1.pdf?dl=0)
5. November 26, 2018 letter from TLG to the Manteca Planning Commission (https://www.dropbox.com/s/3e1ny3fyh0pwcxy/2018-11-26_LTR_MPC_Aglt6.1.pdf?dl=0)
6. November 19, 2018 letter from TLG to the Manteca City Council (https://www.dropbox.com/s/r89s77c782pdq2o/2018-11-19_LTR_MCC_AgltsC1C2C5E3F1.pdf?dl=0)
7. November 12, 2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/vs4siy8l6h6tihq/2018-11-12_LTR_CVFPB_Aglt7B7C8B.pdf?dl=0)
8. November 6, 2018 letter from TLG to Greg Showerman (https://www.dropbox.com/s/aio6vkohqzif417/2018-11-06_LTR_Showerman_Drainage.pdf?dl=0)
9. 10/22/2018 letter from TLG to the Central Valley Flood Protection Board (https://www.dropbox.com/s/mog9q2fjxyjtrvr/2018-10-22_LTR_CVFPB_Aglt5.C.pdf?dl=0)
10. 10/16/2018 letter from TLG to the Lathrop Planning Commission (https://www.dropbox.com/s/u3hlqgixbmxjcww/2018-10-16_LTR_LPC_Aglt9.1.pdf?dl=0)
11. 09/10/2018 letter from TLG to the Lathrop City Council (https://www.dropbox.com/s/kmlm7ojyva9y6e9/2018-09-10_LTR_LCC_Aglts4.11%265.1.pdf?dl=0)
12. 05/14/2018 letter from TLG to Greg Showerman (https://www.dropbox.com/s/8oao37q42u7u4e5/2018-05-14_LTR_GShowerman_TM2.2.pdf?dl=0)
13. 11/28/2018 email from Greg Showerman to TLG

cc:

Central Valley Flood Protection Board, Attn: Leslie Gallagher, Executive Officer (leslie.gallagher@cvflood.ca.gov)
San Joaquin Area Flood Control Agency, Attn: Marlo Duncan, Project Manager (marlo.duncan@stocktongov.com)

From:	Showerman, Greg
To:	"Bill Filios"; anthonymbarkett@gmail.com; Ronald Cheek; Brian Jones; Demetri Filios; Saffold, Randy; Ashley Feeney; Jorgensen, Kevin; Kim, Koosun; Terra Land Group; Houghton, Mark; David Richard; Jan Hendricksen
Cc:	Ogden, Tim; Bert Michalczyk
Subject:	OLWD / City Joint Sewer - Storm Drain Feasibility Report - Update 2
Date:	Wednesday, November 28, 2018 8:21:08 AM
Attachments:	image003.png

Greetings Everyone,

On Tuesday, November 20, 2018, Kevin Jorgensen, City Engineer, Sandy Mathews (Larry Walker Associates), Bert Michalczyk, OLWD District Engineer, and I met with Patrick Pulupa, Executive Officer for the Central Valley Regional Water Quality Control Board, to update Patrick on the progress to reach a mutually beneficial agreement for a regional solution on wastewater and stormwater drainage between the Oakwood Lake Water District (District) and the City of Manteca (City).

A key aspect of this negotiation is the option for the City to route a new stormwater drainage pipe through the Oakwood Shores subdivision and the installation of a new stormwater outfall, via a pump station, to the San Joaquin River. The focus of the planned discussion was to identify any potential regulatory hurdles to installing a new stormwater outfall and to obtain assurance that the Central Valley Water Board would be able to approve the stormwater drainage solution.

Bert reviewed the background for the project stemming from the Time Schedule Order (TSO) issued to the District and outlined the progress to meet the TSO milestones:

- Completion of a Joint Drainage/Wastewater Feasibility Study;
- Initiation of the design and the CEQA document for the wastewater connection; and
- Creation of an outline for a MOU with the City.

I reviewed the City's interest in working out a solution for storm drainage to serve the southern part of the City that would include an easement through the Oakwood Shores subdivision in consideration for accepting wastewater from the District. A new storm drainage pipe is economically beneficial to the City and avoids technical challenges of routing the water into the South San Joaquin Irrigation District's network, which flows into the French Camp Outlet Canal and discharges into the French Camp Slough, significantly north of the City.

Kevin and I discussed the options for the drainage pipe identified in the Joint Drainage/ Wastewater Feasibility Study and reviewed the preferred option of routing the pipe along Woodward Avenue, passing along the southern boundary of the Oakwood Shores subdivision, and discharging to the San Joaquin River via a new pump station near the District's wastewater plant.
Sandy noted the new drainage pipe would require several regulatory approvals including a 404 Permit from the Army Corps of Engineers, and 401 Water Quality Certification from the Central Valley Water Board, and Streambed Alteration Agreement from CA Fish and

Wildlife, as well as approvals from Reclamation District 17.

The City is subject to the Phase II stormwater permit and has programs in place that protect stormwater quality including post construction requirements for low impact development. The construction of the pipe would likely exceed an acre of disturbance and would therefore implement erosion and sediment control and stormwater management practices required by the Construction Stormwater General Permit.

Patrick did not identify any additional approvals that might be needed. He noted that the Central Valley Water Board is most concerned about water quality and this concern is focused on eliminating the wastewater discharge to the river. Trading out a stormwater discharge for the current wastewater discharge would be beneficial from water quality perspective.
Patrick noted that that the 401 Unit is efficient in processing the Water Quality Certification and he does not foresee any delays. He thought the most significant questions during the regulatory permitting process would be from CA Fish and Wildlife regarding water quality concerns for the protection of aquatic life. He indicated that there would be challenges to permitting a new outfall, but that he didn't think any of the regulatory concerns would be insurmountable. Reaching out CA Fish and Wildlife would be a good next step for the City.

Conceptually, Patrick thought the drainage proposal would meet with approval. He wants to discuss the project and approach with Jim Marshall, Adam Laputz and Kari Holmes to identify any technical or process concerns. Patrick will get back to the City and District by the end of this week after following up with his team. Patrick also noted he would discuss the meeting and approach with the Board Chair and Vice Chair, Karl Longley and Denise Kadura.

Bert and I asked if Patrick could send a letter providing the City assurance of the Central Valley Water Board support for the drainage approach, so the MOU could move forward. Patrick said that he could do this, and the Water Board has issued similar letters in the past, but it would be a conceptual assurance with caveats regarding final design and permitting.

Please let me know if I can provide any additional information regarding the meeting at the RWQCB.

Thank you,

Greg Showerman, Community Development Director
City of Manteca | Community Development
1001 W. Center St. | Manteca, CA 95337
Office: 209.456.8415

www.mantecagov.com


TUFF BOY


757
TUFF GUY
TUFF GUY





Tuff Boy Sales, Inc.
5151 East Almondwood Drive
Manteca, California 95337

March 7, 2018

San Joaquin Area Flood Control Agency
Attn: Mr. Juan Neira
22 East Weber Avenue, Suite 301
Stockton, CA 95202-2317
(Juan.Neira@stocktongov.com)

Re: January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report: Public Review and Comment.

Dear Project Team,

My name is Josh Harris and I currently serve as the president of Tuff Boy Sales, Inc. At this time, I am in receipt of the 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report. I am submitting this letter as a Public Comment in response to the report.

Tuff Boy Sales, Inc manufactures agricultural trailers. It is situated on approximately 30 acres of land located at 5151 E. Almondwood Drive in the unincorporated area south of Manteca. We currently employ approximately 40 people who work at that site.

I have several concerns related to the levee:

1. Our family's companies have experienced two major floods at the Almondwood facility. These floods occurred in 1955 and 1997 and in both cases, the flood water reached approximately the same elevation with our office building barely staying dry. I have learned recently that there was a reason the flood water elevations were consistent. This was due to historical drainage features along the San Joaquin River Basin and flood fight measures that allowed breaking the Turtle Beach levee (located at the far west termination point of Woodward Avenue) to limit the effects of flood drainage in the area.

   Question: Can accommodations be made for flood water drainage to ensure that the Tuff Boy facility will not experience higher flood water elevations than in previous floods?

2. I am aware that the levee construction may involve concrete slurry walls that could extend over 100 feet deep into the ground. My concern is that the slurry walls may block

Tuff Boy Sales, Inc.
5151 East Almondwood Drive
Manteca, California 95337

natural ground water flows during non-flooding periods and cause the current ground water elevation to rise toward the surface.

Question: Is there an alternative method to prevent underground water seepage in the event of flooding that could be used in place of the use of slurry walls?

3. Historically, I am told that flood water has drained out of the south Manteca rural area by means of the Stewart Tract and Paradise Cut water conveyance channels. I am also told that Stewart Tract is no longer available for draining flood water from the area.

   Question: Will the Paradise Cut conveyance channel, in association with other drainage areas and channels downstream, be expanded to adequately accommodate the flood water drainage needs of our area?

4. Question: Will accommodations be made, or compensation provided, to properties adversely affected?

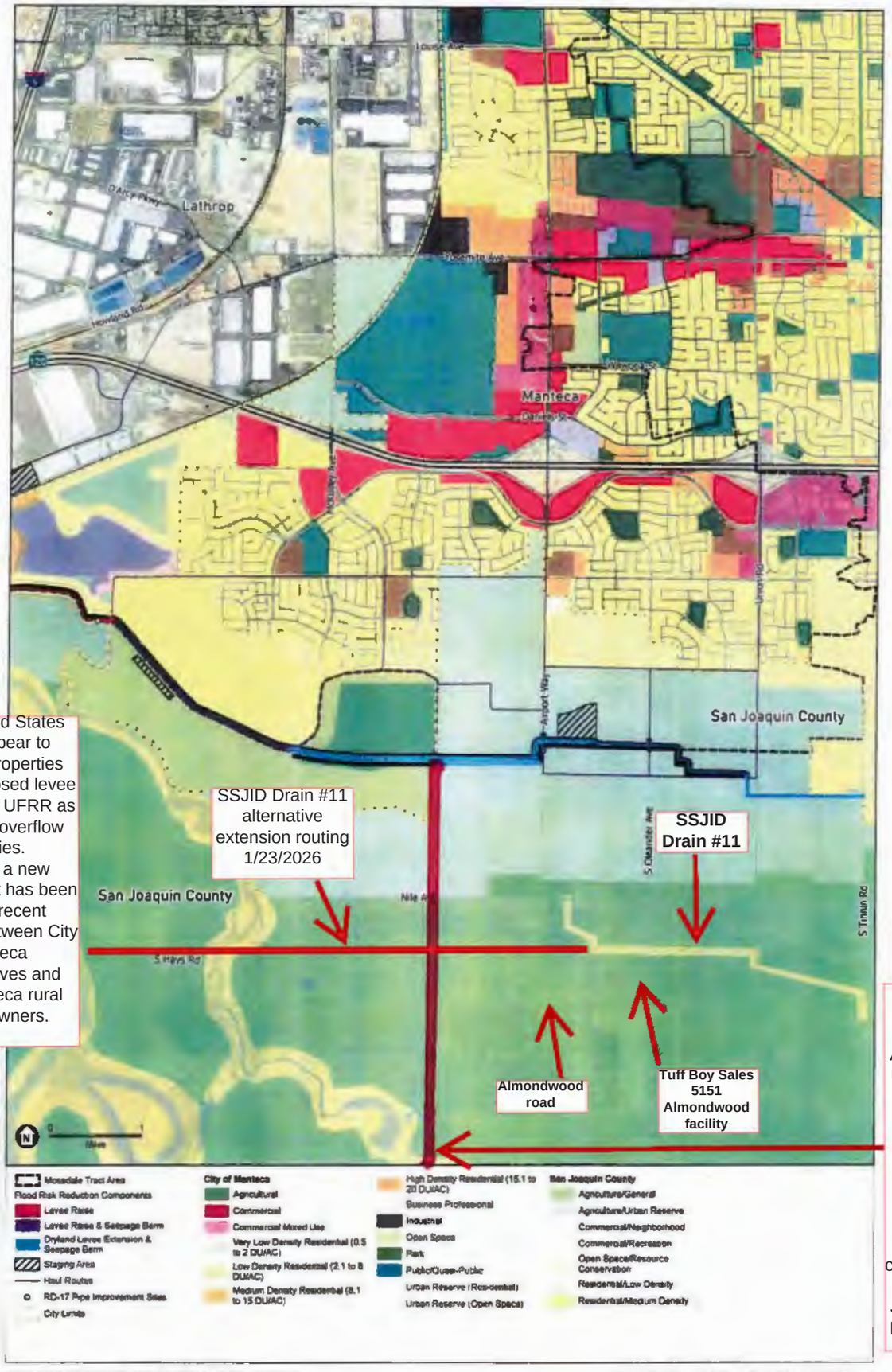
Thank you.

Regards,



Josh Harris
Tuff Boy Sales, Inc.

Martin Harris proposed UFRR SSJID Drain #11 extension alternative routing
1/23/2026



1860's United States Survey appear to designate properties West of proposed levee alternative for UFRR as swamp and overflow properties.
This is not a new revelation, but has been a topic of recent discussion between City of Manteca representatives and South Manteca rural property owners.

Proposed levee extension Alternative for UFRR project terminating within Reclamation Distict 2075 near Perrin Road with levee extension connecting into USACE San Joaquin River Levee system

SOURCE: MAXAR 2024; KSN, 2025; PBI, 2025; Land Uses: City of Lathrop, City of Manteca, City of Stockton, San Joaquin County, 2025; ESA, 2025

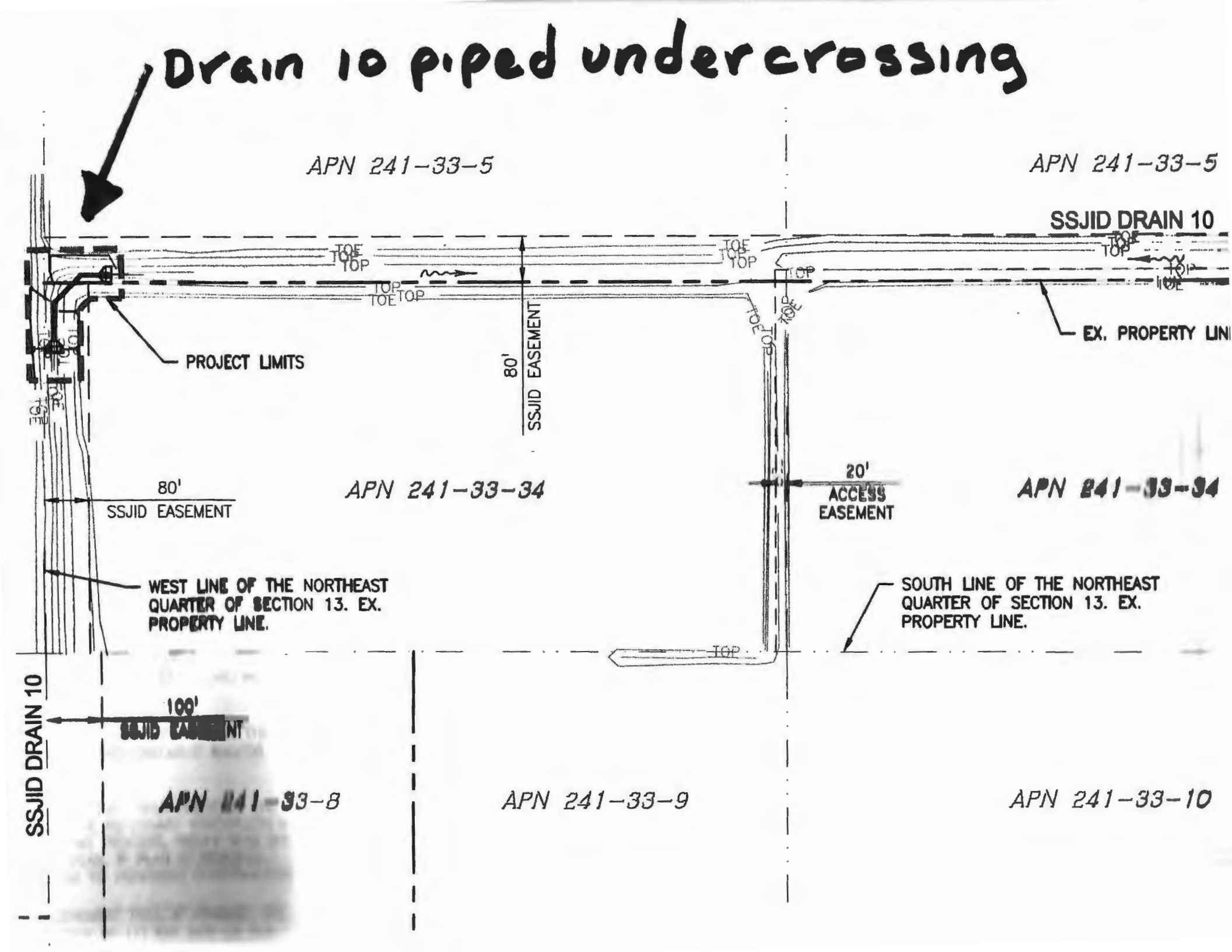
Mossdale Tract Area Urban Flood Risk Reduction Project

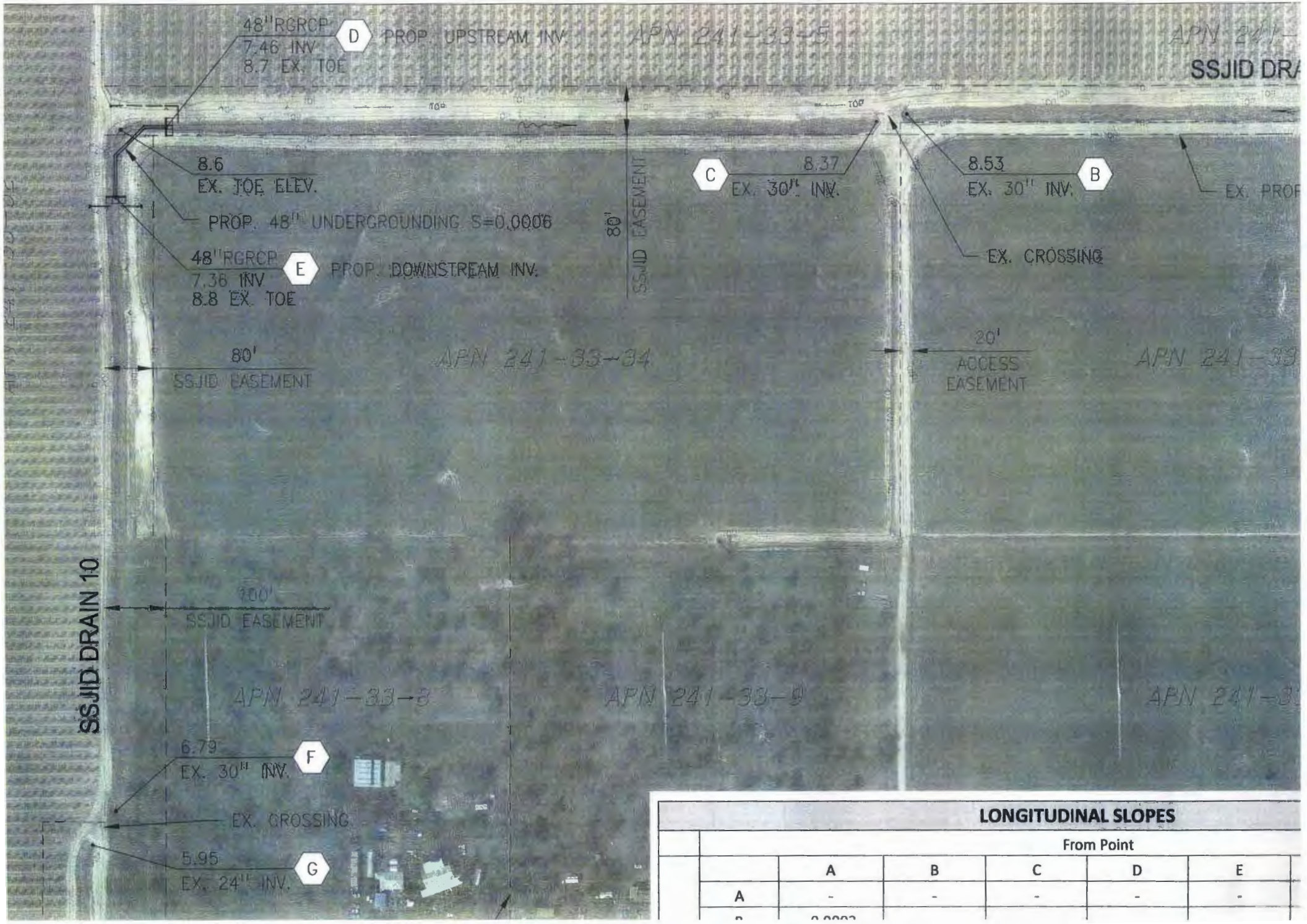
Figure 3.13-1c
Existing Land Uses in the Proposed Project Area (Manteca Vicinity)
Flood Risk Reduction Components

ESA

1/19/26

Letter P4 Attachments


Drain 10 piped undercrossing
APN 241-33-5
APN 241-33-5
SSJID DRAIN 10
PROJECT LIMITS
80'
SSJID EASEMENT
EX. PROPERTY LINE
80'
SSJID EASEMENT
APN 241-33-34
20'
ACCESS
EASEMENT
APN 241-33-34
WEST LINE OF THE NORTHEAST QUARTER OF SECTION 13. EX. PROPERTY LINE.
SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 13. EX. PROPERTY LINE.
SSJID DRAIN 10
100'
APN 241-33-8
APN 241-33-9
APN 241-33-10



LONGITUDINAL SLOPES

	From Point				
	A	B	C	D	E
A	-	-	-	-	-

CHAIN OF TITLE

TERRA RANCH, LLC

241-320-56	10.28 acres	W. Woodward Avenue, Manteca
241-330-32	203.33 acres	no street address
241-330-33	17.14 acres	no street address

10-15-68 CORPORATION GRANT DEED
BAIRD LANDS, INC. formerly FLOYD BAIRD ESTATE Grant(s) RUDY & MARY BONZI, husband & wife as Joint Tenants, as to an undivided 1/3 interest; WILLIAM R. & LUCILLE HARRIS, husband & wife as Joint Tenants as to an undivided 1/3 interest; ARTHUR GUTHMILLER, a married man & MELVIN LEISKE, a married man, as to an undivided 1/3 interest

04-14-77 JOINT TENANCY GRANT DEED
RUDY & MARY BONZI, husband & wife, & WILLIAM R. & LUCILLE HARRIS, husband & wife & ARTHUR GUTHMILLER, a married man & MELVIN LEISKE, a married man Grant(s) to WILLIAM R. & LUCILLE HARRIS, husband & wife as Community Property as to an undivided ½ interest, & RUDY & MARY BONZI, husband & wife, as Community Property as to undivided ½ interest

04-28-80 DEED OF TRUST (Regarding sale of 78.16 acres)
Between ALBERT & VIRGINIA BOYCE, husband & wife, as Community Property, Trustor, BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, a national bank association, Trustee, & WILLIAM R. & LUCILLE HARRIS, husband & wife as Community Property as to an undivided ½ interest, & RUDY & MARY BONZI, husband & wife as Community Property as to an undivided ½ interest

01-17-97 DEED OF RECONVEYANCE (Regarding 04-14-77 DEED OF TRUST)

03-31-03 QUITCLAIM DEED
WILLIAM R. & LUCILLE HARRIS, husband & wife as Community Property Quitclaim (their 50% interest) in 241-320-19, 241-330-32 and 241-330-33 to TERRA RANCH,LLC

02-03-06 SELLER'S CLOSING STATEMENT:
ATHERTON-BOYCE DEVELOPMENT COMPANY, LLC & LARRY W. ANDERSON, et al purchased property located at 3504 Woodward Ave, Manteca, CA 95337 APN: 241-320-55 74.37 acres

APN Retired 241-320-19 84.65 acres

New APN's assigned:
241-320-55 74.37 acres purchased by Atherton/Boyce/Anderson
241-320-56 10.28 acres 50% Terra Ranch, LLC, 25% Mary Bonzi & 25% Bonzi Estate

02-03-06 DEED OF TRUST with Assignment of Rents
Between Atherton-Boyce, Trustor and Placer Title, Trustee

02-24-06 GRANT DEED (Lot Line Adjustment)
The purpose of the recordation of this deed is to confirm the lot line adjustment # LLA-05-19
PORTION OF 241-320-19 & 241-330-32 & 33

09-30-06 MODIFICATION AGREEMENT
Between ATHERTON-BOYCE DEVELOPMENT COMPANY, LLC and TERRA RANCH, LLC

BANK OF AMERICA
NATIONAL TRUST AND SAVINGS ASSOCIATION

Manteca #143 Branch

AND WHEN RECORDED MAIL TO

Harris & Bonzi et al
5151 Almondwood Drive
Manteca, California 95336

1980 APR 28 AM 8 00

RECORDED AT REQUEST OF

Title Insurance and Trust Co.

4

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

adopting and including by reference certain provisions of a deed of trust recorded in the counties named herein.
A copy of said provisions is set forth on the reverse hereof.

This Deed of Trust, made this 15th day of February, 19 80,

Between Albert G. Boyce, Jr. and Virginia L. Boyce, who are married to each other as community property

of _____ (Street and Number) in the City of Manteca

County of San Joaquin, State of California, Zip 95336

herein called TRUSTOR, BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, a national banking association, herein called TRUSTEE, and William R. Harris and Lucille E. Harris married to each other as community property as to an undivided 1/2 interest, and Rudy Bonzi and Mary Bonzi married to each other as community property as to an undivided 1/2 interest

_____, herein called BENEFICIARY.

Witnesseth: That Trustor irrevocably GRANTS, TRANSFERS AND ASSIGNS to TRUSTEE IN TRUST, WITH POWER OF SALE, that property in San Joaquin County, California:

PARTIAL RECONVEYANCE #338853 ISSUED 11/17/80 OVER THE FOLLOWING DESCRIBED LINES:

A 3 acre parcel as recorded with the San Joaquin County Recorder on September 24, 1980, Volume 9, page 148 described as follows:

Portion of the Southwest quarter of Section 13, Township 2, South Range 6, East Mount Diablo Base and Meridian more particularly described as follows:

Parcel B as shown upon that certain Parcel Map filed for record, September 24, 1980 in Book 9 of Parcel Maps at page 148, San Joaquin County records. EXCEPT therefrom all of the oil, gas minerals and other hydrocarbon substances lying in or under said land in the Southwest corner of Section 13, Township 2 South, Range 6 East Mount Diablo Base and Meridian as reserved in Deed recorded October 15, 1968 in Book 3246 page 171, San Joaquin Records.

BANK OF AMERICA NT & SA

TRUST ADMINISTRATOR 11/17/80

Alpine	F	71	Kings	454	10	Nevada	149	199	Sierra	1	202
Amador	42	76	Lake	206	449	Orange	1999	492	Siskiyou	257	334
Butte	544	145	Lassen	60	146	Placer	566	647	Solano	527	21
Calaveras	60	309	Los Angeles	32874	331	Plumas	31	94	Sonoma	953	386
Colusa	166	2	Madera	491	62	Riverside	1164	336	Stanislaus	1000	1
Contra Costa	1539	32	Marin	647	154	San Benito	169	406	Sutter	321	30
Del Norte	31	475	Mariposa	31	396	San Bernardino	2562	143	Tehama	210	308
El Dorado	275	485	Mendocino	267	53	San Diego	3584	100	Trinity	40	420
Fresno	2835	75	Merced	981	44	San Francisco	5423	490	Tulare	1437	411
Glenn	244	415	Modoc	82	341	San Joaquin	1240	432	Tuolumne	47	119
Humboldt	127	442	Mono	27	83	San Luis Obispo	560	594	Ventura	926	397
Imperial	777	126	Monterey	1210	132	San Mateo	1838	193	Yolo	321	95
Inyo	83	1	Napa	331	100	Santa Barbara	911	491	Yuba	140	213
						Santa Clara	1962	33			

A copy of said provisions so adopted and included herein by reference is set forth on the reverse hereof.
For any statement regarding the obligation secured hereby, Beneficiary may charge the maximum amount permitted by law at the time of the request therefor.
The undersigned Trustor requests that a copy of any notice of default and of any notice of sale hereunder be mailed to him at his address given above. Five years after issuance of a Full Reconveyance Trustee may destroy said Note and Deed of Trust.

STATE OF CALIFORNIA, San Joaquin } SS.

Signature of Trustor

A portion of the Southwest quarter of Section 13, T2S., R.6E, M.D.B. & M. more particularly described as follows:

Commencing at the southwest corner of said section and running North 0°00'30" West, 33.00 feet along the west section line to the point of beginning of the herein described parcel of land; thence continuing along said west section line North 0°00'30" West, 2099.00 feet to a point in line with the centerline of the South San Joaquin Irrigation District drain canal running easterly; thence running along the centerline of said drain canal the following courses and distances:

North 86°41' East, 173.40 feet
North 84°17' East, 970.52 feet
South 85°44' East, 74.07 feet
North 84°25' East, 442.38 feet
South 65°55' East, 628.80 feet
South 60°06' East, 101.36 feet
South 40°21' East, 326.83 feet

and thence South 89°53' East, 100.00 feet to a point on the east line of the Southwest quarter of Section 33; thence South 0°06'50" West 390.92 feet along said east line to the northeast corner of the Buck property described in Book 1918 at page 520, San Joaquin County Official Records; thence along the north line and the west line of said Buck property South 89°49'56" West, 1645.38 feet and South 0°03'10" West, 1286.94 feet to a point 33 feet north of the south line of Section 13 and the north line of a 33 foot wide private roadway; thence South 89°44'30" West, 983.86 feet along said north line of the point of beginning and containing 78.16 acres, more or less.

SUBJECT TO a right-of-way to the South San Joaquin Irrigation District for a drainage ditch along the northerly line as recorded in Book A of Deeds, Volume 315, page 382, San Joaquin County Records.

ALSO SUBJECT TO an easement, 16.5 feet wide, for a pipe line as conveyed to Occidental Petroleum Corporation, recorded in Book 2768 at page 440, San Joaquin County Official Records.

RESERVING unto the grantor a 25 foot wide roadway easement the easterly line of which is described as follows:
Beginning at the southwest corner of the above mentioned Buck property and running thence along the west line of said Buck property North 0°03'10" East, 1286.94 feet to the northwest corner of said Buck property; thence North 0°57' West, 847.37 feet; North 84°17' East 200.00 feet and North 0°57' West, 50.00 feet to a point on the centerline of the South San Joaquin Irrigation District drain canal and the end of the herein described roadway easement.

Except therefrom all of the Oil, Gas, Minerals and other hydrocarbon substances lying in or under said land in the Southwestcorner of Section thirteen (13), Township Two (2) South, Range Six (6) East, Mount Diablo Base and Meridian, as reserved in Deed recorded October 15, 1968 in Book 3246, page 171, San Joaquin County Records.

after issuance of a Full Reconveyance Trustee may destroy said Note and Deed of Trust.

EXHIBIT "A"
LEGAL DESCRIPTION continued

TO A POINT 33 FEET NORTH OF THE SOUTH LINE OF SECTION 13 AND THE NORTH LINE OF A 33 FOOT WIDE PRIVATE ROADWAY; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, 983.86 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

APN: 241-330-32 AND 241-330-33

PARCEL TWO:

A 25 FOOT ROADWAY EASEMENT, THE EASTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE MENTIONED BUCK PROPERTY AND RUNNING THENCE ALONG THE WEST LINE OF SAID BUCK PROPERTY NORTH 0 DEGREES 03 MINUTES 10 SECONDS EAST, 1286.94 FEET TO THE NORTHWEST CORNER OF SAID BUCK PROPERTY; THENCE NORTH 0 DEGREES 57 MINUTES WEST, 847.37 FEET, NORTH 84 DEGREES 17 MINUTES EAST 200.00 FEET AND NORTH 0 DEGREES 57 MINUTES WEST 50 FEET TO A POINT ON THE CENTERLINE OF THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT DRAIN CANAL AND THE END OF THE HEREIN DESCRIBED ROADWAY EASEMENT.

Outlook

Re: Proposed gated and key locked access from Woodward Avenue

From Marty Harris <martyharris5151@gmail.com>
Date *Tue 11/4/2025 3:59 PM*
To Michael Selling <mselling@manteca.gov>
Cc Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>; planning@ci.manteca.ca.us <planning@ci.manteca.ca.us>; mayorcityclerk@mantecagov.com <mayorcityclerk@mantecagov.com>

2 attachments (32 MB)
Scan_20251104 (2).pdf; Pictures RD17.zip;

Thanks, Michael, for your response but because of our tenant farmer and other parties and beneficial interests involved, this letter is meant to clarify my concerns

In my previous 10/23/25 email, I devoted paragraphs to expressing Terra Land Group's (TLG's) concerns with recent modifications to the access roadway that crosses over the RD17 cross levee and stated:

"**Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33)**
It is at the location of this proposed gated and key locked access that the emergency medical response roadway transitions from a standard asphalt roadway built to city of Manteca public roadway code specifications to a dirt/crushed rock surface roadway heading south to a challenged severely angled and steep RD17 levee crossing (recently modified) that is preventing the safe and unimpeded use of the McKinley Avenue extended dirt roadway by 80000# GVWR class 8 trucks in combination with semi/pull hopper or fertilizer bulk hauling trailers or equipment hauling trailers typical of those commonly used by almond farm properties.

Protecting TLG's 12 year use of 80000# truck access off Airport Way
Protecting TLG's current access off Airport Way by utilizing a HIRT Trust owned LLC (W/L Harris Ranches (WLHR) LLC) property's SSJID Drain #10 (APN 241-330-34) following a joint 2014 decision by SSJID and Pete Boyce to remove the Drain #11 crossover pipe roadway bridge former recorded access on the south boundary of the TLG property is TLG's primary goal moving forward.

Why is this important
In September 2025, at the time that the 30000 trees on the property were harvested, 57 truckloads of almonds (80000# each) were shipped by WMD Farms (TLG tenant farmer) to Travaille and Phippen (WMD + TLG shared almond processor). Please be advised that a 2016 TLG court case vs RD17. Manteca

Development Group, TR Land and Cerri involved testimony and court records that highly suggest the primary access to the TLG property was best served and could be depended upon by means of accessing the property along SSJID Drain #10 off Airport way. (case #STK-CV-URP-2014-4238)"

I would like to add that the levee and cross over road access modifications were performed under the watchful eye of KSN Inc who were represented and were an active participant and gave testimony in 2016 at the time that the TLG access roadway (TLG vs RD17, Manteca Development Group, TR Land and Cerri) was litigated in San Joaquin County Court (Case #STK-CV-URP-2014-4238). There is no doubt in my mind that Chris Nevdeck and RD17 and KSN fully understand the importance of TLG being able to maintain safe and reliable truck access to its property.

Truck access that the Harris Family utilized for 50 years from Woodward Avenue is NO LONGER SAFE
Please be advised that due to continuing phased changes to what once was straight (and safe) access to and over the RD17 cross levee to what is now a challenged severely angled, steep and unsafe RD17 levee crossing from Woodward Avenue (recently modified as per photos attached) is No Longer Safe and needs to be collectively mitigated and protected along with the access off Airport Way to ensure continued access to the TLG property. (see attachment)

W/L Harris Family controlled property Rights to access from Airport Way (APN 241-330-34)
Protecting TLG access from Airport way along both the North and South sides of SSJID Drain #10 is the key to mitigating TLG's need for access as the city works toward achieving 200 year flood protection certification. (Note: that is the reason the W/L Harris Irrevocable Trust approved buying the 21611 Airport property in 2013)

TLG trusts that it's continuing effort to protect TLG's right to access will be honored, respected and accommodated by all parties and agencies involved and believes it is the right and appropriate thing to do.

Thank you,

Martin Harris

From: Michael Selling <mselling@manteca.gov>
Sent: Thursday, October 23, 2025 5:22 PM
To: Marty Harris <martyharris5151@gmail.com>
Cc: Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org <jhightower@sjgov.org>; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net <ngmplcs@pacbell.net>; james.sanders@valleyair.org <james.sanders@valleyair.org>; sylvia.razniak@sjafca.org <sylvia.razniak@sjafca.org>; marc.nolan@doj.ca.gov <marc.nolan@doj.ca.gov>; cnevdeck@ksninc.com <cnevdeck@ksninc.com>; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov <DOSHMAILLIST@dir.ca.gov>; Kevin Jorgensen <kjorgensen@manteca.gov>
Subject: RE: Proposed gated and key locked access from Woodward Avenue

Hi Marty,

Thanks for your email. As we discussed and you articulated in your email, the City understands the primary access for your agriculture related activities is to/from Airport Way and the best emergency response access would be from McKinley. As you noted in our discussion, there

has been a significant increase in illegal dumping in the vicinity of the existing gate at the south end of McKinley, which the City has maintenance and cleanup responsibility for. Consequently, the City has determined the need to lock the gate at this time as part of the response to curb th illegal dumping and reduce the impact to City resources. As such, the City is willing to provide keys to yourself or another HIRT representative as well as the respective entities included here. Per your indication below, you/HIRT are electing not to take a key at this time. Should you/HIRT or any other entities identified here have need for a key in the future, please contact the Engineering Department (209-456-8460 or mantecaeng@manteca.gov) at such time as you determine so.

Thanks,

Michael Selling, PE, Deputy Director
City of Manteca | Engineering Department
Office: 209.456.8437 | mselling@manteca.gov

From: Marty Harris <martyharris5151@gmail.com>
Sent: Thursday, October 23, 2025 10:43 AM
To: Michael Selling <mselling@manteca.gov>
Cc: Lauren Silva <lsilva@manteca.gov>; Melissa King <mking.hirt@outlook.com>; Marcia Perkins-HIRT <mperkinshirt@outlook.com>; Meredith Hogan <meredithhogan91@gmail.com>; 'Bob Williams' <bob@wfarmsllc.com>; 'Jennifer Cozart' <jcozart@deldonco.com>; Terry Souza <terry@travaillephippen.com>; jhightower@sjgov.org; Danielle Barney <danielle.barney@ssjid.gov>; BoardOperations <boardoperations@cob.sccgov.org>; Michael Fonseca <fonsecafarmsinc@aol.com>; ngmplcs@pacbell.net; james.sanders@valleyair.org; sylvia.razniak@sjafca.org; marc.nolan@doj.ca.gov; cnevdeck@ksninc.com; David Rudat <drudat@manteca.gov>; DOSHMAILLIST@dir.ca.gov
Subject: Proposed gated and key locked access from Woodward Avenue

Hi Michael,

Thank you meeting with me on Monday 10/20/2025 at your office.

(Note: I also spoke by phone with Lauren Silva on 10/21/2025 and discussed reason for not accepting a gate key at this time)

My visit was in response to a call that city of Manteca representative Lauren Silva made to me offering me a key to the gate securing and preventing unauthorized traffic beyond the paved termination point of McKinley Avenue and further situated .375 miles approximately south of Woodward Avenue.

Transition of Roadway from Asphalt to a combination DIRT/crushed rock surface ideal for emergency medical response but clearly inadequate for 80000# Agricultural/Farm Transport needs for Terra Land Group (TLG) properties (APN #241-320-60/241-330-32/241-330-33)

It is at the location of this proposed gated and key locked access that the emergency medical response roadway transitions from a standard asphalt roadway built to city of Manteca public roadway code specifications to a dirt/crushed rock surface roadway heading south to a challenged severely angled and steep RD17 levee crossing (recently modified) that is preventing the safe and unimpeded use of the McKinley Avenue extended dirt roadway by

80000# GVWR class 8 trucks in combination with semi/pull hopper or fertilizer bulk hauling trailers or equipment hauling trailers typical of those commonly used by almond farm properties.

Protecting TLG's 12 year use of 80000# truck access off Airport Way
Protecting TLG's current access off Airport Way by utilizing a HIRT Trust owned LLC (W/L Harris Ranches (WLHR) LLC) property's SSJID Drain #10 (APN 241-330-34) following a joint 2014 decision by SSJID and Pete Boyce to remove the Drain #11 crossover pipe roadway bridge former recorded access on the south boundary of the TLG property is TLG's primary goal moving forward.

Why is this important
In September 2025, at the time that the 30000 trees on the property were harvested, 57 truck loads of almonds (80000# each) were shipped by WMD Farms (TLG tenant farmer) to Travaille and Phippen (WMD + TLG shared almond processor). Please be advised that a 2016 TLG court case vs RD17, Manteca Development Group, TR Land and Cerri involved testimony and court records that highly suggest the primary access to the TLG property was best served and could be depended upon by means of accessing the property along SSJID Drain #10 off Airport way. (case #STK-CV-URP-2014-4238)

No key accepted at this time
Due to my limited and individual rights as a W/L Harris Family Irrevocable Trust (HIRT) Trustee and a HIRT owned entity manager; and identical roles as HIRT trustees and LLC managers served by my sisters Marcia Perkins and Melissa King; LLC Manager roles served by Marcia Perkins daughter Meredith Perkins Hogan; a large number of subcontractors serving the needs of the TLG tenant (WMD Farms); various regulators and government inspectors of medical emergency responders that need to access the property; I am forwarding this email to other decision makers and those affected to gain the best and safest workplace safety approach for everyone to be affected.

I trust that hard fought prior effort as part of this continuing effort to protect TLG's access will be both honored and respected and accommodated by all agencies involved.

Thank you,
Marty Harris

Terra Land Group, LLC
5151 E. Almondwood Drive
Manteca, CA 95337
Phone: (209) 239-1361 • Fax: (209) 239-7086

March 24, 2014 US MAIL & HAND DELIVERED

City of Manteca Planning Commission
1001 W. Center St.
Manteca, CA 95337

Re: Terra Ranch Final Map/Tract #3493/**Request for a Public hearing**

Dear Commission Members,

I am the authorized representative for Terra Land Group, LLC, ("TLG") with respect to current land use issues.[1]

This letter is in follow up to my prior correspondence to Mark Meissner, Planning Manager for the City of Manteca, on March 5, 2014.

TLG wants to make it clear that TLG does not oppose the Terra Ranch Development Project ("Project"), however, TLG does have a number of issues that it believes were not adequately addressed for the reasons indicated in this letter; and, TLG was not given an opportunity to raise these issues because it was not given prior notice; consequently, I am concerned that if the City approves the Final Map based on misinformation and without proper notice, it could be subject to challenge.

In summary, **TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the map referenced above.** This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative Map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions that TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for the Project. 6) Finally, and of most significance, **TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.**

This project has been confusing from the outset because the adjacent property owners used a name for this development that was similar to ours; and, confusion has followed including the City's failure to properly notify us on important issues. For clarification, Terra Land Group formerly known as Terra Ranch, LLC, owns three contiguous parcels south of the project area, which are further described as:
APN #241-330-32
APN #241-330-33
APN #241-320-60

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[1] TLG (History) I graduated from Cal Poly in 1975 with a Bachelor's Degree in Mechanical Engineering.
In addition, I am currently licensed and in good standing with the State of California as a licensed general contractor

Before requesting this hearing, TLG has attempted to address our concerns informally with various related parties.

January 7, 2014: Bill Filios/Manteca Development Group, LLC

On January 7, 2014, I met with Bill Filios at subject property site to discuss my concerns relating to the current property line boundary issues affecting each party's representative property.

Bill Filios ("Filios") is the authorized representative for Manteca Development Group, LLC, ("Filios Group") which holds the right to purchase parcel APN #241-320-20, currently owned by the Rosi Cerri Foundation ("Cerri")

Also present at the meeting were Mike Atherton and Joshua Harris.

As part of the meeting, we presented a list detailing nine (9) specific concerns that directly affect the continuing farming operations of the 230 acres presently owned by TLG and located south and east of the Cerri property.

TLG concerns discussed:

1. **Continued road access to farming property.**
   1 a. Both parties, TLG and Filios, acknowledged that by extending the soon-to-be constructed McKinley Avenue Express Way to the south, various options are available to reconnect with the existing roadway which currently serves the Terra 230 acre property.

2. **All costs associated with land survey, permitting and construction of new access roadway to be paid by others.**
   2 a. Filios suggested that the Filios Group might assume all costs to construct the roadway extension provided that an agreement favorable to both parties is reached.

3. **Terra Land Group land ownership of property south of the levee to continue in accordance with the property description in place at the time Harris' purchased the property in 1968.**
   3 a. Both parties agreed that TLG will instruct Stantec Consulting Company to perform additional survey work to more closely identify:[2]
      i. The total acreage and specific areas in question.
      ii. The property boundary location in relation to the TLG owned 36" concrete irrigation water main delivery line serving the ranch.
      iii. The boundary proximity relating to the main roadway situated between two (2) PVC irrigation lines supporting farming activities on the TLG property.

4. **PG&E power poles and gate located on the disputed boundary west of the access roadway should remain in place until the property line dispute is settled.**

[2] This survey was completed and proved to TLG's satisfaction that the current surveys in the City's possession in the area of the Terra Ranch Development Project are incorrect. It seems odd to me that the developer's survey was incorrect in a manner that benefits the developer's objectives. Any project that is approved based upon the faulty survey could be construed as an arbitrary and capricious act by the City.

4a. I suggested not disturbing the PG&E poles as well as the post with attached gate now in place that various parties recognize to be the legal boundary line as stated on the 1968 Title Report.

Filios' response sets forth that Filios cannot control PG&E's actions relating to the poles. Filios suggests that the Harris' take photos and rely on drawings to support the Harris' claim. Harris, in fact, has taken these photographs.

5. **Continued right to utilize levee roadway to accommodate farming access around property.**
   5a. Filos proposed but has not delivered upon an agreement between the Filios Group and TLG that will set forth that TLG may access the levee roadway.

6. **To alleviate future concerns, Harris' propose that TLG purchase Cerri owned property south of the levee (≈ 5 acres).**
   6 a. Filios' intent remains to acquire the Cerri five acre portion south of the levee for the purpose of securing a storm water pond collection site. In TLG's view the location of a storm water pond adjacent to a levee is nonsensical.

   An exception to the latter would occur only if the Filios Group decided upon another location for the pond, at which time, Filios would agree to offer for purchase the five acre portion of the Cerri property to TLG.

7. **TLG's continued right to utilize and maintain the concrete irrigation pipeline servicing the entire TLG farming property. (Note: portions of the pipeline are located in close proximity to the RD #17 levee).**
   7a. **Stantec survey work has now been completed**

8. **Future claims by Anderson or Bank.**
   8a. Filios' position, at the time, was that item #8 should be acceptable to all parties involved.

9. **New McKinley Crossing Buyer's cooperation in accommodating TLG road access to the TLG farming property.**
   9a. Filios position was that item #9 should also be acceptable to all parties involved.

As an additional point, Filios suggested that TLG could refrain from planting almonds in the disputed area estimated to be approximately one acre in total size.

I responded that due to the terms of a twenty-five year almond lease currently in effect between TLG and our tenant, WMD Farms, the forced elimination of any tree plantings could be considered a violation of the lease.

Further, prior to the Harris/Filios January 07, 2014, meeting, WMD Farms had put forth a significant investment into the property in preparation for the orchard planting.

That investment includes the costs associated with:

i. Land leveling.
ii. Deep ripping of top soil.

iii. Fumigating.
iv. Purchasing irrigation pipe and drip line.
v. Purchasing trees.

With the above in mind, I informed Filios that the small additional cost of planting the trees is but a fraction of the total costs already incurred.

January 07, 2014: Local Title Company

I received a complete Chain of Title, from the same Title Company ("Title Company") the developer uses, as per my request from the local title company on January 07, 2014.

The Title Company was made fully aware that the purpose of the request was to support the TLG's property legal description and the related Title Insurance involved for 74.37 acres (APN #241-320-59) sold to Anderson Homes in 2006.

Title documents were received by TLG by e-mail and hand delivery on that same date.

Per TLG staff's inspection, both the e-mail and the hand delivered copies were identical in content.

The chain of title was represented as being complete and dated back to August 31, 1905.

In fact, the chain of title was incomplete.

A most important fact is that three (3) additional key document title recordings appeared to be missed in the title company's January 07, 2014, chain of title submission to TLG. It was only due to TLG's diligence in pursuing further independent explorations through the San Joaquin County Recorder's office that those vital records were discovered.

January 08, 2014: WMD Farms;

I met with Bob Williams (Williams), representing the lessee, WMD Farms, farm operator for the 230 acre TLG property.

I presented to Williams certain details covered in the Harris/Filios January 07, 2014, meeting relating to property boundaries, future road access and Filios' intent to construct a five (5) acre storm water pond adjacent to the TLG almond plantings.

Williams responded that a storm water pond would allow water to permeate into the subsoil and adversely affect the health of the orchard.

Williams further stated that his tree layout design for the almond plantings did not allow for any deviation of the current farm access roadway south of the levee.

Williams also expressed concern as to whether an adjusted Woodward south-to-the-levee road placement would allow unauthorized persons easier access to trespass or vandalize portions of the TLG farming property.

January 09, 2014: Frederick Clark, City of Manteca Community Development Director

I met with Frederick Clark ("Clark"), community development director for the City of Manteca to discuss my concerns relating to the property.

Also present at the meeting was Bryce Perkins, a Harris family member.

I introduced a copy of the originally proposed Terra Ranch tentative subdivision map dated October 20, 2009.

The map clearly shows a future McKinley Avenue land dedication extending south of Woodward avenue that directly overlays the existing access road that TLG has relied upon as their only property access since the Harris' purchased the entire 382 acre Woodward property in 1968.

Also introduced at the meeting was a subsequent Terra Ranch Tentative Subdivision Study Map dated July 14, 2011. ("Study Map") **(see Exhibit "A," attached").**

The subsequent Study Map shows a different McKinley Road property dedication that follows a different route from Woodward Avenue south to the levee.

I stated that TLG was working with Bill Filios, who represents development interests in the area, to identify an alternate Woodward Avenue south-to-levee access route that will reconnect with the current TLG existing farming property roadway. Pertinent to the Harris-Filios discussions is the fact that the present TLG roadway extends south of the levee with a location critical to irrigation pipeline facilities currently in place.

Clark stated that he could see no problems with relocating the farm access road for this purpose.

Clark further stated that Filios could make a formal application to extend McKinley Avenue south beyond the "G" Street Road termination point shown on the tentative Study Map dated July 14, 2011.

Clark also stated that the roadway could be designed for farm use only and would not need to be designed to McKinley roadway extension construction standards which will be mandated at the future time that McKinley Avenue is further developed.

I expressed critical concerns pertaining to securing the TLG property from trespass, theft, intrusion, and vandalism by way of gate installation.

Clark indicated that one or two gates could be installed to limit access along the extended portion of the McKinley extension access road.

I commented that a number of bike riders and walkers are currently utilizing the TLG property for recreation on a regular basis.

Clark stated that it was his understanding that **the levee roadways are being promoted by developers for resident recreational use.**

I questioned as to whether development of the Terra Ranch subdivision would include any fencing separating the TLG farm property from the subdivision.

Clark responded that the Terra Ranch Subdivision Study Map only called for landscape; and no fencing was anticipated at this time.

I inquired as to whether another formal public comment meeting would be held to address the Harris' concerns relating to the project.

Clark responded that there would be another public meeting held; and, TLG would be given an opportunity to address those concerns.

January 10, 2014: Stantec Consulting Services Company:

I met with a Stantec Surveying Company representative, ("Stantec") at the TLG property site to post markers indicating the location of the McKinley Road dedication footprint in relation to the disputed property boundary lines.

Discussions continued between Stantec and myself covering a detailed analysis of a prior survey by North Star Engineering Company ("North Star") for the benefit of the Cerri property interests. Of particular interest, Stantec informed me that within the total Cerri land holdings, an existing boundary corner marker was disregarded by North Star representative, Keith Spencer ("Spencer").

Stantec further stated that Spencer installed a new boundary corner marker approximately 100' east of the historical boundary corner marker previously recognized to established property boundaries in the area.

Stantec also stated that the placement and utilization of the new boundary corner marker as part of the recently completed North Star survey strongly benefited the Cerri interest's claim of ownership to the section of property that includes the current TLG access roadway.

Stantec then stated that his associates at Stantec thought it was unusual to totally disregard the historical Cerri boundary corner marker still in place while pursuing the placement and utilization of a new marker so far away.

I inquired if it was possible that the Cerri interests had determined where the Terra/Cerri property line needed to be and conducted the survey in reverse order to determine where a new corner boundary marker would better serve the Cerri interests claim to the section of property that includes the TLG roadway.

Stantec responded that they had no way of knowing North Star's intent but further stated that North Star's actions appeared to be highly unusual and it was not a method that Stantec recognizes as a normal business practice.

January 17, 2014: Letter to Erika Durrer, Senior Planner for the City of Manteca

On January 17, 2014, I wrote a letter to Erika Durrer, Senior Planner for the City of Manteca.

The letter was meant to memorialize the January 9, 2014, meeting that Bryce Perkins and myself had with Frederick Clark, Community Development Director for the City of Manteca.

In that letter, I further asked for Agricultural Farmland protections in accordance with Manteca Development codes.

Specifically, I asked that the Terra Ranch Development Project require mandatory fencing as well as a possible hold harmless agreement regarding trespass violations and potential injuries to persons intruding onto our property.

As an example of a recent trespass incident, I cited the following:

On January 15, 2014, I visited the TLG farm property to perform site work relating to a recently completed road access survey.

At that time, Doug Vandine ("Vandine"). a local resident, and previously unknown to me, was riding his bicycle on the levee with a dog held by a leash running close to the bike.

Shortly after my first observation of Vandine riding along the levee, Vandine, with dog, exited the levee and preceeded south onto the TLG private roadway which runs through the 230 acre TLG farming property.

Upon reaching me, Vandine stopped the bike to inquire as to TLG's farming intentions on the property.

As the conversation ended, the dog bit me above the right knee causing significant injury. Vandine did not acknowledge the bite incident and continued his ride through the TLG farming property.

The latter incident enhances, but is not meant to limit TLG's concerns regarding trespass and potential liability issues for all parties.

Those concerns expand to include new rules involving food safety and best management practices relating to the control of pathogens and Homeland Security because of the potential for (e-coli) or other contaminants coming into contact with food product in the field.

In conclusion: The Harris' affirm that Harris parties do not intend to impede either the development project or the McKinley Road extension.

Harris parties' intent is only to seek reasonable trespass-violation protection under the law in relation to the increased probability of incidents due to urban development.

I closed the letter by informing Ms. Durrer that TLG intends to pursue these concerns at a future public comment meeting.

January 28, 2014: RLC Consulting Company:

I met with RLC Consulting Company owner Ron Cheek ("Cheek") at his office in Manteca.

The purpose of the meeting was to identify the exact location of the proposed McKinley Avenue Roadway dedication ("Road Dedication") footprint as detailed on the Study Map. **(see prior Terra Ranch Study Map Exhibit "A" attached)**

I presented to Cheek an 11x17 copy of the proposed Study Map with print dimensions too small to rely upon in determining replacement road access to the TLG 230 acre farming property.

Cheek responded by offering two (2) ea. full size Study Maps with site descriptions and dimensions that were much easier to identify.

Cheek then described to me the location and size of the anticipated Road Dedication in relation to the Terra Ranch development west property line.

Cheek pointed out that the Road Dedication would be 104' wide with APN #241-320-59 contributing 74' from the Terra Ranch development site's west boundary.

In addition, Cheek indicated that the Cerri property development interests would contribute to the Road Dedication for future development use, a 30' strip of land as measured heading east from the Terra Ranch development sites' western boundary.

A. *(Note: The 32' west portion of the McKinley Road Land Dedication area shown on the drawing was in error and actually should be 30' to add up properly to a total 104' road dedication.)*

Cheek went on to explain that the 74' strip of land contribution by the Terra Ranch Development Group would only be partially completed to a point just south of "G" Street as detailed on the Study Map.

Further, Cheek explained that it was his opinion, that the undeveloped 30' west portion of the Road Dedication could be utilized in the final road placement of a new access roadway to the TLG 230 acre farming property.

I questioned Cheek as to whether the Final Terra Ranch Development Subdivision Map could include a southern boundary metal rod iron fence line that would protect the TLG's farming property from trespass due to Terra Ranch Development's resident's recreation use intent.

Cheek indicated that in his opinion, the public comment period for a fence line protecting the TLG property was completed.

I responded that TLG had only recently been advised that certain developers along Woodward Avenue had been promoting the use of TLG's farm properties for local housing development resident recreational use as a benefit to purchasing a home in the area.

I changed the topic and asked Cheek if he was aware that Filios was considering construction of a five acre residential storm water pond south of the levy and located immediately adjacent to the TLG almond plantings.

I further questioned Cheek as to whether the design of such a pond would typically involve a protective liner to prevent percolation into the soil subsurface.

Cheek responded that storm water ponds typically were not lined with any materials to prevent water from permeating into the soil subsurface.

February 11, 2014: Reclamation District #17 Meeting

On February 11, 2014, I attended a Reclamation District Board Meeting at the designated District Meeting Office in Stockton.

At that meeting, I was informed by Chris Neudeck, the consulting engineer for the District, that the District has recently become aware of new 200 year flood plane regulations that will require for the levee set back distance to be changed from 10' to 20' from the toe of the levee to a point where any farming can take place.

This was further explained to me to result in the Reclamation District contacting TLG and other property owners in the area to secure an additional ten (10) feet of levee easement beyond the ten (10) feet of current easement that the district currently controls.

Mr. Neudeck indicated that he would meet me at the property to locate where the District's existing easement ends to determine the impact on the TLG almond orchard now in place.

February 27, 2014, James DeJong, City of Manteca Planning Senior Engineering Technician

On February 27, 2014, I met with James DeJong ("Planner"), a planner for the City of Manteca Planning Department. At that time, I inquired as to whether the City of Manteca Planning

Commission had scheduled (as I was previously assured they would) a meeting to approve the recently completed map for the Terra Ranch subdivision project Tract #3493 ("Final Map"). **(see prior Terra Ranch Study Map Exhibit "A" attached)**

The Planner responded that it was the Planning Department's understanding that the Final Map had already been approved at a prior meeting over a year ago. It should be noted that it is TLG's belief that, despite being an owner of adjacent properties that could be severely impacted by the plan, TLG did not receive notice of the meetings. TLG did not receive proper notice to allow for their participation in any meeting concerning the approval of any map held at any time prior to the date of our prior letter.

I responded to the Planner that Fredrick Clark ("Clark"), Community Development Director for the City of Manteca, had stated to us (including family associate, Bryce Perkins) at a previously scheduled January 09, 2014, meeting, that the City of Manteca would hold a future public meeting to approve the Final Map. Clark went on to state that TLG would be given an opportunity to address concerns relating to trespass, fencing, easements and continued roadway access at that time.

Despite informing the Planner of these facts, the Planner remained firm that it was the Manteca Planning Department's belief that the Final Map was complete and no further public meetings would be held.

I then questioned the Planner as to whether the January 09, 2014 in-house meeting involving Clark, myself and Perkins had resulted in securing a southern boundary fence line to be added as a further condition for final approval of the Terra Ranch subdivision Project (Project"). The Planner proceeded to look through the entire set of Final Map drawings for any specifications calling for a protective fence line to be installed along the southern boundary of the Project.After a quick review of all drawings in his possession, the Planner stated that no fence offering trespass protections to the TLG property appeared to be shown on the drawings.The Planner added that he would check with his supervisor to confirm. This is despite the City's current policy concerning fencing as a condition to a Project Approval, #s RC-P-24 and RC-I-30, calling for a fence.

We then discussed our proposed layout for an alternate TLG farm access roadway route to be located within the McKinley Avenue Road Dedication Area ("MRDA"), adjacent to the subsequent property. This roadway is planned for an area subject to an easement for the benefit of TLG's access to its property. However, the Planner identified a particular drawing included in the Final Map bundle of drawings for my inspection, where the Drawing clearly showed the MRDA currently had no details offered concerning any roadway extension beyond the planned McKinley Avenue termination point shown to end approximately 50' south of the "G" Street roadway connection accessing the Project in order to satisfy TLG's access needs.

I commented that it was important that the replacement Roadway incorporate a gradual sweeping s-curve transitioning west to allow for the safe operation of various types of 80,000# Gross vehicle truck-trailer combinations needed to serve the TLG Ranch property.

Further, I commented that TLG was looking for trespass protections to be put in place that would provide protections against the uninvited public access or intrusions to the TLG farm replacement roadway. The Planner acknowledged our concerns.

I also directed the Planners' attention to TLG's existing 36" concrete water transmission lines and the associated two (2) each concrete junction boxes located on both the south-east and south-west corners of the Terra Ranch housing development property. I further noted that the junction box located on the south-west corner of the project property was also included in the MRDA. **(see Exhibits "B" & "C" attached)**

I further stated that TLG was looking for protections that would allow for the continued operation of the concrete junction boxes and the nearly 4300 feet of associated water transmission lines currently in place.

Further, I demonstrated on the map that the access roadway should extend the proposed McKinley Avenue south toward the levee to a point before transitioning west to realign with the existing roadway as detailed on the attached drawings. **(see Exhibit "A" attached)**

It is TLG's desire that the existing farm access roadway remain in place at all locations south of the levee approach ramp to accommodate transmission water and irrigation pipelines currently in place.

The Planner indicated that the alternate roadway design project would take over a week to complete and suggested that I contact Planning Staff the week of March 10, 2014 for an update.

March 5, 2014, Letter to Mark Meissner, Planning Manager for the City of Manteca

On March 5, 2014, I wrote a letter to Mark Meissner, Planning Manager for the City of Manteca.

In that letter, I detailed the February 27, 2014 meeting with a City of Manteca Planning Staff Member at the office of the Manteca Planning Department.

Following my detailed description of the discussions held with the Planning Staff Member at the February 27, 2014 meeting, I provided a list of fifteen (15) key points that I requested the City of Manteca Planning Department to consider.

TLG requests that the City consider the following:

1. The existing dirt road access from Woodward Avenue to the TLG 230 acre farming properties has been utilized by TLG or their predecessors since the 1960's and perhaps as far back as the 1920's on a continuing basis. For this reason, TLG believes that they are legally entitled to a reasonable accommodation for that use.

2. Certain existing pipelines, junction boxes and trees ("Existing Agriculture Improvements") are located in direct alignment with the MRDA, and based on a questionable survey, are indicated to be on the Project's property.

3. TLG has been paying all property taxes on properties APN #241-320-60, APN #241-330-32 and APN #241-330-33 since my family purchased the properties in 1968..

   TLG believes that reasonable accommodations can be made for the aforementioned Existing Agricultural Improvements by incorporating the suggested alternate TLG farm access roadway alignment as shown in the attached drawing previously referred to as **(see Exhibit "A".attached)**

4. The Terra Ranch Study Map dated, July 14, 2011, is in conflict with the zoning code and does not comply with the City of Manteca protective fencing requirements for developing properties bordering farming operations contiguous to the development property despite our requests to do so, for public protection, to prevent trespassing, and to conform to City of Manteca condition #'s RC-I-30 and RC-P-24 to the Plan.

   Despite the City's denial, the Terra Ranch Study Map drawing indicates that a southern border fence line might easily be incorporated into the final set of conditions required for the Project, in accordance with City Policy.

5. A series of lot line adjustments agreed to in 2006 for the subject area were not completed in a timely manner resulting in confusion as to each parties' resulting interest and the associated infrastructure in place. Notice of the adjacent locations related to said infrastructure were not provided to TLG until after the hearing on the tentative property.

6. A total of two lot line adjustments ultimately were performed on the property further delaying the process.

7. At the time of the property sale to Anderson Homes ("Terra Ranch Properties") in 2006, the real property purchase contract dated September 15, 2003, called for a certain portion of APN #241-320-19 to be meant only to include that portion of property north of the levee and specifically stated that the portion of property to be included in the sale was limited to the "Developable" portion of the 84.65 acre parcel. Project properties have claimed more than the area suitable for residences.

8. In January 2010, TLG contacted a Terra Ranch Properties' representative to notify him that the lot line adjustment had not been completed and property taxes were past due for the Anderson Homes undivided portion of APN #241-320-19, further identified as APN #241-320-55. TLG's portion of property taxes for the undivided portion identified as APN #241-320-56 was paid promptly and on time.

9. TLG was notified in 2011 that Terra Ranch Properties ("Anderson"), in association with Anderson's bank, were looking to sell the property for an amount considerably less than the original purchase price.

10. In spring 2011, I visited the City of Manteca Planning office and met at the counter with Erika Durrer to express concern that Terra Ranch, LLC, was not receiving notices concerning the property.

    Ms. Durrer stated that it was her understanding that the 230 acres south of the levee (and owned by TLG) was part of the total property holdings of Terra Ranch Properties, LLC, a company controlled by Anderson Homes.

11. For this reason, on June 27, 2011, Terra Ranch, LLC ("Harris"), changed their name to Terra Land Group, LLC, to avoid any other confusion at the City relating to the proper ownership interests on the Harris' 230 acre property.

12. In May, 2011, TLG was informed that Albert Boyce, Mike Atherton and Bill Filios were attempting to purchase the property then owned by Anderson Homes.

13. In January 2012, I was informed that McKinley Crossing, LLC, a company that I was informed includes Albert Boyce, Mike Atherton and Bill Filios, purchased a smaller portion of the 74.52 acre property originally sold to Anderson Homes in 2006.

14. In October 2013, TLG was notified of a survey indicating a potential error in the property line description to the southwest of this Project. This leads me to further question the accuracy of the Final Map in relation to certain existing farm infrastructure and roadway easements and their associated alignments to land Dedication areas that significantly effect the TLG property adjacent to the Project. This leads me to believe that the Final Map is inaccurate relating to those future land development dedications and directly impacts the adjacent TLG farming properties located both south and south-west of the Project. TLG requests that the finalization of this map be postponed until the questionable survey issue is resolved including recent lot line adjustments related to and dating back to the 2006 sale of parcel 241-320-19.

15. TLG is informed and believes that the survey conducted by North Star Engineering on behalf of Applicant may not be accurate, which, in turn, places doubt on the Final Map the survey is based upon. TLG is informed and believes that the North Star Engineering Survey Report is not accurate and impacts:

    a. The ownership of certain TLG property that our family has paid taxes on and farmed since 1968.

    b. Current critical agricultural water line junction boxes (2) each and farm road access easements that TLG relies upon for the cultural operations on its 230 acre farm property.

    c. Future Development Land Dedications based on the survey affecting the continuing farm operations of the TLG property.

For this reason, TLG believes that the City of Manteca should not take any action depending on the results of the North Star Engineering Survey until the current survey dispute has been fully investigated and resolved to the satisfaction of all parties involved.

I then presented a short list of compromises as a means of creating a potential solution to the critical issues that would support development while providing for TLG's ability to continue to farm their 230 acre property.

Compromises/Critical Issues to Resolve:

It is important to note again that the TLG/Harris' are not opposed to this development.

However, we are respectfully requesting a public hearing to address each of the issues discussed herein. One major issue TLG would like to discuss is the compromise it is willing to make with the goal of seeing that the development proceeds. The proper property boundaries must be agreed upon in a reasonable, equitable manner.

1. TLG is willing to abandon the current farm access roadway for the benefit of all other parties if the suggested roadway routing submitted as part of this letter is accepted or a reasonable alternative suggested. (**See Exhibit "A" attached**) TLG may request that it be guaranteed the access it has enjoyed for over forty-five (45) years be continued.

2. All costs associated with the design, permitting and construction for the new access roadway should be borne by the project proponent: those changing the 40-50 year status quo. TLG will not be made responsible for costs associated with the new farm access roadway.

3. TLG to be granted exclusive easements or recorded rights of use, granting said use of access to the RD 17 levee roadways running along the perimeter and bordering the TLG properties.

4. TLG to be granted easements or recorded rights of use, granting for those portions of the 30" concrete water transmission lines and the associated two (2) each junction boxes that are believed to be located on both the south-east and south-west corners of the Terra Ranch housing development properties. (**see Exhibit "B" and "C" attached**).

5. Additional conditions to be put in place relating to the Final Map requiring sufficient fencing and gates to be installed along the entire southern border of the Terra Ranch Development site for the purpose of providing protections against uninvited public access to the TLG Ranch property as conditioned by Manteca Community Plan #RC-I-30 and RC-P-24.

6. TLG ownership of the property south of the levee to continue in accordance with the property description in place at the time that the southern portion of APN #241-320-19 was originally acquired by the Harris family as part of a larger property purchase in 1968. (Note: the current parcel # for the aforementioned southern portion is APN #241-320-60).

7. TLG will consider other reasonable alternatives.

I closed the letter by calling Mr. Meissner's attention to my effort last year in addressing the 2013 updated General Plan and any affects the General Plan might have on future zoning issues as well as TLG's continuing right to farm the 230 acre property.

March 12, 2014: Letter sent as invitation to meet with Bill Filios

On March 12, 2014, I sent a fax to Bill Filios and Albert Boyce in an effort to meet.

No response has been received by Bill Filios as of the date of this letter/Albert Boyce declined..

March 17, 2014: Phil Govea, City of Manteca Public works

On March 17, 2014, I met with Phil Govea ("Govea"), Deputy Director of Public Works for the City of Manteca ("Manteca").

Also present at the meeting was Bryce Perkins ("Perkins"), a Harris family member.

The meeting was initiated by me due to the City of Manteca's inability to supply certain March 18, 2014, City Council meeting support documents describing capital improvement projects listed as Consent Calendar Items A08 and A11. (**see Exhibit "D" and "E" attached**)

I opened the meeting by stating that TLG had spent considerable time and effort in trying to determine Manteca's intentions relating to the Harris families' 230 acre Almond Ranch located south of Woodward Avenue and west of Airport Way.

I added that TLG was particularly concerned that Manteca's potential plan could lead to the placement of treated sewer water on the TLG farming property.

I referenced a 1993 Sewer System Master Plan that is currently available on Manteca's web site.

I further stated that the 1993 Master Plan included a map that clearly showed the potential for sewer water placement on portions of TLG property (**see Exhibit "F" attached**).

Govea inquired as to the current zoning of the property.

I responded that a 2013 General Plan update was still under review, but that TLG had been assured by City of Manteca Planning Staff ("Planning Staff"), that once completed, the updated 2013 General Plan would result in re-designating the future zoning for the TLG property into two land use classifications: VLDR and Open Space.

I added that discussions with Planning Staff further included the potential for the future construction of a McKinley Road extension to the south and continuing through the TLG property.

I stated that Planning Staff further commented that due to the TLG's property location within the 100/200 year flood plane, any development occurring on the TLG's property could be 20 to 30 years away.

I offered that it was the 20 to 30 year development prediction by Planning Staff that led to the TLG decision to invest in a twenty-five year Almond Crop on the TLG farm property.

Govea stated that currently, Manteca is discharging treated sewer water at a number of locations.

Govea added that these locations currently include city parks as well as leases with private property owners.

Govea further added that it was his belief that treated sewer water had many uses including compatibility with active farming irrigation.

I responded that I had attended a 2012 South San Joaquin County Farm Bureau meeting.

I added that the SSJID Director, Jeff Shields ("Shields") was also at the meeting and made a presentation to the Farm Bureau members in attendance on water delivery which was followed with questions.

I then stated that I asked Shields "Why Manteca and SSJID did not partner together in the blending and distribution of Manteca treated sewer waste water with SSJID fresh water for ultimate distribution to SSJID dairy feed farmers south of Manteca.

I further stated to Govea that neither Shields or any other farmers in attendance supported my idea. In fact, several farmers were amused.

I assure you, irrigating with treated sewer water is no laughing matter to almond growers. In fact, it is prohibited by Federal food safety regulations.

I stated to Govea that continuing conversations with local farmers indicated a general belief that treated sewer water would lead to elevated levels of PH, nitrites, and salts affecting the plant, soil and ground water that would eventually affect crop health and production.

Govea responded that Manteca sewer waste water was in fact determined to include concentration levels that were low in both PH and nitrates while demonstrating non-detectable ammonia levels due to a specialized process that included the utilization of a water distribution plan that blends Manteca well ground water with fresh SSJID water with the benefit of lowering certain contaminant levels and PH.

Govea further stated that Manteca was permitted to discharge 100% of their current and future treated sewer effluent discharge water into the San Joaquin River, but were opting instead to create beneficial alternative uses for future treated sewer water to demonstrate good stewardship in relation to current water conservation measures and best management practices.

Govea further stated that for several years now, Manteca has required developers to incorporate sewer pressurized lift pumps to move untreated sewage from new developments south of Hwy 120, north, to the Manteca Sewer Treatment Plant.

Govea explained that the current untreated sewer pipeline conveyance system contains various pressurized lift pumps strategically located along Woodward Avenue.

Govea presented a Zone 25 detailed drawing showing current existing **untreated** sewage conveyance pipelines as well as future not-yet-existing **untreated** sewage conveyance lines for the area south of the Manteca Sewer Treatment Plant.

No conveyance pipelines for moving treated effluent sewer waste water were included on the drawing.

Govea carefully identified the location of the pressurized sewage lift pumps and their purpose in relation to the existing and future **untreated** sewage conveyance pipelines shown on the drawing.

Govea added that the March 18, 2014, City Council Consent Calendar Agenda Item #A08 will provide funding to complete the **untreated** sewer gravity feed pipeline conveyance system from Dutra Estates north to the Manteca sewer plant.

Further, Govea added that once complete, Manteca can abandon the entire Woodward Avenue lift pump pressurized **untreated** sewer treatment pipeline system to be eventually utilized for a different future use.

Govea then stated that the future use would allow for the raw sewage lift pumps to be reutilized for the purpose of moving treated effluent sewage water to areas south of Hwy 120 and extending to areas along the future McKinley expressway, the Zone 25 sewer shed properties, as well as approximately 400 acres of land located on Hays Road that is expected to receive waste water from the Eckert Cold Storage Facility.

Perkins asked if the pressurized treated sewer water pipeline distribution system design had been completed?

Govea responded that the design was currently in progress but had not been completed.

I responded that TLG was not opposed to development. However, I added that TLG is actively gathering information to fully understand Manteca's current and future plans for growth to determine how that growth may impact the future uses of the TLG farming property.

I then demonstrated on a map that it was TLG's belief that Manteca plans to install a treated effluent sewer water distribution pipeline that may impact portions of the TLG farming properties.

Most important, I stated that it may be in the best interests of everyone involved if Manteca purchased a small portion of TLG farming property to support Manteca's needs relating to development.

Govea supported the idea and suggested that TLG meet with the City of Manteca Economic Development Director, Don Smail.

I then brought Govea's attention to the March 18, 2014, City Council Consent Calendar Agenda Items A08, A09 and A11. I asked specifically if any of the three agenda items will affect the TLG 230 acre properties.

Govea identified himself as the most qualified staff member in the City of Manteca's Public Works Department relating to the South Area Public Facilities Sewer Plan.

Govea assured both myself and Perkins that Agenda item A08, pertaining to the South Area Public Facilities Plan, would have **NO** impact on the TLG properties.

Further, Govea assured both myself and Perkins that Agenda items A09 and A11 also would have **NO** direct impact on the TLG farming property.

Perkins inquired as to whether the funding mechanism involved with Agenda items A08, A09 and A11 involved the proper use of RDA Bond Funding.

Govea responded that he believed that the City had met all RDA compliance requirements.

March 19, 2014: Letter to the City of Manteca Planning Department/Request Documents

On March 19, 2014, Bryce Perkins delivered a letter addressed to Mark Meissner, Planning Manager for the City of Manteca. **(see Exhibit "G")**

The letter was written for the purpose of requesting documents in relation to the Terra Ranch Development Tract #3493.

The documents requested are listed as follows:

1. Development agreement relating to Terra Ranch Development Tract #3493.
2. Tentative and final maps relating to Terra Ranch Development Tract#3493.
3. Any amendment actually adopted relating to final map connected to Terra Ranch Development Tract #3493.

That very same day, I was pleased to receive a call indicating that the documents were ready to be picked up and that there would be no charge for the documents. I immediately headed to the City of Manteca planning office to pick up the documents.

On arrival, Ms. Schimmelfennig, a City of Manteca Planning Staff Member, presented the following documents:

1. A one page document identified as the Revised Terra Ranch Tentative Subdivision Map Tract #3493 for APN #241-320-55 totaling 74.5 acres **(see Exhibit "H" attached)**
   The map was dated: August 2, 2010
   Revised: February 18, 2011
   Revised: June 8, 2011
2. An unrelated set of documents totaling 14 pages for the Dutra Estates Projects No. 1 and No. 2 dated January 2005 and further identified as Tract #3536 and Tract #3537. **(see Exhibit "I" attached)**

Further, Ms. Schimmelfennig commented that:

a. No development agreement relating to the Terra Ranch Development Tract #3493 existed.
b. Only 1 map consisting of 1 page existed for the Tract #3493 Terra Ranch project.
c. No evidence of any amendments actually adopted relating to any final map connected to Terra Ranch Development Tract #3493 could be found.

I quickly realized that no documents involving the **current** Terra Ranch Development Project were related to my request. In addition, no portion of the set of drawings represented as the Final Map during the February 27, 2014, meeting with James DeJong, Senior Engineering Technician for the City of Manteca, were included as part of the documents received. It is my belief that the City has failed to comply with the requirements of California law with respect to public documents, and that I am entitled to the additional documents I requested.

I left with the documents provided and began drafting this letter.

March 20, 2014: Stantec/Completed Survey

On March 20, 2014, Stantec Consulting Services Company completed a survey that strongly supports TLG's historical claim to the farming property and rights of use to the farm access roadway that TLG/Harris' have utilized and paid taxes on for over forty-five years.

I have included a copy of the survey for your review and analysis. **(see Exhibits "J" and "K")**

March 21, 2014: Planning Commission Agenda item #7.2

On March 21, 2014, I downloaded the upcoming Agenda for the March 25, 2014, Planning Commission meeting.

Of particular interest was Agenda item #7.2, which offered a detailed listing of development projects that the Planning Commission could anticipate reviewing throughout the year.

The documents included specific information covering 2 each Terra Ranch projects **(see Exhibit "L")**

Terra Ranch Project #1

200 each finished apartment units
Application date: March 11, 2009
Approval date: June 21, 2011
Expiration date: June 21, 2013

Terra Ranch Project #2

212 each entitled lots (approved Tentative Map/**Pending Final Map**)
Application date: March 11, 2009
Approval date (Tentative Map): June 21, 2011
Expiration date: June 21, 2017

Terra Ranch Project #1 (200 apartments) **appears to have been approved but is shown as expired as of June 21, 2013,** according to the Agenda documents.

In my opinion, any action taken by Manteca Planning Staff to reinstate or approve the 200 unit Terra Ranch apartment site for any future improved use without an updated environmental review could result in a significant impact to neighboring sites and should allow for public review and comments at a future hearing.

Terra Ranch Project #2 (212 housing lots) clearly demonstrated that the Project was still pending Final Map approval. **The documents clearly indicate that NO Final Map has been approved!**

Additional facts gathered for this letter by means of information obtained from the Terra Ranch Environmental Impact Report (EIR) and associated STAFF Reports.

1. Right To Farm Policy Code Protection/Fencing

Manteca's General Plan calls for conditions to be put in place to discourage the premature conversion of agricultural farms lands.

This goal is clearly meant to offer protections by means of policy code requirements currently in place. Those requirements are specifically set forth as detailed below:

a. Policy LU-P-41: The City shall encourage the continuation of agricultural uses on lands within the Primary and Secondary Urban Services Boundary lines pending their development as urban uses consistent with the General Plan.

b. Policy RC-P-19: The City shall support the continuation of agricultural uses on lands designated for urban use, until urban development is imminent.

c. Policy RC-P-20: The City shall provide an orderly and phased development pattern so that farmland is not subjected to premature development pressure.

d. Policy RC-P-21: In approving urban development near existing agricultural lands, the City shall take actions so that such development will not unnecessarily constrain agricultural practices or adversely affect the viability of nearby agricultural operations.

e. Policy RC-P-23: Protect designated agricultural lands, without placing an undue burden on agricultural landowners.

f. Policy RC-P-24: Provide buffers at the interface of urban development and farmland; in order to minimize conflicts between these uses.

g. Policy RC-P-25: The City shall ensure, in approving urban development near existing agricultural lands, that such development will not unnecessarily constrain agricultural practices or adversely affect the economic viability of nearby agricultural operations.

h. Policy RC-P-28: The City shall not extend water and sewer lines to premature urban development that would adversely affect agricultural operations.

The City under general planning law can only approve projects that are in conformance with the General Plan; failure to do so is contrary to the government code and requires review under CEQA. Continuing, the City of Manteca has adopted a right to farm ordinance identified in Chapter 8.24 of the Manteca Municipal code.

Chapter 8.24 Right to Farm Ordinance

Chapter 8.24 of the Manteca Municipal Code (see EIR page 4.2-7) is a right-to farm ordinance intended to protect agricultural productivity in the city. The ordinance includes the following statement:

- "It is the policy of this City to preserve, protect and encourage the use of viable agricultural lands for the production of food and other agricultural products. When nonagricultural land-uses extend into or approach agricultural areas, conflicts often arise between such land-uses and agricultural operations. Such conflicts often result in the involuntary curtailment or cessation of agricultural operations, and discourage investment in such operations. This chapter is intended to reduce the occurrence of conflicts between nonagricultural and agricultural land uses within the city."

Further, the EIR specifically notes impacts to farmland detailed on pg 4.2-10 of the EIR and further includes language that specifically states that "the right to farm, requires adequate and secure fencing **and** a buffer at the interface and urban agricultural use",

Chapter 4.2-4: Impacts related to changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. (see EIR page 4.2-10)

"Development of the Project would result in the construction of single-family, multi-family and open space adjacent to agricultural uses. Manteca GP Policies RC-P-19 and RC-P-28

encourage the continuation of agricultural uses on lands designated for urban use, until urban development is imminent. The Manteca GP land use designations for the properties to the west and south of the site are Business Industrial Park (BIP), and Urban Reserve Very Low Density Residential (UR-VLDR), respectively. In order to protect agriculture uses until development, Policies RC-P-24 and RC-I-30 of the Manteca GP require notification or urban property deed of the right to farm, requires adequate and secure fencing **and** a buffer at the interface and urban agricultural use, and phasing of new residential subdivisions."

Black's Law Dictionary defines fence as "**an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within".**

In addition, the EIR appears to demonstrate the intention of the City of Manteca and/or Reclamation District 17 to modify the levees to meet 200 year flood requirement guidelines that may very well have been in place or anticipated but were not disclosed at the time that the project was initiated.

Please note my inclusion of a drawing representing the Reclamation District No. 17 Mossdale Tract levee setback standard that was included on page 3-32 of the Final EIR. **(see Exhibit "M" attached).**

Further, improving levees south of the Project area may result in a levee design that serves as a conduit and promotes neighboring farm land intrusion rather than serving as a barrier to trespass.

Exhibit "I" further demonstrates that the ultimate grading slope of the levee could easily allow intrusion onto the TLG farming property.

Finally, it is my firm belief that both the Developer and the City of Manteca were well aware that the omission of the City of Manteca Ag Farmlands Protective Fencing code requirement would adversely affect the adjacent farming properties by promoting the recreational resident access and use of the TLG farming property south of the project.

2. Storm Water Drainage

Page 4. 8-11 of the EIR states that the Public Facilities Implementation Plan "identifies a series of specific improvements required to accommodate drainage of the existing urban areas of the City of Manteca."

In addition, the Public Facilities Implementation Plan requires the following:

a. "Whenever possible, the land ultimately required for each improvement (included in the Drainage Master Plan) will be preserved before development occurs in an area."
b. "Storm drainage and flood protection facilities should be constructed when each new development begins"

Further, page 4.8-12 and 13 of the EIR describes "storm drain detention pipes that would detain storm water collected from the entire project site for eventual conveyance to the 66 inch storm drain trunk in Woodward Avenue. However, because the design of the required storm water facilities on-site has not been determined at a subdivision-level basis, **runoff from the project potentially could contribute to an amount exceeding the capacity of the City's storm water facilities** or to the on-site flood potential. Therefore, the impact is considered **potentially significant.**

Certain mitigation measures are discussed on page 4.8-13 including:

"Prior to recording of the Final Map, the applicant shall develop and implement a master drainage plan, subject to review and approval of the City engineer."

In my opinion, **the development and implementation of a master drainage plan could result in a significant impact to the overall project** and should allow for Public review and comment at a future hearing.

3. Zone 25 Sewer Shed

Chapter 4.12-2 of the EIR describes wastewater from the proposed project being conveyed via a system of 6" to 8" pipelines, which would serve the project alone. The project sewer system would connect to the 30"inch sewer trunk in Woodward Avenue.

In addition, the EIR for the Project contains no information relating to the installation of any infrastructure involving the conveyance of treated sewer water once processing is completed at the treatment plant.

Further, continuing project construction delays totaling several years, may have allowed for changes in the current or future planned City of Manteca infrastructure design and conveyance routing of treated sewer water that could lead to potential impacts to neighboring properties situated in the Zone 25 sewer shed.

4. Flood Control and Impacts

Chapter 4.8.4 of the EIR describes impacts and mitigation measures relating to flooding potential.

In addition, the mitigation measures are specifically directed to 100 year flood risk requirements.

It is my understanding that FEMA has increased the flood hazard prevention requirements to a 200 year event criteria.

It is my opinion that this change in Flood hazard prevention requirements results in **significant impacts that have not been properly addressed to the public.**

5. Assessing The Continuing Reliability of The 2010 EIR

In reviewing the scheduled March 25, 2014, City of Manteca Planning Commission Agenda item #7.2, there appears to be over 14000 residential units and lots that the City of Manteca plans to review through the end of this year. **That number is significant.**

With that in mind, I would like to suggest; that due to a number of delays involved with this Project, I believe that the 2010 EIR may be dated and no longer serves as a reliable impact model for the Project.

In Summary:

As I stated previously, TLG does not oppose the Terra Ranch Development Project, however, I **am troubled by a development process that leads to more confusion than clarity.**

With that in mind, **TLG is requesting that the Planning Commission or the City Council provide a public hearing with respect to the Map referenced at the beginning of this letter.** This hearing is necessary because: 1) TLG was not provided with notice concerning the hearing on the tentative map. 2) There are outstanding issues that do not appear to have been addressed. 3) Errors were determined to be included in the survey that was used in part for this project. 4) There are conditions TLG believes violate the City's current procedures; and, there appear to be significant environmental impacts that were not considered properly. 5) Errors exist on the July 14, 2011, Study Map represented by Ron Cheek as the official working document for

the Project. 6) Finally, and of most significance, **TLG was told by the City that additional hearings would take place, at which, TLG could voice their comments.**

Prior to the scheduling of the public meeting, **TLG suggests that the City of Manteca Planning Commission and TLG agree to an informal 2X2 meeting for the purposes of openly discussing the key issues that could lead to a reasonable solution to the critical issues involved as set forth herein.**

Finally, I submit a letter for the purposes of requesting certain documents as detailed on Exhibit "N" (Planning Commission oversight requested).

Looking forward to a fair and equitable resolution.

Yours truly,

Martin Harris
for Terra Land Group, LLC

MH:yw

Enclosures

cc: Shane Hart at Hart Properties
Bill Filios at Manteca Development Group



Outlook

Re: Meeting Request With SSJID

From Marty Harris <martyharris5151@gmail.com>
Date Mon 2/2/2026 10:13 AM
To Mia Brown <mia.brown@ssjid.gov>; Danielle Barney <danielle.barney@ssjid.gov>
Cc Josh Harris <jman4595@yahoo.com>; Jacob Harris <jakeh2198@yahoo.com>; Rob Harris <robertjharris@outlook.com>

Hello Ms. Mia Brown,

For over 10 years, I have exercised various degrees of governance authority (and the full support of my mother - Lucille Harris - until her death on 2/2/2022) as a co-trustee for William and Lucille Harris Irrevocable Trust (HIRT) and co-manager of 18 HIRT owned entities located in the flood prone areas along the San Joaquin River (South Delta) for the purpose of protecting HIRT Trust (and Terra Land Group LLC) APN 241-330-32, 241-330-33, and 241-320-60 property rights (including both access rights and water rights) for the benefit of over 30000 almond trees under contract with WMD (lessee) and being farmed on the property.

Preparing for our meeting in association with my limited authority governance position as a co-trustee for William and Lucille Harris Irrevocable Trust and co-manager of 18 HIRT owned entities located in the flood prone areas along the San Joaquin River (South Delta)
With this in mind, I have carefully narrowed the purpose and scope for our meeting to three important areas detailed in the body of this email as shown below, but to be included under the oversite of SJAFCA and the total UFRR impacts to be considered with the current proposed changes to the RD17 Flood Levee Alignment (ie. Mossdale Tract Area Urban Flood Risk Reduction Project) (ie. Mossdale Tract Area Urban Flood Risk Reduction Project Environmental Impact Report - State Clearing House #2022040471)

Requested meeting purpose and total scope:

1. Discuss W/L Harris Ranches approved piped undergrounding by SSJID in 2014 and conditions necessary to construct Drain #10 roadway crossing as per location depicted on annotated piped undercrossing map (see attachment #1)

2. Discuss 2014 SSJID removal of APN 241-330-32 South Drain #11 roadway piped undercrossing to mitigate for lost road access as recorded on April 28, 1980 between buyer (Boyce) and seller (Harris/Bonzi) (see attachment 2,3,and 4)

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3. Water rights in favor of W/L Harris Family Irrevocable Trust (Terra Land Group LLC) as recorded between CR Lenfest and Carrie G Bearrup on January 12, 1922 instrument #666 San Joaquin County Records. (see attachment 5 & 6)

   This becomes particularly important when you consider that proposed changes to the current RD17 Flood levee alignment (i.e. Mossdale Tract Area Urban Flood Risk Reduction Project) will necessitate the abandonment of the San Joaquin Valley Air Quality Control District permitted

primary underground water well serving the 30000 almond trees on the APN 241-330-32, 241-330-33, and 241-320-60 properties. (Note: the 30000 Almond trees being farmed are controlled by a lease between Terra Land Group (HIRT) (Lessor) and WMD (lessee)

Looking forward to our meeting.

Thank you,

Martin Harris